

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, October 25, 2018  
**TIME:** 10:00 am  
**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. September 20, 2018
  - B. September 27, 2018
  - C. October 2, 2018
- III. Public Testimony\*
- IV. Unfinished Business
  - A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
  - A. Presentation of an OHA Resolution recognizing and thanking the Kūkaniloko Master Plan Working Group - Nā Lālā 'Ike Pono a Kūkaniloko for participating in the creation of the Master Plan for OHA's 511 acres in Wahiawā.
  - B. Committee on Beneficiary Advocacy and Empowerment
    1. Action Item BAE #18-03: 2019 OHA Legislative Package \*\*†
- VI. Executive Session‡
  - A. Consultation with Board Counsel Robert G. Klein, Esq. and attorneys William Yuen, Esq., Claire Black, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities in Civil No. 18-1-0301 (Andrew Walden v. Hi'ilei Aloha LLC, Ho'okele Pono LLC, and Hi'ipaka LLC), Pursuant to HRS §92-5(a)(4).
  - B. 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).
  - C. Approval of Minutes
    1. July 26, 2018
    2. August 30, 2018
    3. September 6, 2018
    4. October 2, 2018
- VII. Community Concerns\*
- VIII. Announcements
- IX. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number: 594-1754 or by email at: [albertt@oha.org](mailto:albertt@oha.org) no later than three (3) business days prior to the date of the meeting.

\*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](mailto: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 10/24/18. 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

*10/19/18*  
 Date

Office of Hawaiian Affairs  
Board of Trustee Meeting  
October 25, 2018  
10:00 am

- II. Approval of Minutes
    - A. September 20, 2018
    - B. September 27, 2018
    - C. October 2, 2018
-

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
University of Hawai'i at Hilo  
Hale 'Ölelo  
113 Nowelo St.  
Hilo, HI 96720**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, September 20, 2018  
9:00 am**

**ATTENDANCE:**

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

ROBERT G. KLEIN, BOARD COUNSEL

**EXCUSED:**

TRUSTEE PETER APO

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE, CEO  
JOCELYN DOANE, PP  
JASON LEES, DPM  
KAWENA CARVALHO-MATTOS, DPM  
MISTI PALI-ORIOLO, OTR  
KAMUELA BANNISTER, OTR  
KAMAILE PULUOLE-MITCHELL, OTR  
MONICA MORRIS, PP  
KALENA BLAKEMORE, LA  
CANDACE WHARTON, STUDENT HELPER

**BOT STAFF:**

CAROL HOOMANAWANUI  
CRAYN AKINA  
LÖPAKA BAPTISTE  
MARIA CALDERON  
LADY GARRETT  
KAMA HOPKINS  
DAYNA PA  
KAUIKEAOLANI WAILEHUA  
CLAUDINE CALPITO  
KAY WATANABE  
LEHUA ITOKAZU

**GUESTS:**

BO KAHUI  
TERRI MEEKER  
MISTY CARTER LEILANI  
SUSAN ROSIER  
PATI SHOOK  
PATRICK KAHAWAIOLAA  
HANNAH PRESTON-PITA

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 9:09 am. Roll call is taken; Trustees Ahuna, Ahu Isa, Akana, Akina, Carmen Hulu Lindsey, Trustee Robert Lindsey, Waihe'e and Machado are present; constituting a quorum of eight (8) trustees. An excuse memo was received from Trustee Peter Apo.

**II. APPROVAL OF MINUTES**

**Chair Colette Machado** – We are on II. the Chair would like to entertain a motion to approve the August 30<sup>th</sup> and the September 6, 2018 Board of Trustees Minutes.

- A. August 30, 2018**
- B. September 6, 2018**

**Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes for August 30, 2018 and September 6, 2018.**

**Trustee John Waihe‘e IV seconds the motion.**

**Chair Colette Machado** – It has been moved and seconded, any discussion on the approval of the minutes? Hearing none roll call please.

Trustee Dan Ahuna moves to approve the Board of Trustees Meeting Minutes of August 30, 2018 and September 6, 21018.						
Trustee John Waihe‘e IV seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

**III. PUBLIC TESTIMONY**

**Chair Colette Machado** – Members we have no public testimony. We have three that have signed up for Community Concerns. I will move forward with IV, which is Unfinished Business. Are there any further updates Ka Pouhana from last night? This is your opportunity.

**IV. UNFINISHED BUSINESS**

**A. Ka Pouhana/CEO’s Update on Ho‘oulu Lāhui Aloha and OHA Activities**

**Kamana‘opono Crabbe** – Mahalo Madame Chair. I just have three announcements relating to grants. September 21st is the deadline for our community events grants called Aha Hui. These grants are for Health Festivals, education career programs, cultural community events. You can apply up to \$10,000. All applications can be found on the OHA website at oha.org. We strongly encourage, it is statewide we do it twice a year and this funding will be distributed from January 2019 to July summer of next year.

The other is our community grants program. We have requested with the State Legislature to match our funding. One of the highest priorities is our increase in funding for affordable housing for Native Hawaiians. It's the largest amount that we are asking and we are hoping the Legislature matches it as well. The other areas we are focusing on is education, health and economic self-sufficiency. We hope that announcement will come out in the next month or so, hopefully October. It's also an application online at oha.org grants. We urge you to consider that if you are looking at a big program to serve your community or our organization.

Last year the board approved a funding for Kūlia Grants, which is a board Trustee initiative. The merits of this granting program will be for really grassroots community organizations who have a specific project that they are organizing for. The criteria will come out; it was really intended for organization that are not very big. It is more for grassroots and community organization that feel they have project that benefit the community. We hope that announcement will come out in the next several month. We are sharing in case you may know any nonprofit organization that is interested they are more than welcome to apply.

Lastly, we wanted to give an update to the community. Several months ago, the Board approved funding for the disaster relief of Kauai for the flooding there and for Puna residents that were affected by the lava flow. In Puna OHA partnered with the Neighborhood Place of Puna. We want to acknowledge them for stepping up. They did a tremendous job working with the Puna residents, especially Leilani Estates who were affected. Our first priority was to assist those families who were part of the mandatory evacuation proclamation by the Governor and who lost their home. The second priority went to those in the same area but less voluntary and the third priority was really others who were in the Puna district areas. The board has approved \$250,000 we had served 160 native Hawaiian households; they all received a \$1,000 to help them with the recovery. Office of Hawaiian Affairs continues to meet with the City and County task force convened by the Mayor as well as at the Governors level with respect to a number of issues. One is housing, the other is coordinating social services for those families that have been affected and then I think the priorities is also helping the Puna area residents who were affected but really stabilizing and give some kōkua in nature in the next several months. We look forward to being part of those discussions, we will take some the concerns we heard last night back to the task force for the need for advocacy. That is the report for administration Madame Chair.

**Trustee Rowena Akana** – With regard to the \$500,000 for housing all over the internet there has been talk that former Trustee Stender and Trustee Apo the meeting with Developer Peter Savio regarding housing. I would like to know if this \$500,000 we are talking about is relative to those discussions with those two one ex-Trustee and one present Trustee and with the office. Before this comes up before the board, I would like all the information regarding the \$500,000 allocation for housing and who is responsible for this. Thank you.

**Chair Colette Machado** – I believe you are making reference a Representative from Hawaii Kai that called together a forum, identified Trustee Stender as a speaker as well as Trustee Peter Apo. Representative Gene Ward, I believe Trustee Leina'ala Ahu Isa was invited and Trustee Keli'i Akina was there too. I think it's clear to know that there was no commitment from OHA. Maybe you could elaborate Trustee Keli'i Akina and Trustee Leina'ala Ahu Isa since you were there.

**Trustee Keli'i Akina** – Thank you very much. If I could address this question, Representative Gene Ward has called together in his capacity as a State Legislator a working group to discuss the solutions

for getting people on to the Hawaiian Home Lands. This meeting members of the community, public leaders and so forth, is completely unofficial in terms of its relations to OHA. I have had the privilege in attending two of the functional meetings and I have never heard of any discussion whatsoever of the question that was raised today. Let me assure you if it does come up the issue of OHA funding I will certainly will pass the information on. I have not personally observed that. I am participating as an individual and not as a representative of OHA. Because I want to brainstorm with other members of the community on how we can get the Hawaiian Home Lands waiting list down. What new ideas will come out of it? The outcome of that meeting convened by Representative Gene Ward is not an official action on the part of OHA. But Madame Chair I will certainly communicate to you if any representations of OHA's official involvement are made.

**Chair Colette Machado** – Is that adequate Trustee Rowena Akana?

**Trustee Rowena Akana** – Yes, I just want to add that while we are talking about affordable housing for Hawaiians, I would like to see affordable housing for all Hawaiians not just those that are on the Homestead list. Because there are many, many Hawaiians who are not on the Homestead list that need housing. As we drive around Oahu, you see the homeless all over the streets we need to do something about that. If we are going to appropriate money for housing, I want to see it for all Hawaiians.

**Trustee Leina'ala Ahu Isa** – Kamana'opono Crabbe about the grants the deadline for the Aha Hui grant is tomorrow and the Kūlia Grant, you working on the criteria?

**Kamana'opono Crabbe** – The criteria is already set, I was sharing that it will be coming out in the next several month.

**Trustee Leina'ala Ahu Isa** – It's only a Task Force, I think Stender is chairing it, Gene Ward. They are asking for community input. They are still building this task force.

**Trustee Keli'i Akina** – I'd like to address Ka Pouhana. I had a question; I think we are all aware that the recent State Audit had some concerns about the ratio of our Kūlia Grants being \$14 million that ratio to our competitive community grants being only \$7 million. I wanted to ask if we did any looking at the recommendations of the State Auditor and how that may factor into how we structure the amount of Kūlia Grants with reference to our competitive community grants.

**Chair Colette Machado** – What was approved by the Trustees was half a million dollars. That is already approved in the budget. It's the implementation phase we were working on. As you recall I place a moratorium on all grants and sponsorships. This was the first move to lift the moratorium on the Kūlia Grants. The subcommittee has engaged, the Trustees have approved the procedures, but in house they needed to provide a solicitation process. I believe that has been vetted in house and it is ready to be posted. My whole thing with the grants program was I wanted the Kūlia Grant to be out first rather than the community grant. Our funding for the Kūlia Grant is not intended, as the criteria of complying to results of the strategic plan when they apply for the 24-month review. The Kūlia Grants does not necessarily require to be directed to the strategic plan. It has to comply to the overall strategic plan but not so heavily weighed on the results. So for those that may not have been granted any type of community grant prior to this they would be able to apply. The minimum availability is \$25,000 and the maximum \$100,000. We are hoping to give 10 or more grantees. That is the difference with this Kūlia Grant. The hard work of the Ad Hoc Committee those are the terms we just needed to get TAPS to work on the solicitation and the eligibility and some of the requirements that are necessary. Those would be compliant with the State Audits review on how the grant should be

provided for. It is a fair treatment approach, people that are eligible will be treated appropriately and the Trustees will have the final say.

**Trustee Keli'i Akina** – Thank you for the response and that we are taking the first steps for our overall Kūlia policies.

**Trustee Carmen Hulu Lindsey** – I have one concern in that, if we do the Kūlia Grants first and the Community Grants unsuccessful are not going to have the opportunity to apply for the Kūlia Grants and that's troubling for me. Really, Community Grants is first priority over Kūlia Grants.

**Chair Colette Machado** – I had this discussion with KP because we was reminding me that the Community Grants should proceed over the Kūlia because the level of funding and the tremendous amount of applicants that are waiting for 24 months versus the 12 months. What I am worried about is that we have grantees or nonprofits that have been waiting that may not be eligible or have the finesse or expertise to compete and I wanted to give them the first crack at the Kūlia the \$25,000 minimum and max \$100,000. That was just my preference; this is a disagreement with Administration because they really wanted Community Grants to go first. I've had long talks with our CFO on this he felt that the timeliness of the Community Grants and the work that the staff will be involved that he wanted to recommend it that way. I told him that we have grantees that may not meet the Community Grants and they should be given the first opportunity.

**Trustee Carmen Hulu Lindsey** – Do we think the Community Grants Applicants will come to the Kūlia Grants first?

**Chair Colette Machado** – They may or may not because the level of funding is manini so they may stay far from this because we only have 12 months. That was just my preference.

## V. NEW BUSINESS

NONE

## VI. COMMUNITY CONCERNS

**Chair Colette Machado** – Let me explain some of the rules because we are going to move to Community Concerns. I have no New Business. We have five minutes that we are providing to each presenter this morning. I will be the timekeeper. If I am being rude, I apologize to you. We want to move in an orderly fashion. If you want more time, we can bring you back after everyone has time to speak. I want to express that we had a wonderful showing at the Community meeting. There were about 80 people who came. We heard tremendous testimony from the Community. Our first speaker is Bo Kahui.

**Mr. Bo Kahui** – Before I testify I would like to respond to some of the discussion relating to the agenda item. First of all Aha Hui Grant, La'i 'Ōpua 2020 will be submitting. We have ¼ percent match and we are applying for \$10,000. We support OHA's initiative relating to grant program, like housing. The Kūlia Grant initiative arose by my constant complaint that some of the grant program did not meet some of the community needs. I am hoping that the amount you put \$500,000 will increase over time. The criteria that I heard from Chair, is that this is for grassroots. You will see in my presentation that we raised over \$25 million dollar does that make us big, one guy, two guys. I don't think so; it's just that we are working that much harder.

(Conversation indiscernible)

**Mr. Kahui** – We have but we were denied over six years.

(Conversation indiscernible)

**Mr. Kahui** – I would ask that OHA partner with the Department of Hawaiian Home Lands relating to the Disaster relief. The Department is putting on this huge initiative in Piihonua and they have 3,000 acres, 700 acres set aside for farm/ag deal. I think that action because it is in the safe zone, lots of water easier to develop. These lands are not like Kona. These are fertile lands with soil much easier to develop. I would ask that you put aside a position for planning person to work directly with OHA in effort to combine their efforts to reach some kind of agreement where OHA and the Department can build more housing for those affected by the disaster. That is all I have.

(Conversation indiscernible)

*(Mr. Kahui shares his PowerPoint presentation La'i 'Ōpua 2020, please see attached)*

**Chair Colette Machado** – Our next speaker is Terrilee Meeker.

**Ms. Terrilee Meeker** – Aloha family, friends and Trustees. I want to thank the OHA Board of Trustees for allocating funds to help fellow hawaiians in the Puna area affected by the 2018 lava flow. I want to thank Kamuela, Kalena and Candice for doing all the work to help us. Your kindness and freindship at this time is precious to me. Mahalo nui loa. Mahalo OHA. I want to thank the grassroots effort of the Puu Houna o Puna. They gave me a sleeping bag that I slept in for 2 months. My name is Terrilee Kahealani Kelii Meeker. I was born and raised in Hilo and spent many happy days at my uncle's place. When I was 8 I told my sister someday I am going to live in Kapoho. That dream came true on August 10, 2005, my husband and I purchased a small but beautiful home on the water in Kapoho. Kapoho was absolutely magical, beautiful with blue skies and calm ocean breezes. One of my favorite things to do in Kapoho is to watch the sunrise everyday. I truely believed that Kapoho was heaven on earth and paradise.

Let me remind us all that Cape Kumukahi is the eastern most point of the Island of Hawaii and all of the Hawaiian Island Chain. Cape Kumukahi lies at the end of the east rift zone on the slopes of Kilauea in the district of Puna near Kapoho. Cape Kumukahi is a great spiritual importance to the Native Hawaiian people. It is where the morning sun first touches Hawaii nei. It is said to be the landing spot of Gods and Goddesses who traveled to Hawaii from Kahiki. Several years ago, we purchased a neighboring property from the Haitsuka family that had large fishpond defined by dry stack lava rock walls with papio, enenu, palani, uhu, kaku and may other different types of fish. Graciously the Haitsuka Family waited 5 years for my husband and I to have enough money to purchase this place. The house needed a lot of work but the Haitsuka home and pond property was going to be a retirement project and residence. We hoped to use to educate children and adults about ocean conservation.

It was a beautiful pond. During the day on May 28<sup>th</sup> the electrical power to Kapoho went out. Then at 1:30 am, we heard loud noises coming from Police vehicles and people calling out, "get out now, the lava will be here in 4 hours". I grabbed my packed bag and my animals, my husband and I went door to door to make sure everyone was up and ready to leave. As we drove out of Kapoho, I stopped to talk to a police officer and he told me that once you leave they would not let us back into our home.

As it turns out the flow slowed and later that week, we were able to return two more times and collect a few more items. On Friday June 1<sup>st</sup> the last day we were allowed into Kapoho I cleaned out of fridge because I didn't want to come home to maggots. We actually believe in our hearts that Pele would save Kapoho and we would be able to come home. But the best thing I did that day was feed my fish. On June 4<sup>th</sup> the lava flow came and now it is all gone. We were totally shocked and had a feeling of being lost, homeless, and money less. I was told my home was 100 feet under lava and we are now 1 mile away from the new shoreline. I miss my 'āina, hale and sense of worth. They say when one door closes another door opens. That is why I am here to tell my story and help my fellow Hawaiians and the people of Puna. We need more funding please and we very much roads that will allow us access to our Puna properties. We need access to Cape Kumukahi as a cultural site. I hope that the OHA Board of Trustees can allocate more monies to us please help us in any way you can. I told my granddaughter and my niece that someday we will hold and go back in our property in Kapoho and once again watch the sunrise. Mahalo.

**Chair Colette Machado** – Our next speaker is Misty Carter.

**Ms. Misty Carter** – Aloha mai Kakou my name is Misty Carter. I am currently a student here at the University of Hawaii at Hilo. I graduate this December with a degree in Gender and Woman studies and Communication. The program I wanted to present this morning is called Wahine Wellness. It is a grassroots project that I have been working on for several years back in 2007 up until this point I changed paths and continued my education to further my knowledge as well as furthering my kuleana to the lāhui. This program it to achieve self-sufficiency, which includes financial empowerment, health and wellness and career development. It's a mentor program and investment and Learner Outcomes while improving and introducing new relationships. The model is along the methodic line of our ecosystem. It is a complex relationship among the living resources in one area which includes components which all contribute to the success of the ecosystem. With a focus on our wahine operating like an ecosystem introducing ecofeminism here in Hawaii. Some of the highlights were "āina, harvest, sustainability. So keeping the lei of aloha in mind. Core principals in this legacy project include integrity, compassion, transparency, simplicity and intelligence. This is a transformation change by establishing evolutionary partners. Entering relationships, which includes process and protocol through ho'oponopono. It means uprooting the uncomfortable compartmentalized and involving a holistic process of slow but rigorous healings. The outcomes and success of the program include improvement and action, alignment with local demographics, resources and programs. And continuing the process which at some situation would be mandated. A lot of the discussion that came up last night dealt with post incarceration. Since 2007, I have been privy to internal and external theft, apprehensions, arrests, prosecution, incarceration, probation and reintegration back into our communities. This is an area that we haven't been able to rehabilitate successfully.

Partnering with OHA again this a grassroots project part of my capstone project this semester is a deep dive into our Haumea report that was released this year and I also looked over the kane program. I welcome any questions or comments. I want to leave you with this 'ōlelo no'eau, Ka 'ike a ka Makua he hei na ke keiki, The knowledge of a parent is unconsciously absorbed by the child.

**Chair Colette Machado** – Our next speaker is Susan Rosier.

**Ms. Susan Rosier** – I'm from Puna, before I was in Puna I was on Maui for most of my life. That is where I raised by children. There were so many concerns about the Kanaka Rangers, I really support them. They are doing that in desperation and last night was in desperation. It was not things that you

folks had done, it was mostly DHHL things but you folks are supposed to be working together. That doesn't seem to be working to well for all these years. From my part, I been watching everything evolve about 50 years. It is really sad to me because they've tried to communicate with DHHL and we have hearings where no one hears. If you can communicate in a way that DHHL can hear maybe you won't have people on the beach. When they opened in Keokea they did not tell anybody in this whole fake state, they put their advertisement in the United States newspaper; people didn't know they were going to be available. Well the people that got the allotted agricultural lands, they were people from over there way up in the United States and our people were still homeless. The reason for that the people from Kula were foreigner and they were advocating that they didn't want to see Hawaiians move in. They didn't like where I was. Hawaiians have been discriminated against forever and it's time to stop it. This is not even a State we all know it. And we need to address it, it is within you folks to address it and I appeared before the County Council and I read that statement. You are here for the Hawaiians stand up for them. My husband is Kanaka Maoli. I am over here because we couldn't afford Maui. My family is on Maui, they are on the beach they get their homes burned down because the County Mayor wouldn't allow the Fire Department to go up there and help them. Please help our people. Please pay attention to the news. Please help our people. Thank you.

**Chair Colette Machado** – Our next speaker Hannah Preston-Pita.

**Dr. Hannah Preston- Pita** – Aloha and Good morning. My name is Hannah Preston-Pita and I am the Chief Executive Officer of the Big Island Substance Abuse Council. I would like to say thank you for allowing me to say testimony on behalf of our community as well as what we are dealing with in our community. I have a background in clinical psychology and I am a certified substance abuse counselor and I am also completing my doctorate degree in Education and Leadership.

*(Please see attached PowerPoint presentation – Big Island Substance Abuse Council)*

**Chair Colette Machado** – Our next speaker if Mr. Pati Shook.

**Mr. Pati Shook** – Aloha Kakou keia. What a beautiful man he does things on his own and he does it. He walks the walk. The programs, the prison programs, I have 39 ½ years with the prison. The injuries is from that. I want to tell you this is right. You have to invest in your people; you have to put into your resources because that is where you draw from. We have drawn on other resources too long. And I tell you want now they are pulling back. They telling you why, why should we. You are 100% right there is a juvenile problem, there is a drug epidemic. We have a police force, we have a task force, we have every force under the sun. But right here I am telling you make a correctional task force with correctional officers. We will cut this drug habit off; we will hunt down every dealer and beat the crap out of them. And all of this would stop. We would do this because we know what this thing does. We work with these people; we see what it does to the families. It is not adults any more it's the kids. We need to change this. Last night biggest issue is money. I will stand to what I say. I will give a \$100 for my people, everybody match me, put it in your paper. Everyone match we become self-sufficient we will make millions and millions of dollar and we will be as rich as the Government is here. We can take care our own. We have to learn how to work together. You need to stand up for your people we are hurting. We waited 200 years to get our land back. Under my sovereign rights, I have the right to collect things from the ocean; I have the right to go through this trail. All that time and money nothing, let's put together. Look at what has already happen, look at the leadership we can make big changes but it takes us to step forward. You guys like help put in for the help. Nothing is free you got to pay. The clock is ticking we only have so many years we got to do what we got to do

and we got to do it together. You guys have to come together right here. Let's put it into action already.

**Chair Colette Machado** – Our next speaker is Patrick Kahawaiolaa.

**Mr. Patrick Kahawaiolaa** – Aloha mai kakou. To all of you on the board, especially a dear friend, your Trustee from Maui that I had the pleasure of being raised in Keaukaha. I am a native Hawaiian. To Trustee Lindsey thank you for being our Trustee here on this island. I preface that I had a community meeting and it's every third Wednesday, so have your staff when they make you guys come Hilo again no come on the third Wednesday. I have been having community meetings since 1999 on the third Wednesday of every month. So don't make any plans for OHA.

Another disclaimer is that Kama is my oldest brother's eldest grandson. So that makes me his grand uncle. I appreciate the fact when I came I had no intention of speaking I just wanted to hear what the Trustees had to share. Because these next two weeks in Hilo was like I am meeting out. Because of the Hurricane Hawaiian Homes should have been here this past Monday, Tuesday, you would have come Wednesday and Thursday and this would have given us the community a wonderful time to dialogue and do all of that. But they won't be here till next Monday. But legislators came and said to the community and said could they have that spot. So they came and they dealt with Hawaiian Homes issues.

That is what I am a product of the Homestead so I cannot come talk to you about OHA issue except for thanking you. Our community has had the benefit of receiving funds when asked for. You have taken care of our schools, our Charter Schools. The Community itself we received monies for community events, Kuhio day Celebration and so on. I will be remiss if I didn't thank you for that. The purpose to speak is that I wanted to find a process that I could and maybe the East Hawaii side of the Department of Hawaiian Home Associations would be able to get the information, especially you been talking about the Kūlia Grants and how you guys are working out. I appreciate the fact of what Trustee Keli'i Akina was asking along with Trustee Carmen Hulu Lindsey and your dialogue. I wanted to find a process of information we could get as associations to come in and ask after you board meetings. To send questions into the office. I appreciate the fact that you all came, I am really sad though someone attended last night, some don't know that Office of Hawaiian Affairs is not part of that Ali'i Trust. But they make it seem like OHA is part of the Ali'i Trust. The Ali'i Trust is just there Kuhio, Liliuokalani, Kamehameha those are the Ali'i Trust. I like many other people are beneficiary of them. The sad part for me is that why was the only person from the Ali'i Trust did not show up. You can correct me if I am wrong you can correct me. That was the Lili'uokalani Trust; they have solely forgotten what the Queen has left, what she said her money should be used for. You all have the fiduciary duty to take care of the funds created through the Constitutional Convention that created who you are. The Department of Hawaiian Homes is celebrating in two years 100 years of existence, the Kingdom lasted only 83 years, Hawaiian Homes is still there 98 years later. That is where we as native Hawaiians need to understand.

I think the only thing I can say is with due respect to the people in the sovereignty movement I have been there and done that. They all on that canoe doing it. But we do need to make sure that our job or your job is to make sure as leaders in a community of Hawaiians that we continue to do that and use the process that is there. It is the process that is going to get us where we need to go. If the process is go vote, then let's go vote. Let's change the leaders. I can't come here and scream at Colette or anyone of you if we can't change the leaders. The leaders are the legislators. Keaukaha welcome you and I thank you for the opportunity but I sure would like to know the process of where we can as

associations come and ask you. Kamuela has done a great job for us. Except I can truly know that what you are doing is for the benefit of those native Hawaiians as defined, I am the small n. Thank you for being in Hilo. She may not have remember, I lost my wife a few years ago, she was Rowena's classmate. I wanted to aloha her for being who she is and what she continues to do on the Board of Trustees. Safe travels home and Keaukaha will always smile on you.

**Chair Colette Machado** – That concludes all of the speakers who have signed up to address the Board of Trustees.

**Kamana'opono Crabbe** – Pat, that is a good suggestion. Usually those individual from the community that want to know more information, we take down their information. We do have an email that goes out. Your mana'o is really organizations and the associations, so we will got back and develop it because I think it's a really good suggestion. I wanted to get your email.

**Chair Colette Machado** – Kamuela and his office is also another line.

**Trustee Leina'ala Ahu Isa** – Ka Pouhana your grants department did a wonderful brochure and we can mail one to him.

**Trustee Robert Lindsey** – I would like to share a few remarks. I really appreciate all the kudos that I was given yesterday and today for the wonderful meetings. But I would like to past all the credit to Kamuela and Kamaile. Having a meeting like this on the neighbor island is kind of like a military operation with logistics involved can be quite cumbersome. Madame Chair I would like to think you and your staff for all the help you gave us. I would like to do the same with Ka Pouhana and your staff for the help. To all my colleagues I would like to thank you for a taking the time to visit. I thank those that came out last night and this morning. I want to acknowledge the Laupahoehoe Hawaiian Civic Club for dinner and for our breakfast this morning.

## **VII. ANNOUNCEMENTS/FYI**

None

## **VIII. ADJOURNMENT**

**Chair Colette Machado** asks for a motion to adjourn.

**Trustee Carmen Hulu Lindsey** moves to adjourn the meeting.

**Trustee Leina'ala Ahu Isa** seconds the motion.

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

The meeting was adjourned at 10:35 am.

Respectfully submitted,

\_\_\_\_\_  
Dayna Pa, Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_.

\_\_\_\_\_  
Colette Y. Machado, Chairperson  
Board of Trustees

Attachment:

1. Trustee Peter Apo – Excuse Memo
2. PowerPoint Presentation from Bo Kahui – La‘i ‘Ōpua 2020 Building a Modern Day Pu‘uhonua
3. PowerPoint presentation from Hannah Preston-Pita – Big Island Substance Abuse Council

  
OFFICE OF HAWAIIAN AFFAIRS  
INTEROFFICE MEMORANDUM

**TO:** Trustee Colette Machado, BOT Chair  
Trustee Dan Ahuna, BOT Vice-Chair

**FROM:** Trustee Peter Apo

**DATE:** September 4, 2018

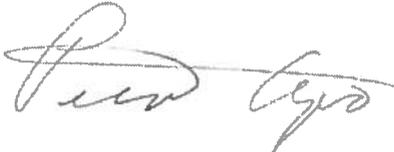
**RE: BOT Meeting Absence on September 20, 2018**

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I am unable to attend the BOT Meeting on Wednesday, September 19, 2018 to be held on Hawai'i Island at 10 a.m. Please excuse my absence and extend my apologies to the members of the Board.

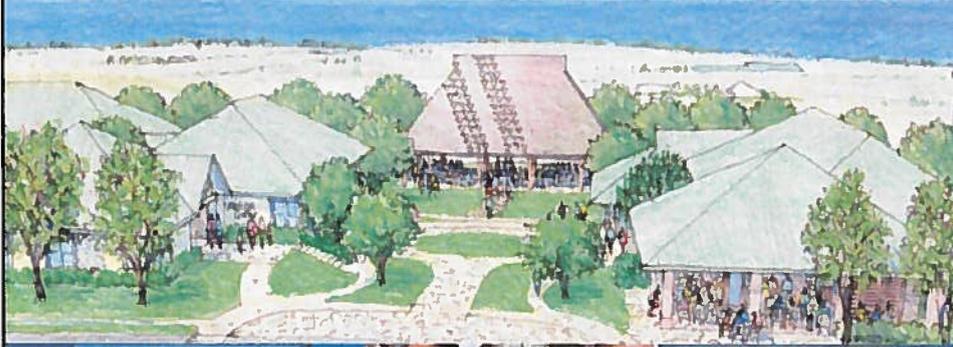
If you have any questions, please call my office at 594-1879.

Mahalo.



# La'i'Ōpua 2020

## Building a Modern Day Pu'uhonua



# La'i'Ōpua 2020

L2020's Mission is to construct community facilities and provide social, educational, recreational, cultural, medical services and programs.



## About Us

## La'i'Ōpua 2020

La'i'Ōpua 2020 is a Kona-based 501(c)(3) not-for-profit organization that serves as the charitable arm of Kanihale Community Association (KCA), the Hawaiian homeowners association for the Kanihale subdivision built by the Department of Hawaiian Home Lands (DHHL) within the Villages of La'i'opua. Its purpose is to ensure the existence of adequate social infrastructure to complement and support the greater La'i'Ōpua community. The Villages of La'i'Ōpua is a master-planned community located on approximately 980 acres in the ahupua'a of Kealakehe on the Kona coast.

The Mission of La'i'Ōpua 2020 (L2020) is to identify community needs, foster the creation of community facilities, and coordinate planning with service providers and partners for a variety of programs for residents of the Villages of La'i'Ōpua and the broader Kealakehe area.

Its vision is the development of the La'i'Ōpua Community Center complex on a 26.5-acre parcel immediately adjacent to Kealakehe High School. As conceived and designed, the proposed La'i'Ōpua complex will serve as a regional resource for the greater Kailua-Kona community, with an array of programs and services to meet the health, social, educational and recreational needs of North Kona residents.



## La'i'Opua Community Center in Context

The La'i'Opua Community Center is in the piko of the growing urban community of Kealakehe, Hawai'i.

(A) Lalopua Village 3 Completed This Hawaiian Homes community provides 225 residential units Also, 57 units built in Village 5

(B) West Hawaii Civic Center Completed The \$50 million West Hawaii Civic Center offers residents a community center, amphitheater, services from 15 County agencies, a Hawai'i County Council Chamber, and Office of the County Clerk. The seven-acre parcel is located at the intersection of Ane Keohokalale and Kealakehe Parkway

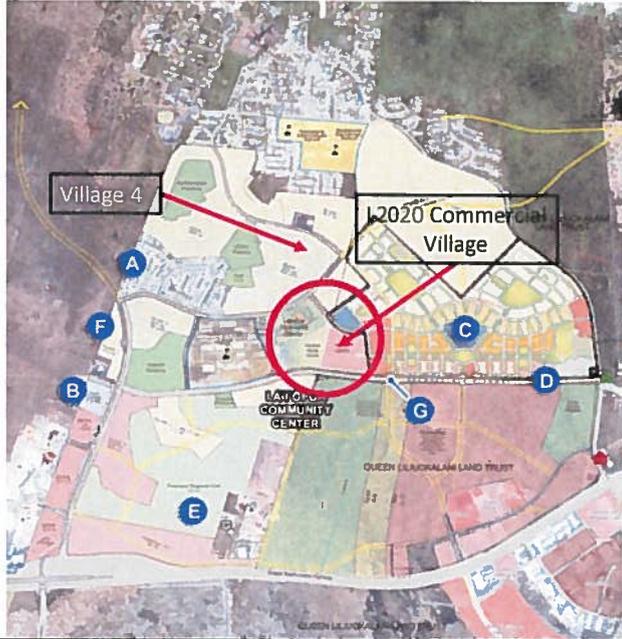
(C) Kamakana Villages at Keahualū Proposed Keahualū is a State affordable housing project. HHFDC granted development rights to Forest City, Inc, whose plans include 2,400 high and low density residential units, an elementary school, commercial and park space

(D) Ane Keohokalale Highway Under construction Expected completion June 2012. This 3 mile, \$35 million thoroughfare to Palani Road broke ground in March 2010. Federal stimulus dollars have been appropriated for the construction of this Mid Level Road from Henry and Palani to Kealakehe Parkway

(E) Regional Park The Governor executed the executive order establishing the Regional Park

(F) Village 5 Under construction The village consists 57 units built of 118 residential units

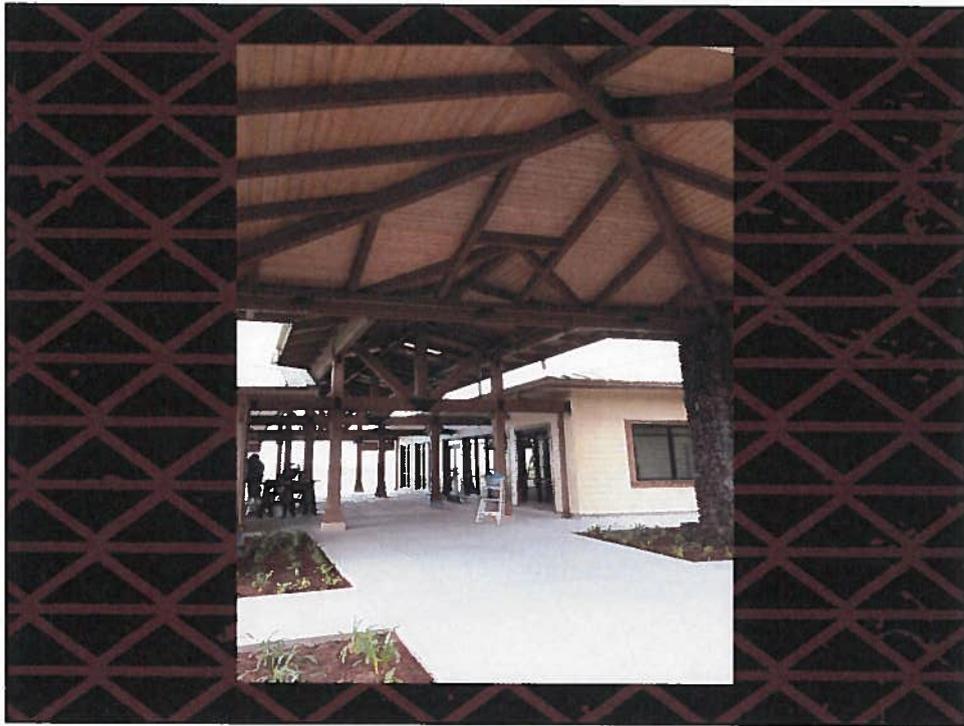
(G) Transit Oriented Development (TOD) Proposed The county has designated the Intersection of Ane Keohokalale Highway and Manawaleja Street as a TOD providing public and commercial services to this area. L2020 Commercial Center is on the TOD



### La'i'Opua 2020 Community Development Initiatives

- **Medical & Dental Center Construction**
  1. Federal Qualified Facility completed & operating
- **La'i'Opua 2020 Community Center Plan:**
  1. Phase 1 Completed- \$1.504M NMTC Funding
  2. Phase 2A 30% Completed
  3. Phase 2B Initiated
  4. Phase 3 Workforce Vocational Training, Business Enterprise Center- Pending
- **HWSD Initiative- Water Development/ Credits**
  - L2020 Demographic Survey of Homesteaders
  - L2020 Kealakehe STP Retrofit Abandon
  - Outcomes for L2020 Project: DHHL, COH & L2020





Medical Center - North Looking South

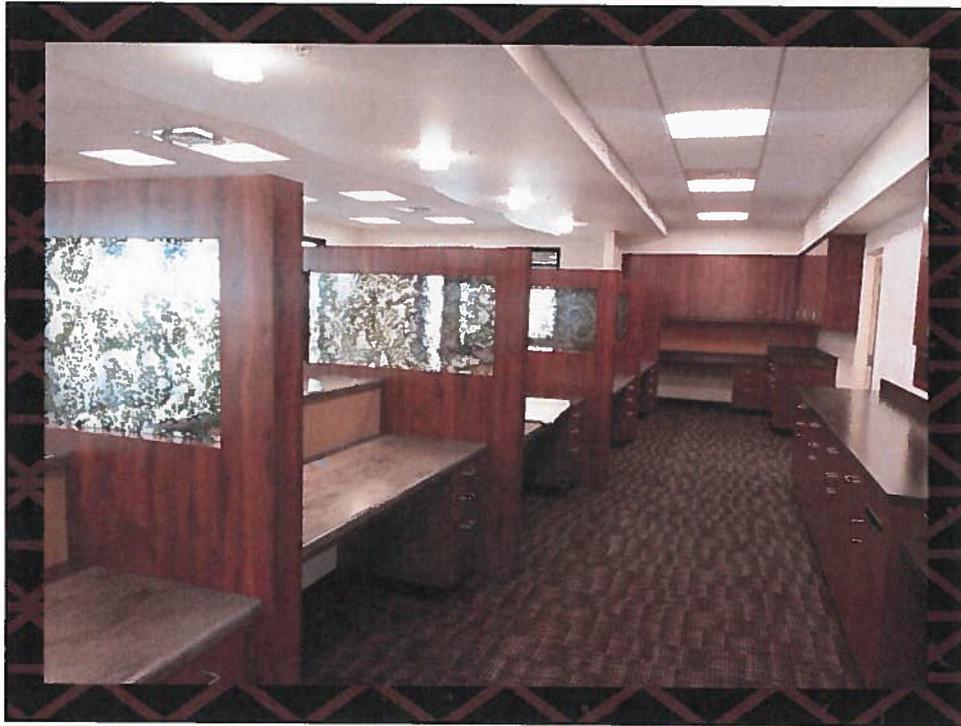


Medical Center Reception Area

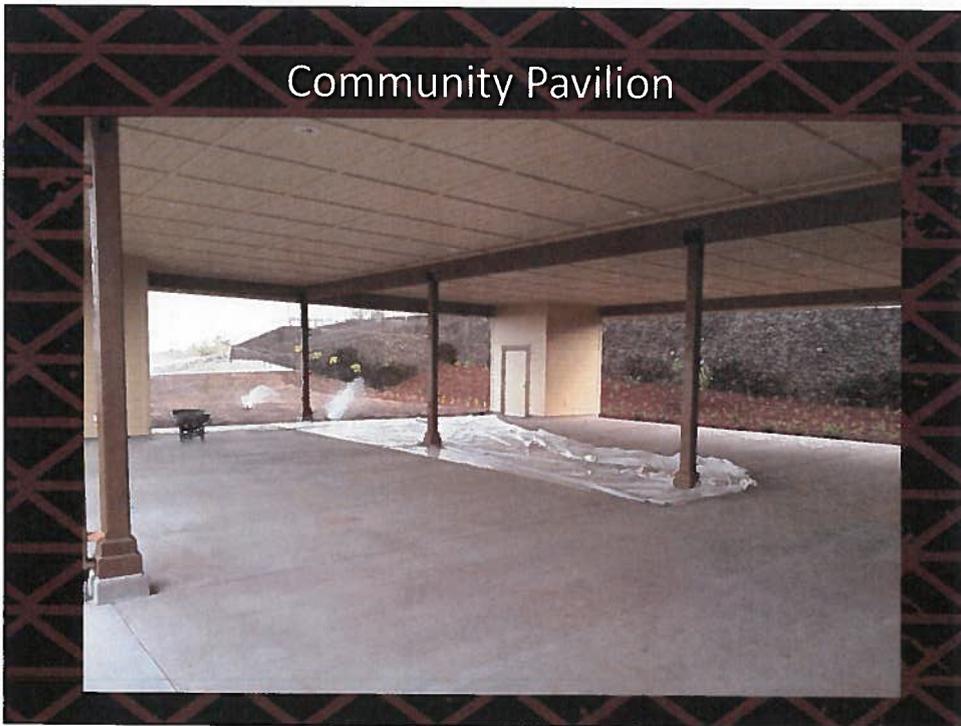


Nursing Station





Community Pavilion



## 5 Adult Dental Chairs



## Pediatric Dental



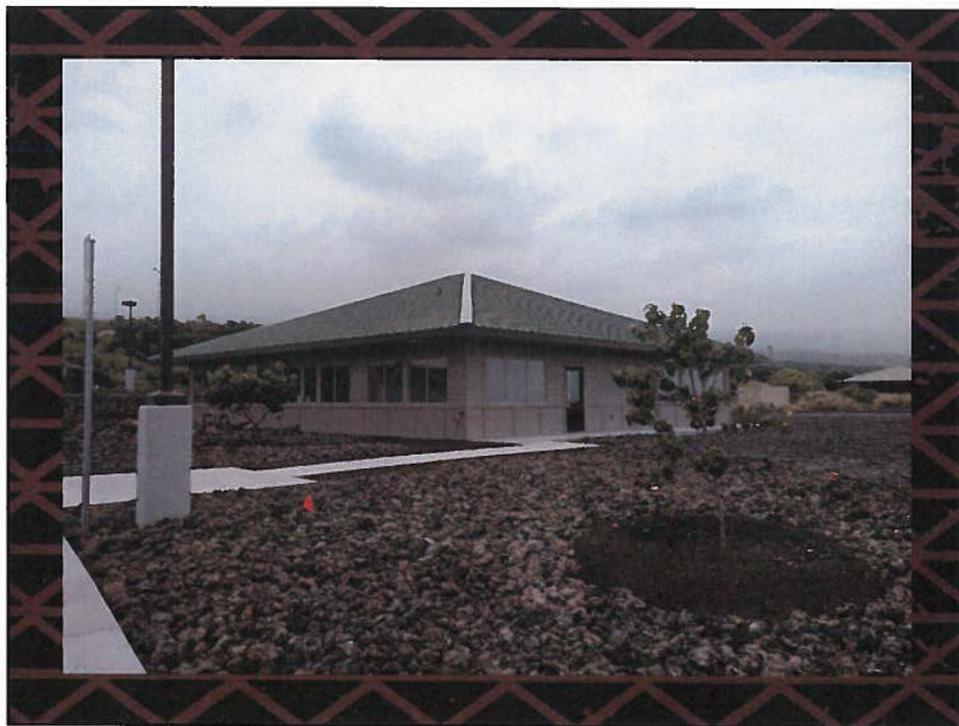
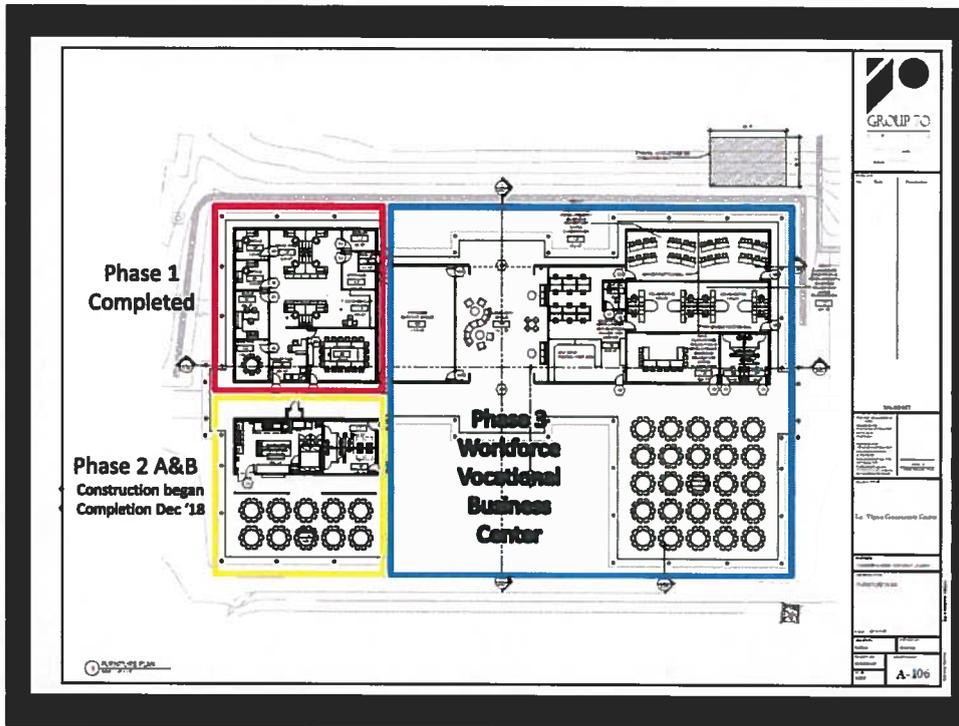
## Pediatric Dental

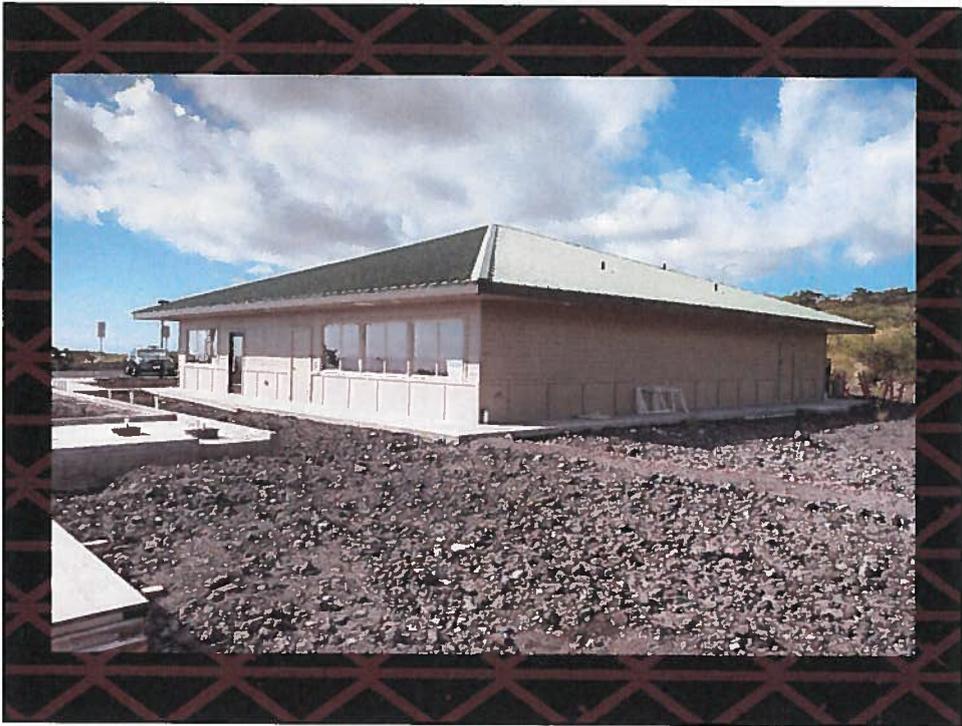


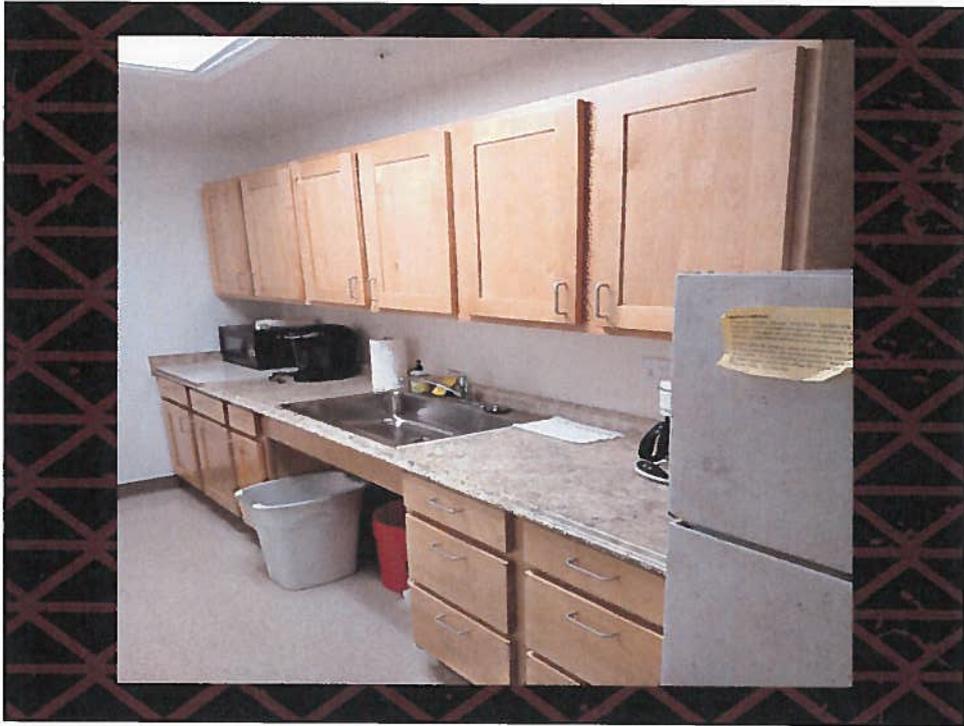
## State of the Art 3-D Imaging/ X-Ray













## New Markets Tax Credits

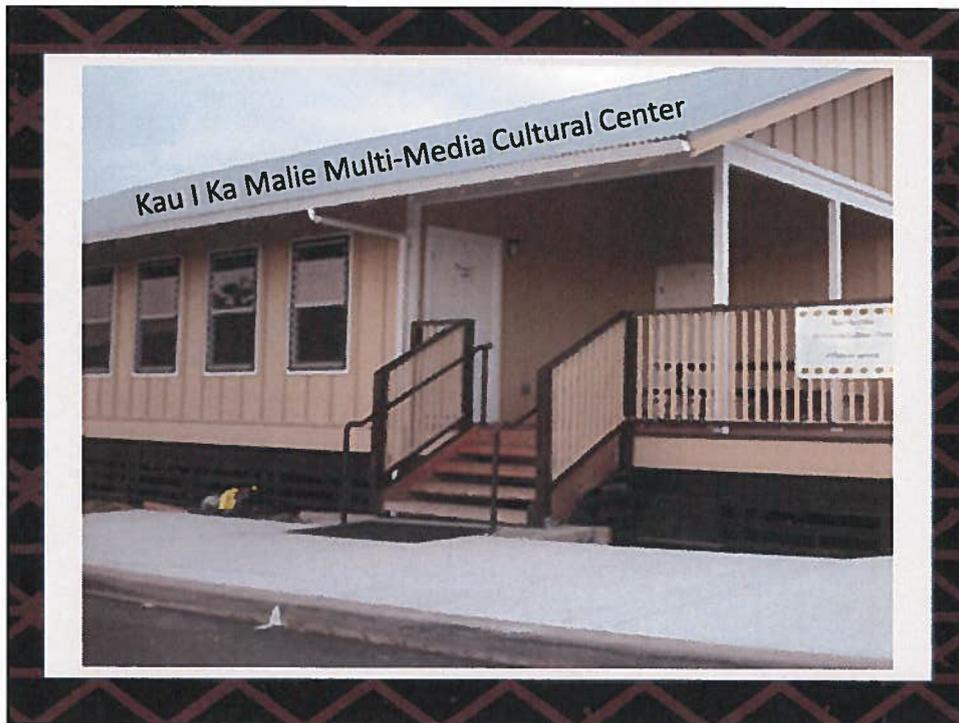
- Currently the Largest Federal Economic Development Incentive Program.
- Community Renewal Tax Relief Act of 2000
- Encourage Investment in Low-Income Communities that Lack Access to the Capital Needed to Support and Grow Businesses, Create Jobs, and Sustain Healthy Local Economies.

## New Markets Tax Credits

- Supports a Wide Variety of Projects: Hotels, Restaurants, Charter Schools, Health Care Facilities, Community Centers, Supermarkets, Manufacturing and Industrial Facilities, Energy and Infrastructure Projects, Mixed Use Facilities.
- Excluded Projects: Gaming Facilities, Golf Courses, Massage Parlors, Liquor Stores, Rental Housing.

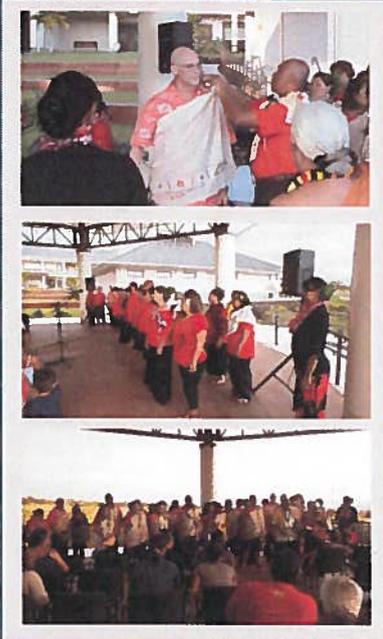
## La'i'Opua 2020 Community Programs & Education Initiatives

- Certified Nursing Assistant Program
- Aquaponics/ Hydroponic Program
- Haleo Language program
- Carpenter's Apprentice Program- Pending
- Computer Literacy Program- Pending



## La'i'Opua 2020 Community Programs & Education Initiatives:

- Certified Nursing Assistant Program
- Aquaponics/ Hydroponic Program
- Haleo Language program
- Computer Literacy Program
- Carpenter's Apprentice Program-Pending



**Education Programs**

*La'i'Opua 2020*

*La'i'opua 2020 was a recipient of a Native Hawaiian Education Act funding of \$926K that made possible the construction and implementation of school and community programs.*

*Over the last five years, La'i'opua 2020 and Kealahou High School established a multi-media cultural center on the Kealahou High School campus, "Kau I Ka Mali'e" center.*

*The Kau I Ka Mali'e Center provided numerous programs to include the following:*

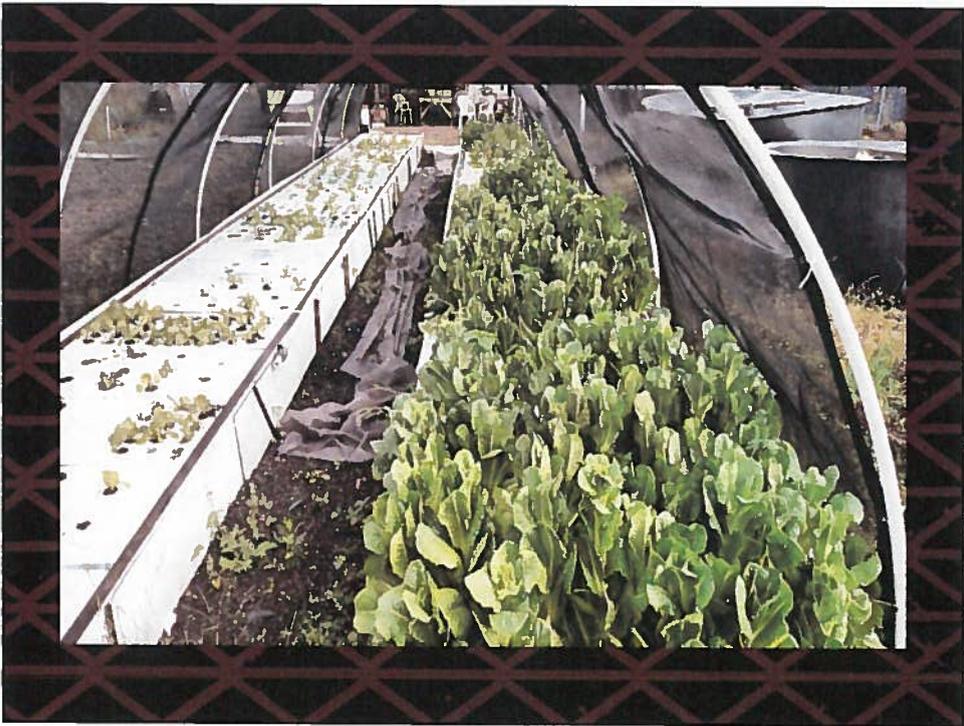
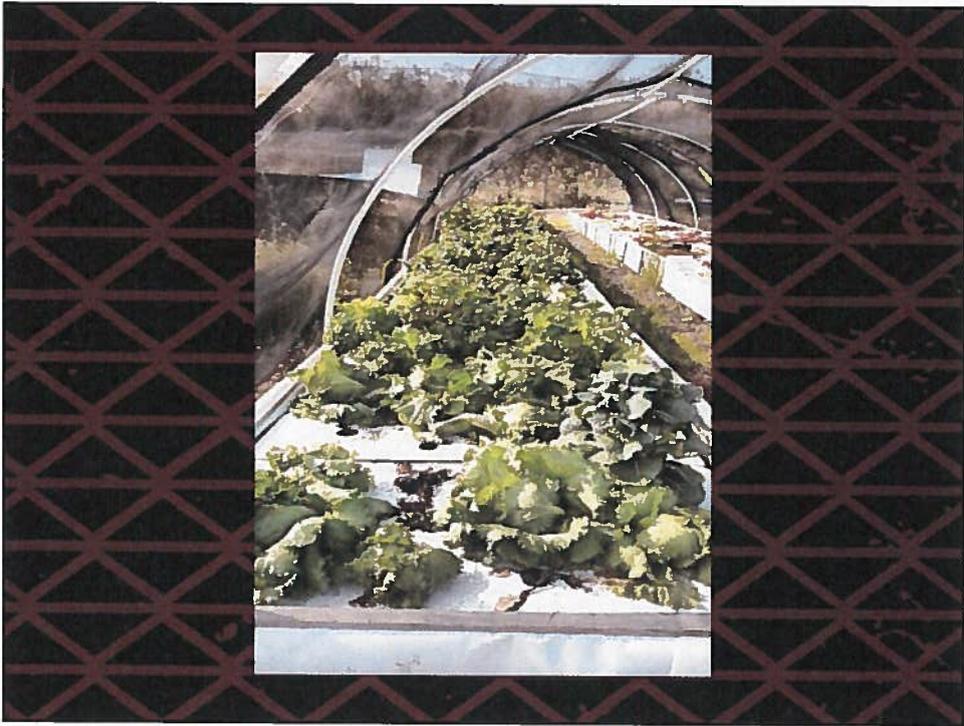
- *Hawaiian Language Classes – Haleo*
- *Computer Literacy Programs*
- *Mala/ Aquaponic Curriculum )(New)*
- *Certified Nursing Assistant Course*
- *Financial Literacy program/ HCA*
- *KHS- Video & Broadcasting Courses*
- *Children Defense Fund Partnership*

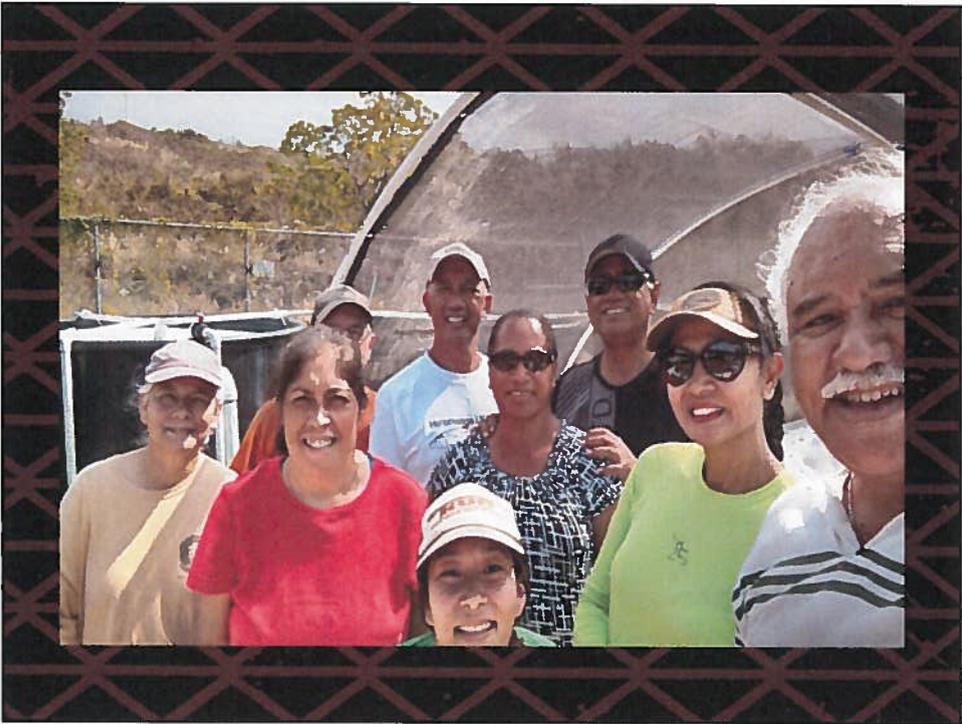
**January 2016 Certified Nursing Assistant Graduates  
(12020 Graduated 74 CNAs Since Jan. 2014)**



*La'i'opua 2020 "Kau I Ka Maie" Haleo Hawaiian Language 30 Haumana in Fall 2015*







*Children's Defense Fund Summer Enrichment Program; Over 200 NH Students Served this 2017 Summer*



**2018 La'i'Opua 2020 Awarded NHEA Grant \$818,000/yr- 3yrs**  
- Grant to Support Kealahou District Schools (HS, ELM, Inter)  
- Program include STEM, C.N.A, Aquaponics, Hawn Lang,

**Other 2020 Notable Projects, Programs, and Regional Issues**

- US Fish & Wildlife Critical Habitat
  - DHHL & COH signs MOU/MOA- Completed
- West Hawaii Regional Park Development (WHIPAC)
  - 193 acre regional park
  - Botanical study completed; EA/PER to Begin
- Nat'l Park Denied Aquifer Area Designation
- CWRM approves 3.98 MGPD to DHHL
  - **DHHL to establish a "mechanism" to distribute the "wai"**
- Village 4 infrastructure for 119 units installed
- Habitat Plan to Build More Affordable Units
- O'oma/DHHL Initiates PV Project- O'oma LLC RFP denied. O'oma LLC to reply to HELCO RFP- 10mgw

## L2020 Grants Program

### State Of Hawaii Grants

- \$1.5M 2010 CIP: Design Grant- Med/LCC
- \$926K 2012 CIP: LCC Civil- Grading
- \$500K 2017 CIP: PH-2A: 3,000 sq. ft. LCC
- \$400K 2018 CIP: PH-2B: 700 sq. ft. Commercial Kit.
- \$200K 2018 OP: L2020 Operating Grant

### Private NMTC Funding

- \$22M 2013 Medical Center CIP: \$4.5 CIP Cash
  - \$8.0M 2017 LCC PH-1 CIP: Construction Completed
- Federal
- \$818K 2018 NHEA: Kealakehe Dist. School
  - \$4.5M 2018 EDA Grant: PH3 Workforce/Voc/Bus Cnt

# Mahalo Nui!





# **BIG ISLAND SUBSTANCE ABUSE COUNCIL**

*Inspiring Change, Reclaiming Lives*

## Youth Services

- In 1991 our State put into law that all counties shall create, develop, and operate youth services centers which specialize in delinquency prevention with the following objectives:
  - Develop and implement programs in delinquency prevention;
  - Provide a wider range of informal dispositions, particularly alternatives to the juvenile justice system;
  - Develop an improved system of intake, assessment, and follow up for youths; and
  - Provide better coordination of juvenile justice and non-juvenile justice services in order to reduce the gaps in services.

## BISAC's Programs in a Nutshell

Substance Abuse Treatment for Adults

Youth Services

Mental Health Services

Employee Assistance Program

Auxiliary Services



## What is Youth Services?



- **Description:** Youth Services provides a continuum of care (prevention and intervention) for children and adolescents who are at risk and/or struggling with psycho-social factors that impact their overall well-being.
- **Continuum of Care includes:** prevention (elementary schools), school-based programs (at risk/intervention), and community based (intervention)



## What is the goal of the program?



- **Goal of the program:** is to support communities by enhancing prevention and intervention services and creating opportunities for overall wellness.



## How will Youth Services address the current needs, gaps in service, and trends?



## Substance Intervention (including smoking cessation)



- Substance Intervention for school based clients is to address risk factors that impact the tendency for individuals to use or continued use. Also, enhancing protective factors to prevent individuals from needing a higher level of care. These are individuals who do not meet criteria for a substance use disorder.
  - Goals and Outcomes – Enhance protective factors and decrease risk factors that impact use and/or continued use.

## Substance Intervention (including smoking cessation)



- Substance Intervention for Community Based clients is to address factors that impact continued use despite consequences (e.g. school, family issues, relationships/peers, etc.) of use. These individuals are usually identified by school administration or courts that they require a higher level of treatment.
  - Goals and Outcomes – Enhance protective factors and decrease risk factors that impact use and/or continued use.

## Behavioral Health (Mental Health First Aid)



- Definition- services are designed to enhance well-being and create meaningful changes in children and adolescent development.
- Population Served – All
- Goals and Outcomes – provide children and adolescents knowledge and tools to help improve overall well-being.



## Vocational Training



- Definition – services are designed to provide opportunities for growth in vocational training and career development.
- Population Served - Adolescents
- Goals and Outcomes – provide adolescents with tools to help promote career development.



# Community Outreach



- **Definition** – services are designed to provide preventative initiatives in the community. This consists of: community outreach events promoting awareness on alcohol and drug abuse education, identifying anti-bullying messages, promoting literacy campaigns, providing health and wellness resources, education on tools for strengthening families, empowering community members, collaboration with community agencies, etc.
- **Population Served** - All
- **Outcomes** – provide education and awareness to communities.



The collage features six posters for various community events:

- BISAC's 2017 SUMMER JAM**: Held at Edith Kanaka'ole Tennis Stadium on Saturday, July 29. Includes a "FREE ENTRY" badge.
- Kona Fun Day**: A "Free Event" on Saturday, March 19, 2016, at Kona Kai. Features "Lots of Free Giveaways!" and lists activities like Health Fair, Toss of Koiki, and Koko Pono.
- Splash BASH**: A "Free Event" on Saturday, March 19, 2016, at the Hoanaloa Community Center. Includes food, games, and a balloon battle.
- THERAPY KIT DRIVE**: A poster encouraging donations of therapy kits for children of abuse and domestic violence.
- Puna Fall Fest**: A "Free Event" on Friday, October 9, 2015, at Puhala High & Intermediate School. Includes a "Chance to Win a Gift" for donations.
- Splash BASH**: A "Free Event" on Saturday, March 21, 2015, at Puhala High School. Includes food, games, and a balloon battle.

Questions?

**\*\TATE OF HAWAI‘I2  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Highway, Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, September 27, 2018  
9:30 am**

**ATTENDANCE:**

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

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

**EXCUSED:**

TRUSTEE DAN AHUNA  
TRUSTEE ROWENA AKANA  
TRUSTEE PETER APO

**ADMINISTRATION STAFF:**

KAMANA‘OPONO CRABBE, CEO  
MILES NISHIJIMA, LPD  
MEHANA HIND, CE  
DAVID LAEHA, CFO  
KAWIKA RILEY, ADV  
CARLA HOSTETTLER, RES  
EVERETT OHTA, CC  
JIM MCMAHON, ADV  
JOCELYN DOANE, PP  
KAHEALANI PELERAS, CE  
LISA WATKINS-VICTORINO, RES  
MOMILANI LAZO, SR. EXEC. ASSISTANT

**BOT STAFF:**

CAROL HO‘OMANAWANUI  
LÖPAKA BAPTISTE  
ANI PANG  
CLAUDINE CALPITO  
DAYNA PA  
LADY GARRETT  
DAVIS PRICE  
LAURENE KALUAU-KEALOHA  
MARIA CALDERON  
PAUL HARLEMAN  
KAY WATANABE  
KAMA HOPKINS  
KAUIKEAOLANI WAILEHUA  
LEHUA ITOKAZU  
ALVIN AKEE

**GUESTS:**

KEOKI FUKUMITSU

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 9:33 am. Roll call is taken; Trustees Ahu Isa, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihee and Machado are present; constituting a quorum of six Trustees. Excuse memos were received from Trustees Ahuna, Akana, and Apo.

Members we will be deferring item VI. A. and B. under Executive Session. I would like to go to the top of the agenda.

**II. DISTRIBUTION OF THE RECORD OF THE TESTIMONY AND PRESENTATIONS MADE TO THE BOARD OF TRUSTEES ON AUGUST 8, 2018 AT KALAMA‘ULA, MOLOKA‘I. PURSUANT TO HRS §92-2.5(D)(2)**

**Chair Colette Machado** – There is no approval needed but we have attached that as the record of testimonies presented at the Board of Trustee Meeting on August 8, 2018 at Molokai.

**III. PUBLIC TESTIMONY**

**Chair Colette Machado** – Is there any public testimony this morning? Having no public testimony we will move on. I need a 72-Hour waiver for V. New Business A. a referral from the Committee on Resource Management item 1 Action item RM #18-09 and item 2 Action item RM #18-12. Also item B. Notice to the BOT on the termination of the Ad Hoc Committee for OHA Strategic Planning 2020+. I would like to entertain a motion for this waiver.

**Trustee Carmen Hulu Lindsey** moves for a 72-Hour waiver for the following items:

**V. New Business**

**A. Committee on Resource Management**

1. Action Item RM #18-09: OHA’s Preliminary FB 2020/2021 General Funds and Community Grants Budget †
2. Action Item RM #18-12: Amendments to OHA’s Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.

**B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.**

**Trustee John Waihe’e IV** seconds the motion.

**Chair Colette Machado** – Any discussion? Hearing none, roll call vote.

Trustee Carmen Hulu Lindsey moves for a 72-Hour waiver for the following items:						
V. New Business						
A. Committee on Resource Management						
1. Action Item RM #18-09: OHA’s Preliminary FB 2020/2021 General Funds and Community Grants Budget †						
2. Action Item RM #18-12: Amendments to OHA’s Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.						
B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.						
Trustee John Waihe’e IV seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with six (6) yes votes and three (3) excused.						

**IV. UNFINISHED BUSINESS**

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

**Chair Colette Machado** – Members of the Board of Trustees are now on IV. A., which is CEO update. I will turn this over to Kamana'o.

**Kamana'opono Crabbe** – Thank you Madame Chair. Good morning Trustees. The grants division has announced a call out to the community Statewide for the Kūlia Grants initiatives application process. It went out last week; we are receiving applications up until December. The range is quite broad in terms of a project and or a community initiative with respect to the areas of Health, Education, Culture, Economic Self-Sufficiency and Governance. But there will be no strict outcomes that are related to the strategic plan just based on the priorities. You can submit them online to [www.oha.org](http://www.oha.org) go to grants and go to Kūlia Grants submission application online.

In November, the Community Grants announcement will be going out. Very similar process in terms of proposals to be submitted online and to the Grants division to review. But that announcement will come in November for organizations Statewide can apply online.

I wanted to ask Mehana Hind to quickly give an update. Trustee Carmen Hulu Lindsey was inquiring regarding the fire and some of the challenges the Lahaina Kaua'ula Community have had with respect to the fire and recent flooding as well.

**Mehana Hind** – Good morning Trustees. Our Maui office has been in contact with the community out in Kaua'ula and over the past few weekends, they have focused on immediately rebuilding some of the waterlines getting into the valley. They were going to host two community workdays but they only ended up hosting one and then because of the other flooding that happened on the other side they switched the community work day to go there.

This coming Monday we are actually planning and it is last minute. We were in conversation with Auntie Thelma on Maui and Misti here and we are trying to put together a meeting with all of them. Realizing that they are at a stage right now where they are expressing different needs. In the beginning, we are going to do this together. I recommended to the Maui office that we reach out to them and have a sit down and listening session. We will have our staff to go and get consensus among the community, kind of facilitate this discussion amongst them to see what their overall needs are, and then see where OHA can play a role in that. They have gotten from the community there and Mahalo to Maui because generally overall they have gotten donations coming in from different businesses and different organizations that have come forward and donated certain things to the families so now it's just to figure out what our niche in that recovery effort can be. We are going out on Monday to talk to them.

**Kamana'opono Crabbe** – Thank you Mehana. That is it for updates Madame Chair.

**Chair Colette Machado** – We will move on to item V. New Business A. I would like to call on Trustee Carmen Hulu Lindsey for item A. 1. Action item RM #18-09.

**V. NEW BUSINESS**

**A. Committee on Resource Management**

**1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget**

**Trustee Carmen Hulu Lindsey moves that the Board of Trustees approve:**

- (1) OHA’s preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA’s FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA’s preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

**Trustee John Waihe’e IV seconds the motion.**

**Chair Colette Machado** – Any further discussions Trustees.

**Trustee Keli’i Akina** – Just one comment. Just very proud that we can increase the allocation towards housing by a million dollars. I am very glad we are doing that.

**Chair Colette Machado - Roll call please.**

Trustee Carmen Hulu Lindsey moves that the Board of Trustees approve:						
(1) OHA’s preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA’s FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and						
(2) OHA’s preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.						
Trustee John Waihe’e IV seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA’ALA AHU ISA			X			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI’I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE’E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with six (6) yes votes and three (3) excused.						

**2. Action Item RM #18-12: Amendments to OHA’s Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.**

**Chair Colette Machado** – Chair will call on Trustee Carmen Hulu Lindsey for Action item RM #17-12.

**Trustee Carmen Hulu Lindsey moves to update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual (“Policy Manual”) and Board of Trustees Operations Manual (“Operations Manual”) as described in Attachments “A” and “B” excluding the amendments on Fiscal Transparency 3.4.k. through 3.4.l. in Attachment “A” and “C”.**

**Trustee John Waihe’e IV seconds the motion.**

**Chair Colette Machado** – Trustees any discussion?

**Trustee Robert Lindsey** – Thank you Madame Chair. As I indicated at our Committee Meeting yesterday. I will restate this morning that I am not ready to vote yes on this matter and as I stated yesterday and I will restate this morning my reasons are two. Number 1 I believe very strongly that this matter has not been fully vetted by our Administration and until it is fully vetted; I don't see how it can be operationalized. I believe that the administration needs to be a part of this process. It has not been included in this process to this point. I will be voting no on this matter.

**Trustee Keli'i Akina** – I respect what my senior colleague has said and do believe in principal that at all times Trustees and Administration should work together. I'd like to point out that the majority of recommendations that we approved in committee yesterday in this matter were actually based upon recommendations that have been made over the years here at OHA. There has been much vetting of that. I understand what he is saying and I hope that in the spirit of cooperation we will be able to work out some matters that we left out of here yesterday. Such as the transparency website but with that said I believe that the motion that we have before us will be very valuable in improving the way in which we account for our finances.

**Trustee Leina'ala Ahu Isa** – Am I understanding, that this isn't going to take place till 2022?

**Trustee Carmen Hulu Lindsey** – Yes.

**Trustee Robert Lindsey** – I have a question for Administration. I would like to know what are the legal pitfalls that we will be faced with should we proceed and adopt this amendment as proposed today as we did yesterday.

**Kamana'opono Crabbe** – Yes, thank you Trustee Lindsey. As Administration stated yesterday we believe we have not had adequate and sufficient time to properly assess and analyze the implications and impact of this proposed measure. I think it comes down to a couple of categories. One is accounting practice; we already have planned to upgrade our Oracle accounting system. Because of that, we still believe we need more time to evaluate the proposed measures as how we would need to structure the accounting practices as proposed in the action item.

Second is going to Trustee Robert Lindsey's point. Is the level of transparency if you look at other semi-autonomous entities within the State of Hawaii for example like the University of Hawaii, I believe to a certain degree Department of Education. They have semi autonomy status and with that, status comes a certain I guess powers and rights as an institution. So that particular piece has not been added to this discussion and I believe Corp Counsel is still doing and conducting research regarding the implications of this action item. Again, just for the record, Administration states that we do not believe that we've had adequate time to properly vet this measure.

**Chair Colette Machado** – I had a question that I didn't raise yesterday. But in my lean over to Trustee Waihe'e I asked him if there is an issue with reviewing grants that were under \$25,000 and how that would impede in getting the money out directly with a review or approval through the Trustees. So this would mean that all of the Ahahui Grants that we give out that is under \$10,000 and there are other, this is an ongoing issue that Trustees have lodged against Administration's unilateral authority to make these decisions internally. Maybe if someone from grants do we have someone from grants here? If they could describe the process and how long this would take on the distribution in getting that scrubbed down, reviewed, and then bringing it to the Trustees.

**Trustee Carmen Hulu Lindsey** – I just want to state that is one of the items that was brought to our attention in the audit. That the Trustees should approve all grants and basically that why that is in there.

**Chair Colette Machado** – I am with you in that but I just wanted to know the details and whether or not we don't hold up the distribution especially to the Aha Hui grants.

**Trustee Carmen Hulu Lindsey** – We shouldn't.

**Chair Colette Machado** – I just want to get them on record.

**David Laeha** – Historically and during the time period of the audit the authorization was given to Ka Pouhana for the authorization of grants up to \$25,000. Within that authorization level that was in existence at the time that was the concern that was raised by the Auditors. But it was full compliance with that. Since the moratorium for the grants, we have not been authorized to give any sponsorship money out. So the authorization has been changed since that time.

**Chair Colette Machado** – David my question is for the review of Trustees approval for these Ahahui Grants and less than or other grants that gets distributed, how long does it take to have your staff to turn that around. That is my real question, would we be a hindrance, which I don't think, we will rely on staff to get the review the numbering all of those things that they normally do the process and bring it to the committee in this case it would be a Joint Committee and then a referral to the BOT. I just wanted to know if staff is ready to execute those things in a timely manner.

**David Laeha** – In regards to Ahahui Grants after the board has gone through its approval process, we still do need to form formal agreements and arrange for the monitoring and the budgets, etc. for the specific events. So the timeframe for us to execute that varies but our goal is try to execute that as soon as possible. We do have a full time dedicated staff for that purpose.

**Colette Machado** - Any other questions relating to this Trustees?

**Kamana'opono Crabbe** – Madame Chair, I just wanted to add to the discussion. The Ahahui Grants is one, but there are programmatic sponsorships that typically that are included in the budget for each program. They have their own standard operating procedures. Typically, that is already approved by the manager and the director. How we interpret this particular provision is that you are requesting that all grants above and up to \$25,000 comes before the Board for approval. Now, again some of these programmatic sponsorships vary, but we've been able to over these past years be much more specific in terms of what OHA chooses to support. So that is one piece, that other piece I that the programs have flexibility for Ad Hoc requests from the community. That we are not aware of but we have delegated down to program managers and directors. Those types of sponsorships if approved by this measure would need to come before the Board.

**Trustee Leina'ala Ahu Isa** – Its sounds complicated. I think the Trustees should have an org chart or a flow chart cause it seems like there are different layers of grants. To lump it all into \$25,000, I don't think we should be approving \$25,000 purchase orders.

**Trustee Carmen Hulu Lindsey** – It's not purchase orders its grants.

**David Laeha** – If I can help to clarify, I understand your concern Trustee. The sponsorships are in four primary areas for authorization. We have a programmatic sponsorship area that we in the grants team administers, the CEO has a sponsorship level that he administers, the Trustees when the Trustee Allowance and Sponsorship program was in place prior to the moratorium the Trustees had discretion as well to provide and pay for certain sponsorships. And then the fourth category is what we call the SPRIs. These were separate organization that came together to address specific strategic areas.

**Trustee Leina'ala Ahu Isa** – So you are saying that all of that has to come to the Board for approval, including Trustee Allowance.

**Trustee Carmen Hulu Lindsey** – No not Trustee Allowance.

**David Laeha** – The moratorium placed a hold on the three primary categories. The Trustee portion, the CEO sponsorship and the programmatic grants side. The fourth area that was not put a moratorium on had to do with the SPRIs.

**Chair Colette Machado** – There is no hold on the SPRIs, we didn’t put a moratorium on that its only on sponsorship.

**Kamana’opono Crabbe** – Trustee Leina’ala Ahu Isa is correct, is that our interpretation and I have stated that we haven’t had the opportunity to fully vet, but that is our interpretation of what this measure is proposing. All of it will come to you for approval.

**Trustee Carmen Hulu Lindsey** – Yes, that is what the auditor said.

**Chair Colette Machado** - Thank you for the explanation, I just wanted to acknowledge the referral that we received, did remove the fiscal transparency identified in the original action item as 3.4.b and 3.4c. With that said roll call vote please.

Trustee Carmen Hulu Lindsey moves to update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual (“Policy Manual”) and Board of Trustees Operations Manual (“Operations Manual”) as described in Attachments “A” and “B” excluding the amendments on Fiscal Transparency 3.4.k. through 3.4.l. in Attachment “A” and “C”.						
Trustee John Waihe’e IV seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA’ALA AHU ISA			X		X	
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI’I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY				X		
TRUSTEE JOHN WAIHE’E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5	1		3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with five (5) yes votes, one (1) no vote and three (3) excused.						

**Chair Colette Machado** – Because it is an administrative manual policy, it only requires 5 votes from the Trustees. This is the 1<sup>st</sup> reading we will schedule for the 2<sup>nd</sup> reading for October 11<sup>th</sup>. Thank you members let us move on to roman numeral B.

- B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.**

**Chair Colette Machado** – There is no action needed for V.B. This is just to acknowledge that I have authority to terminate the Ad Hoc Committee at the request of Administration. I just wanted to note that to the members. We are now on roman numeral V.C.

- C. BOT Workshop for OHA Strategic Planning 2020+, Phase I, Agreement and Confirmation regarding the foundational documents and direction of new OHA Strategic Plan. (note: This is the first in a series of workshops regarding OHA’s new Strategic Plan)**

**Chair Colette Machado** – This is our workshop on strategic planning.

**Kamana‘opono Crabbe** – Yes, thank you Madame Chair. Administration at this time would like to call upon Dr. Lisa Watkins-Victorino, Mehana Hind, Carla Hostettler, Miles Nishijima and Everett Ohta from Corp Counsel. Trustees in December of last year 2017 the Executive Office, myself, Albert Tiberi from Corp Counsel and at the time Pou Nui Chief Operating Officer. Lisa Watkins-Victorino introduced our operations plan, which included a timeline to begin the work towards developing a new strategic plan. Since then we’ve had three presentations by Lisa Watkins-Victorino and Carla Hostettler to give you an idea of the phase or processes in which we are looking at. We originally formed an Ad Hoc Committee because historical research we did was consistent to a model that was proposed back in 2008-2009. But given the limitations of PIG Committee, we wanted a full participation of all Trustees as much as possible to participate in this process before you. That is the reason why the dissolution of the Ad Hoc Committee and how we are presenting it to you today now. We will be presenting in different areas, this is planned for two hours. I will turn it over to Dr. Lisa Watkins-Victorino.

**Chair Colette Machado** – Before Lisa proceeds, I’d like to call Carol Ho‘omanawanui to the table so you can explain why we agreed to release the Ad Hoc Committee with the process with the PIG and the inconvenience. This is not something that we do in normal courses of the Trustees at the Chair’s level but because of the PIG limitations, it would not have allowed for a kind of review we needed to engage with.

**Carol Ho‘omanawanui** – Good morning Chair and Trustees. Real briefly, it’s always been the desire for the Ad Hoc to have frequent interactions and hold workshops with the Trustees to have you participate in this process, also to get feedback and also to inform you of the feedback from the Community in this process. The HRS 92-2.5 which covers your permitted interactions as well as what OIP put out regulating the Permitted interactions, it really severely limits and restricts the Ad Hoc’s ability, or I should say the process which they can communicate and interact with you. We thought it was in the best interest, and Ka Pouhana had asked Chair to dissolve it so that they would be able to come more frequently to have interactions and communications with you rather than having this process go through PIG. Simply this is what it is.

**Chair Colette Machado** – Thank you, I just wanted to give that explanation. Because it was not intended to circumvent but to allow more free and full discussion with Administration.

**Lisa Watkins-Victorino** – Thank you so much Trustees and Chair for allowing us this opportunity for the workshop. I am just going to do a few preliminary reminders, go back, and refresh our memory a little bit. Then we will start phase 1, OHA’s identity workshop which is part of all three phases. We are going to be doing phase 1 today, which is really reviewing our foundational documents, our foundations elements. That includes Chapter 10, our mission and vision and our roles.

*(Lisa begins her PowerPoint presentation, please see attached – Strategic Planning Phase 1: OHA’s Identity September 27, 2018.)*

Today we are going to go through three presentation, our Chapter 10 our statutory reference presentation Everett will give that. Our mission and vision presentation will be done by Mehana and then we will have our roles of the Office of Hawaiian Affairs, Miles. Then we will open that up to discussion. We would really like to get through all three of the presentations today before we open it up for questions and discussion. What you have next to you are some of these really big post it notes. They are for you to write your questions on, they are nice and bright, we will take those and we will put them up so that we can refer to them first when we start the discussion. You also have a sharpie in your bag you can use to write that so that. We will put them up in the transition after each presentation. We will take the time to gather any questions and then when it’s time for discussion we can refer to those first. I will call up Everett.

**Everett Ohta** – Aloha Trustees, I am Everett Ohta with Corp Counsel. What I will be going through today in my presentation are some of the statutory references that include OHA. Either providing for certain responsibility that OHA has to take on or a specific role in various processes that are covered under Federal, State and County Laws. There is a handout that accompanies the presentation slide so starting on page 16 of the packet relating to these

presentations there is a handout that accompanies this presentation following the slides. It goes into a little bit more detail on some of the laws that I am going to be covering, but it is also provided to you for your use in future reference.

*(Everett begins his PowerPoint presentation, please see attached – OHA Statutory References, in support of OHA Strategic Plan 2020+.)*

**Lisa Watkins-Victorino** – Thank you Everett. If you have any questions, we will put them up. I will collect them. Before Mehana gets started. Again just to re-familiarize ourselves when we talk about OHA identity, this presentation allows us to see these are the things we really need to do and strategic planning also incorporates what we really want to do in our communities. We want to be in our communities. These are presentation that will help and guide and set parameters for decisions that we make in the future.

**Mehana Hind** – Aloha again Trustees. This section is just on our mission and vision. Just so that we're clear about that. We refer to it all the time but I know if I was to pop quiz people to understand what the actually language of our mission is, more important our vision people have embraced and been able to not only memorize but incorporate in their daily work. This is just a review and then also in light of what Everett stated and what we will hear latter to see if it is still consistent. Just to revisit that with what we want to do going forward.

*(Mehana begins her PowerPoint presentation, please see attached – Mission Statement, Vision Statement, Strategy, Goals & Objectives)*

**Chair Colette Machado** – Mehana just a point of reference we are on phase 1 page 27.

**Mehana Hind** – Yes, thank you.

*(Mehana continues with PowerPoint)*

**Mehana Hind** – I will collect any questions.

**Lisa Watkins-Victorino** – We will now have Miles.

**Miles Nishijima** – Aloha Chair and Trustees. This discussion will focus on the roles of the Office of Hawaiian Affairs and to put it in context we heard from Everett the mandates legally. We've heard from Mehana the procession of these mandates to basically a vision, mission, etc. It's a complicated role that OHA has, it is a very board mandate, and the needs of our people are very broad as well. So it's important to think in terms of roles in order to make it understandable and something that the organization can deal with and beneficiaries can understand. We went all the way back to the Master Plan of 1988. This was the first update to the first Master Plan that was developed in 1982 by the organization.

*(Miles begins his PowerPoint presentation, please see attached – Roles of the Office of Hawaiian Affairs, September 27, 2018)*

**Lisa Watkins-Victorino** – That takes us to we will have approximately an hour and 15 minutes to have discussion and talk through the questions that you have and really have some good landing points to move forward. I'm going to start with our first set of questions which is about the presentation that Everett gave.

*Question: Is this a Trust or a State agency?*

I think this is question from Trustee Lindsey. If you want to elaborate on what your thoughts are about that for Everett.

**Trustee Carmen Hulu Lindsey** – I think it comes up many times when it's opportune for us to be a State Agency,

we are a State Agency. Many times, we would prefer to be a Trust. I think we just had that discussion yes, Judge Klein. If someone can make that more clear for us we can operate accordingly. I think it's even confusing to our administration. Are we Trust or are we State Agency? Do we have to do that? Or can we withhold it? I think that is a problem in our operation the whole thing. Administration and Board of Trustees. You don't have to answer but you can give your opinion.

**Everett Ohta** – I guess the question of Trust or State Agency, is yes. The State Law really varies as to how OHA is treated in certain context OHA would fit within the definition of an agency provided for under certain statutes. In other cases, it is relatively broad and OHA could make an argument based on how we fit within the Government. Hawaii Revised Statute Chapter 10 provides that OHA is established as a body corporate, separate and independent from the Executive Branch. I think in that case it's made to be, its setting us apart from falling within a normal State Department or Agency. But I think it varies and I will defer to Justice Klein.

**Robert G. Klein, Board Counsel** – That kind of question is interesting because it's like line up alphabetically by height. Its 6 of one half a dozen of the other. Hard to answer, I think you are right Everett it depends on the context. Because in the Rice v. Cayetano case US Supreme Court says for purposes of the 15<sup>th</sup> Amendment OHA is a State Agency. As a State Agency for voting, you can't have a racially restrictive category so Hawaiians could not be the sole electorate for OHA Trustees. According to US Supreme Court OHA is a State Agency. But you are also elected officials with clear fiduciary obligations because in a sense you as an agency stand in the place of the State with respect to administering its obligations under the Admission Act with respect to ceded lands. If you go back to the Admissions act the State of Hawaii was to be the Trustee of the ceded lands Trust with obligations that were enforceable by the US Attorney General. Lawsuits could be brought against the State if the State did not fulfill its fiduciary obligations with respect to the Ceded Lands Trust. And 1978 the State created OHA to undertake that responsibility specifically and to have this agency do what the State was required to do under the Admission Act. OHA's created to stand in the shoes of the State in administering the requirements of the ceded lands trust and that is why you have in Chapter 10 20% of the ceded lands revenues, or the public lands revenues are supposed to come to OHA to administer the State's responsibility to Hawaiian people and to take charge of a portion of the ceded lands, public lands revenue. We are 6 of one-half of the dozen of the other, it depends on what function you are engaged in. I don't think that is easy to change frankly, because the Trust responsibility, the fiduciary obligations go back to the Admissions Act with the creation of OHA. You can't really change that, you can't really change the US Supreme Court saying OHA is a State agency for voting rights purposes.

**Lisa Watkins-Victorino** – So another thing to consider because I certainly understand where Trustee Carmen Hulu Lindsey is coming from and when we make decisions and we are never quite sure we are making decisions we are going to be this or we are going to be that. If we think about it in terms of us having this dual kind of structure. Then really what we are talking about here in terms of understanding for our strategic plan is really when we are making decisions is to maybe be a little more purposeful about where we are landing in the two divisions that you just talked about. Then communicating that with each other as we are making big decisions or as we are making decision about our Strategic Plan and about the implementation of that. That's one way, it is using it as more of a filter but it is a purposeful filter.

**Chair Colette Machado** – There is a lot of discussion at times that we are the 4<sup>th</sup> branch of Government. So describe on how that relates to the statement I just made. That OHA is the 4<sup>th</sup> branch of the State of Government at the State of Hawaii level.

**Everett Ohta** – I think that maybe speaks to the independence of this Board to make the determination on how those trust funds are spent and how to allocate resources towards Native Hawaiians. I think the courts have recognized the broad discretion provided for the Trustees decision making in that regard. I think that is probably it. We not, we are specifically independent of the Executive Branch under the Governor but we also have discretion, we are not subject to the same appropriations process, through the legislature and having to get certain funding approved beyond that provided under our budget from the State Legislature.

**Trustee Keli'i Akina** – I like the references that have been made to a dual identity, being both a State Agency and a

private Trust. I think in respect to being a private Trust we need to clarify what autonomy means. In terms of what we choose to spend on or what policies we set and how we have our own governance and so forth. I think we've had a lot of discussion on the Board of the need to clarify that autonomy and I think we need to affirm it. But at the same time, it is also good to affirm that we are a State Agency based upon what Judge Klein said, that gives a lot of power to OHA to do good for the Hawaiian people. As a State Agency, we have standing; we are the agents responsible to see that the State fulfills its obligations to the Native Hawaiian people. So we are unlike another Hawaiian endeavor or entity, we actually have that standing of being a State Agency so it's something that we should cherish and something that we should point out. IT has great power to it. We should take care not to jeopardize our ability to use the full force and power of being a State agency.

With that said we are not the Hawaiian Government, we are not the Hawaiian Kingdom, we are not the Ali'i who sit around the table here. We are the exclusive leaders of the Hawaiian people. There is a conference taking place shortly, Council of Native Hawaiian Advancement. The leadership of the Hawaiian people is multifold. There are many people involved in that. That's why I think it's very good for us to focus on specifically the narrow role that we have and one of those narrow roles is to be the State agency that holds the State accountable, and ensures that the State fulfills its duties to Hawaiians. I just wanted to bring that balance to that. I think it's a very good model to see us as both autonomous and yet a State Agency at the same time.

**Trustee Leina'ala Ahu Isa** – Chair and Justice you brought up a really confusing point. State agency versus being an agent of the State. You just said we are supposed to be in the stead of the State of Hawaii making decisions as a Trust. It says the lands given back, Hawaiian people, to the State and who created the Office of Hawaiian Affairs. The State give us the responsibility, the authority to stand in their stead to control or make decisions. We have a more powerful position than being a State Agency. We are not a State Agency we are representing; we are the State taking care of the Hawaiian people. Somehow, it got all mixed up in coming down from 30 years ago, 2018 minus 1988 that is 30 years ago. We have to challenge this in court, this is something, like what Cayetano did to bring Supreme Court in this just messed the whole thing even more.

**Robert G. Klein, Board Counsel** – I don't know if he had any choice, we got sued. The State got sued by Freddie Rice.

**Trustee Carmen Hulu Lindsey** – Cayetano defended us.

**Trustee Leina'ala Ahu Isa** – It's almost like Google or Facebook going before Congress or Congress telling them clean your house first. So why can't we do that here before it even went up to the Supreme Court. Say we are the Agency of the State; we are not a State Agency. Agent of the State doesn't mean we are a State Agency.

**Robert G. Klein, Board Counsel** – I think you guys are planning for something today and you want legal advice. I would say one more thing to Trustee Keli'i Akina's point about narrow focus. OHA was created and Everett thank you for pointing that out I almost forgot because we don't think about this much anymore. To actually be a Government in waiting until the time the Hawaiian people formed their own sovereign entity and to take care of the resources and assets that come to us as a State Agency including this concept of reparations. Whoever heard of reparations going to a State Agency? That is in there because the reparations they are talking about are for past harms done to the Hawaiian people and the Hawaiian Government. If that ever came about where reparations were granted by the US Government then they would come to OHA for administration and distribution. That is in recognition of harms that were done to the people through the overthrow and the loss of their government. The focus is not simply narrow it is broad and OHA was designed to be a Government in waiting which is sort of, what Trustee is saying. The 4<sup>th</sup> branch of Government, sort of waiting a long time but still under the laws still waiting for the creation of that sovereign entity. I'd say that is another aspect, not only are we talking about the fiduciary duties of the Trustees, you are called Trustees, you are elected to Trustees for a reason. Fiduciary obligations to manage the trust, but you are also according to the US Supreme Court a State agency therefor subject constitutional restrictions with respect to the 15<sup>th</sup> Amendment. So you can't change that unless you go back up to the Supreme Court.

**Lisa Watkins-Victorino** – So I think in terms of the process of the discussion. What I came back to when we started

was that really trying to flesh out some of the thoughts that we have about our identity and this is one of those things that is going to be a continual discussion. But where we are at now in terms now of being able to filter some of that and be more purposeful of that we have a couple other questions that have to do with the first presentation.

*Question: Are there any statutes, Chapter 10 or wherever that do not apply since it's been 30 years that OHA has been established and are there any amendments, administrative purposes to Chapter 10 that impede our ability to move forward as an agency?*

**Everett Ohta** – I think there are certain provision under Chapter 10 that are still in existence but not be as applicable as they once were but are still on the books. I think things relating to the Hui Imi Advisory Council, which I believe the Board looked at this past session but basically, that fulfilled the task that were established for it under State Law and hasn't really taken any action in the last several years. But it is still on the books. Other things that might come to mind, I am not familiar with some of the responsibility that OHA has been asked to do certain things relating to the Cultural Resource Commission on Maui and Hawaii island, I don't know how active those are. As to Administrative, other amendments that might be proposed to hamper our ability to move forward as an agency, I don't know of anything per se. If the Board has, any opinion on to that I think that would be up to the Trustees as seeing any provision in the State Law to be problematic or cumbersome to OHA.

**Lisa Watkins-Victorino** – We have another question.

*Question: Although statutory law recognizes that the Hawaiian Homes Commission Act is administered by the Hawaiian Homes Commission, does OHA have a distinct kuleana relating to Hawaiian Home Lands and its beneficiaries and specifically per HRS 10.5. Is OHA authorized to mandate to assess the policies and practices of DHHL or other agencies impacting Native Hawaiians and Hawaiians?*

I think this was the other agencies piece that was in one of the slides, do you have any thoughts on that?

**Everett Ohta** – I would just reference what is provided for under the statute, which does have OHA assessing the policies of other agencies impacting on Native Hawaiians. So that does provide a pretty broad range of OHA's purpose. I think there is those certain, there are other places within Chapter 10 and I don't have all those references off the top of my head. But there are certain instances where OHA is not actively involved in the administration of resources for Hawaiian Homes Commission Act, so that would be for a specific follow up. I don't want to make any kind of speculation without having that language in front of me.

**Trustee Carmen Hulu Lindsey** – I think regardless of what agency, whether it private, like Kamehameha Schools and Queen Lili'uokalani Trust, I think our responsibility as OHA and Trustees is that we advocate whatever is positive for our beneficiaries. And if it's negative we should be there also. So that's how I view our job anyway.

**Trustee Keli'i Akina** – The reason I ask about the Hawaiian Homes in particular is because Hawaiian Homes Commission is given the kuleana of administering the Hawaiian Homes Act and that is stated there in Chapter 10. I wanted to clarify that even though they are the ones to administer the Hawaiian Homes Act, OHA still has the kuleana of assessing and advocating for the beneficiaries even with reference to Hawaiian Homes, that is my understanding, is that correct.

**Trustee Carmen Hulu Lindsey** – Yes, that is correct.

**Everett Ohta** – I think that would fall within that primary purpose that I just read off.

**Trustee Keli'i Akina** – I think that supports our own strategic planning focus of housing.

**Chair Colette Machado** – But the key thing that we are not distinguishing is the blood quantum requirement for the DHHL beneficiaries. You have to have 50% plus that was the original intent with the admissions act to acknowledge that in article 5.f. So it's the blood quantum versus opening it up because the race was getting more spread out, we

were going to get those less than 50% available I think they predicted at some time where all the Hawaiians will be gone. They looked at how OHA could help facilitate with those with less than 50%. That blood quantum matter still continues to divide our lāhui if we want to look at the entire beneficiary as our lāhui.

**Trustee Keli'i Akina** – In fact Chair you are correct. That is why it is beneficial that the revised act refers to both Native Hawaiian with a small “n” and to Hawaiians when talking about the kuleana that OHA has in assessment and advocacy so we clearly would cover both categories regardless of blood quantum.

**Lisa Watkins-Victorino** – We have another questions which is actually specific to page 25 of Everett’s document that he provided.

*Question: Page 25 number 2, where it says issue revenue bonds under this chapter, that section. Why and leveraging?*

I think this is one of those places where as OHA has grown over 30 years maybe we are at a different place. But Everett if you want to.

**Trustee Leina‘ala Ahu Isa** – Have we ever utilized that ability to issue bonds?

**Everett Ohta** – I am not aware of an instance where we have used that.

**Trustee Leina‘ala Ahu Isa** – We have the power, the authority.

**Kamana‘opono Crabbe** – I believe we do, in the past we did go before the legislature for us to exercise that option. I think Jim may know more.

**Jim McMahon** – Going back to 1994, OHA has had the authority from the Legislature to issue revenue bonds as a means of financing. We’ve gone back to the Legislature 2 or 3 times to modernize that law and update it so if OHA ever wanted to use it we would be able to. Currently we can issue revenue bonds; we have to get legislative approval. That is the key provision there. We’ve tried to figure a way to get around that but the legislature didn’t go along with that. So yes, we have the authority to issue revenue bonds. The operational capacity to issue revenue bonds does not exist here. The State has been issuing revenue bonds for 30 or 40 years and they have expertise and attorneys in all directions and financial experts, OHA is nowhere near right now having the capacity to be an agency to issue revenue bonds. We could if we decided to go in that direction but it would be a major commitment of resources to develop that capacity.

**Trustee Leina‘ala Ahu Isa** – On that other question I had on how we should be changing our current model, I just want to use the word Business Model to include more IT because that is the future. If OHA is going to stay in this 30 year, we are not going to get anything. I understand about revenue bonds, because where I was there HPU came they wanted \$150 million in revenue bonds and they were granted. That is how they got Aloha Tower, they are expanding, they are going into Restaurant Row, getting 100,000 square feet. The new urban campus is going to change the whole face of downtown Honolulu. This is something that Office of Hawaiian Affairs has to do we have to do something dramatic like that to tell people we are here, we are Hawaiian and we want a seat at the table. One way the other ethnic people, they got their own bank. That is the only way this society will recognize the Hawaiians, you have your own bank. All they listen to now is money. You get the 20% ceded lands, whether it’s a Hawaiian Credit Union or Hawaiian Bank like the Korean, Chinese, Filipinos they all have their own bank. That is the only way you will get a seat at the table in this State. That is all I have to say, sorry I have to leave and go to another meeting.

**Chair Colette Machado** – Lisa how long you want to have the dialogue with open discussion. Did we miss anything form the presentation.

**Lisa Watkins-Victorino** – That was the last question. I think the more specific that Trustee Leina‘ala Ahu Isa is

bringing up was probably part of the discussion for focus areas when we get that to part of the phase of planning. So the next set of questions would be around the mission and vision. Let's move into that.

*Question: Regarding OHA's mission Statement, which reads in part enabling the building of a strong and healthy Hawaiian people, recognized nationally and internationally. Is it time to consider simplifying to building a strong and healthy Hawaiian people? This would leave nation building to those outside of OHA thus allowing OHA to unify Hawaiians around bread and butter issues such as housing, jobs, education, and health care. This would remove OHA from controversies over different versions of nationhood.*

**Mehana Hind** – That is the purview of this Board to be able to look at the language and look if it is still relevant at this particular time. The way that the mission is written right now, it kind of covers the key areas that Everett was talking about. Assuring that there is still focus on that and there is still a direction that continually points to that without being too broad that it doesn't offer direction. Yes, you want to get it more and more refined as you go down into the strategies and get down to the point eventually with our goals and objectives. This particular mission can be lomi into a direction that more suits the agency's way of articulating, again the two things, who we are and what is that we value. What is expressed in that question might be more for the strategic directions but can be, should be described and elaborated on in the mission. If we are to articulate it in those two things in mind, who we are, what do we value then yes it's totally open to that.

**Lisa Watkins-Victorino** – That is why we are having this open discussion.

**Trustee Keli'i Akina** – It's no secret that I've had serious concerns about the Native Hawaiian Role and the process with the actually voter list. But on the other hand, I was very delighted to see the Nai Aupuni Aha take place. I was pleased at, an entity that was outside of OHA, we had representatives of Hawaiian Vision, kanaka maoli coming together to address self-determinism. That I think was a very positive thing. I am also very mindful that we have the CNHA Annual Convention coming up. It seem apparent there is a lot of vigor and life to advocating for different views of nationhood ranging from Federal Recognition through independence and other models as well. I am just thinking it would be wonderful for OHA to be able to step out of being seen as the focal point for this dialogue and OHA to be there as the platform providing for the people housing, jobs, education, health care, and bread and butter needs. So the people themselves can organize outside of OHA for different visions and advocate for different forms of nationhood. That is why I ask whether maybe we should trim down our mission statement. Most of what is in that mission statement is just dynamite. The reason I say that in a positive way it's wonderful. It's because most of what's in the mission statement unites all Hawaiians. If we can have a mission statement where all Hawaiians can be united regardless of, their specific view of nationhood or not nationhood, it would make OHA stronger and it would keep OHA out of the crosshairs of attack from people who have different visions.

**Mehana Hind** – Trustee Keli'i Akina just to, you are referring to that line, "building of a strong and healthy Hawaiian people and nation" is that the part?

**Trustee Keli'i Akina** – Yes, that is right. Building of a strong and healthy Hawaiian people is something that unifies. But when we talk about nation with national recognition and so forth, it is a specific vision which could be a worthwhile vision but pegging OHA to a vision or any vision of nationhood could just make OHA more controversial than we need to be. Because the real discussions about nationhood are taking place. As I mentioned the Aha or CNHA or other bodies that have formed.

**Mehana Hind** – I think where this ties into some of the historical context of the Office of Hawaiian Affairs from 1978 and you'll see it in some of the collateral material in here. There was these key point in OHA history from the beginning and throughout where the language self-determination is clear and repeated over and over. So not what it is to become, what the decision will be or even that OHA is the decision maker in that but to recognize that, that's a value that's been held from its inception to the future. I think this might be a strategy issue a strategic priority issue where how is it that then OHA supports that original, conceiving of the ideas of self-determination. It doesn't have to take a particular path it could take another path. It could be the support of those ongoing efforts that happen within the community. I think just a little background; it's not to guide what the determination of this board is relative to

that statement. But that's where definitely it comes from; it comes from this ongoing commitment to, as an organization or as an agency to recognize the native Hawaiian people's rights to self-determination and accessing that. It doesn't actually say, in the history it doesn't actually say how that is going to happen or where that is going to happen and it's taken many forms since 1978. There is a robust history of self-determination efforts that continue from there. Which OHA played a part in from that time until now it's looked very differently which led up to the more recent and the continual language. I don't know if you wanted to take that out or deal with how OHA does that.

**Trustee Carmen Hulu Lindsey** – No, I think we should leave it in. I don't think we should touch it. Actually, I have to give credit for trying to accommodate that last statement. I remember the group discussion Pouhana pulled together, how many of them we had. Then we had Kana'iolowalu. We have tried, that is the whole thing that people need to recognize. We've tried, we've tried different things to help our lāhui along to be able to unite and get to that point where we can possibly have a nation. It's not like we haven't tried, you got to try, it doesn't work, well you try something else. That is what we have been doing. We haven't really made our decision the lāhui decision. Even Na'i Aupuni was its own decision. Some of us agreed, some of us didn't agree. But the fact is we tried and I think we need to stand by our people when they need us. That mission statement is there. That is the way I feel anyway. I don't want to make the decision for them but I think we need to be there because that is what our purpose here as Trustees are.

*11:05 am Trustee Leina'ala Ahu Isa leaves the meeting.*

**Mehana Hind** – One of the things that might happen if that language is not in there for instance, what Everett had said earlier about one of our functions is one reparations, those kinds of functions that have been idle all this time. They were conceived of in its origination and it's still there within the law, it's still spelled out as OHA possibly being a space. Still relevant and more strategy on how it is we help our lāhui or let's stay out of their way but still acknowledge that in OHA's inception there was this idea to carry forth.

**Trustee John Waihe'e IV** – I just want to clarify because I was there when we developed the mission and I can see why people might get confused. OHA has taken positions on Federal Recognition and that sort of thing. But when we are talking about building a nation or any reference to nation and I think when you translate it into English it gets more confusing. We weren't talking about a nation necessarily as a political government per se; we are talking about nation as more of a stable community of people formed on a common language, territory and ethnicity. Just to clarify the nation reference.

**Mehana Hind** – I was thinking the same as you Trustee John Waihe'e IV. If we just say this in Hawaiian and use Lāhui and use these terminologies then it becomes clearer in this circumstance.

**Trustee Keli'i Akina** – I just want to affirm a couple of things. I want to affirm what Trustee John Waihe'e IV said. That we are not talking about a specific vision of a political nation. That is left open ended. I think it was very elegantly said I quote you on this. I also affirm what Mehana has said that we can retain this within the mission and there by validate our history and our support of self-determinism. On the strategic level, at that level we can make sure that OHA is not driving a specific political vision. As long as we keep our guard up, I think this is fine.

**Kamana'opono Crabbe** - Going back to what Lisa is sharing. The value of this discussion helps to drive eventually where we will land, where we will compile the data the information from this discussion and the community to eventually get to a point that there be either priorities or themes that will help to be proposed for the next strategic plan. Eventually you will have the final decision regarding that. As far as the strategic direction, it really is more clarification of what Mehana is sharing, who we are and what we want to become. The references to any political ideology or model perhaps is more consist with what Trustee Waihee is saying like lāhui, 'ōlelo Hawaii which is really about a race of people who have common language, common culture but as far as the actual kuleana or responsibility of the organization. It gets back consistently to what Miles was sharing is that we facilitate, we help to convene and then we help to fund. Not necessarily take on the responsibility of leading any future initiative. That helps to narrow the kuleana of the organization. It helps to guide in terms of what possibly propose back to you in

terms of strategic direction.

**Trustee Keli'i Akina** – Thank you I would agree with you Ka Pouhana.

**Lisa Watkins-Victorino** – Just two other comments I just want to make sure that everyone's voice is heard.

*Comment: 30 years ago, OHA was formed for OHA needs a current model which include IT going forward.*

*Comment: On page 27 which is the slide that Mehana has up. Building a strong and healthy Hawaiian people, emphasis on health. Health of Hawaiians is a big issue.*

Those are just comments that were made in reference to the mission and vision.

**Chair Colette Machado** – What is the next step after this?

**Mehana Hind** – In this particular area we are contemplating to ask this now but if you guys want to not necessarily decision make because that is not on the agenda. But to reaffirm that this is ok for now, that the vision and mission are ok for now and then we can move on to other areas. If not that is fine too, we can still work collectively with all you guys to lomi the vision and mission.

**Chair Colette Machado** – I think the take away for me today is to say that we are the Government in waiting. This is the belief of our lāhui. Internally and externally, we've failed at the Federal level for whatever purpose. Another sabotage came with Rice v. Cayetano that took away the Hawaiian only vote. So we've learned from that process. Certain things were struck down but we cannot give up that vision because we are expressing full independence. Whether we agree as a State agency, we have some limitations and some restrictions as a State Agency. But we must go forward to preserve, during the early years we put a lot of commitment to protecting and preserving the Federal Legislation so those entitlements would not be removed for our people that were eligible to apply for Federal funding. Some people felt that we should not become tribes, those were issues that were vetted at the Interior hearings, etc. and we divided in that. Yet the arguments and issues were kept alive. That aspect is critical. I can see already Auntie Frenchy turning in her grave if we don't advocate strongly. Because that is what happened with the Constitution Convention in 1978. We may be faced with more challenges if it becomes the need of the voters want another constitutional convention. I disagree with Trustee Keli'i Akina from day one. I serve Native Hawaiians I do not serve the State of Hawaii for all the people of Hawaii. I don't agree with that statement.

We want to be able to carve that out, to make sure that we are protected under the statutory statutes as well the constitutional proviso. We have found through our advocacy and I get it all the time from Jocelyn and also from our Board Counsel. How much we have been protected under the State Laws to acknowledge Native Hawaiian practitioners, to provide that in the decision with Flores, to acknowledge as a practitioner we have separate responsibilities and we are granted certain privileges. What a wonderful statement. We never have nothing to stand on when we began. So those little things are kind of being added to the case laws. It has been the thinking of the Hawaii Supreme Court to make sure that cultural practitioners are included. Kalekoa stood up for language in the courts, what did he gain from that. They came forward they said they were wrong and his bench warrant was released. Those are little things that we have out there that our people are fighting for to ensure that our Government and that these principles are protected. That is important to protect. If you can strengthen that in my notes I say go for it.

We are a government in waiting, we are entitled to reparations and we should exercise whatever we can do receive all of the entitlements. It will only benefit the people of Hawaii down the road. I sit around this table and when we have small victories, it might be small, we don't get any return, but yet it acknowledges that this is our homeland. We were here before all that came now that makes up the Hawaii that is known today. But we are protecting their entitlements and their rights. Au mau a mau was Auntie Frenchy DeSoto's favorite line. For au mau a mau, that means forever. That is what we are looking for stuff that will be available down the road, au mau a mau, forever. You don't want me to fight with you, it might be best for you to say nothing Trustee.

**Trustee Keli'i Akina** – I am going to give you good news. I want to go on record in agreement with you. I have always agreed and believed that the fiduciary duty of the Trustee is to see that the resources go to the Hawaiian people and I have never advocated that the resources of OHA should go to others. But I believe that as the Hawaiians flourish all people flourish. We are on the same side Madame Chair. Thank you.

**Chair Colette Machado** – I guess you can work that out with Carol and we can notify the Trustees when the next round will occur of our discussion for reviewing. Do you see if coming after the elections?

**Lisa Watkins-Victorino** – This is the first phase, before we move to the next phase. What I heard today I just want to clarify before we leave the table. Based on what I've heard there doesn't seem to be any real changes or desire to change the mission and vision and roles. We might need some clarification on our mission and vision and that might come through the Strategies about nation building, self-determination, and those concepts. But the wording currently on the mission and vision is ok and we can move forward. I just want to make sure that I paraphrased that.

**Trustee Carmen Hulu Lindsey** – I think what we didn't touch on today and probably the Trustees may want an input on is the order of priorities of our strategies.

**Lisa Watkins-Victorino** – That will actually be in the next phases. So this was just to lay out foundation and make sure that this is our guidepost and making sure that we understand on what we are obligated to do, what we need to do, what we value and how we are going to make sure that all of that is aligned moving forward.

**Trustee Keli'i Akina** – I just had a suggestion. I was impressed by some of the comments that were made by Ka Pouhana and others about the value of the word lāhui. Maybe the group can bounce around whether we replace nation with lāhui in the actual mission statement. I will just throw that out as a brainstorming question.

**Chair Colette Machado** – Before we move on community concerns, did you want to comment?

**Kamana'opono Crabbe** – One of the take away for me is Trustee John Waihe'e IV's mana'o about at the time, I don't know when it was, that particular sharing regarding capturing the mana'o or the thought and the discussion and emotions by the Trustees at that time helps to bring greater clarity of the vision Ho'oulu Lāhui Hawaii and really get around more toward a deeper understanding of Hawaiian people and serving our Hawaiian Community with that. I think that is very rich in helping as we move forward to provide to the greater dialogue of what we will come up regarding those particular issues of lāhui, nation hood. I think it's been important, like Mehana shared, who we are now, what we value, but what future directions we want to become or want to head towards. And I think as Lisa has shared there has been greater input and clarification in terms of what we are interpreting our kuleana to be. I think foundationally through law and the constitution OHA is the designated entity for a governing entity or for reparations. So that is solid. Beyond that whether or not we take lead in a nation building effort or initiative or how we help the community to work towards greater consensus of self-determination through facilitating, bringing other groups together as well we funding it maybe helps better understand what our niche, what can we do and what we do not want to do in supporting our community moving forward.

**Chair Colette Machado** – My last comment if Kama is in the room, is to acknowledge the 'ōlelo Hawaii. Because in our agenda's we try to do Hawaiian and English. We don't have anyone that we rely on to do the Hawaiian and English. Perhaps the mission could be included with 'ōlelo Hawaii.

**Kamana'opono Crabbe** – Both maybe the vision and the mission.

**Chair Colette Machado** – This was tremendous work done by staff. We will move on to Community Concerns.

**VI. EXECUTIVE SESSION – Deferred**

*Chair Colette Machado announced at the beginning of the meeting that the executive session items would be deferred.*

- 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. **July 26, 2018**

**VII. COMMUNITY CONCERNS**

**Chair Colette Machado** – We do have one person signed up for community concerns. Keoki Fukumitsu to the table please.

**Mr. Keoki Fukumitsu** – Good morning. I came here on a request from the Molokai Kuleana landowners on an audit on the City on taxing our kuleana lands.

**Chair Colette Machado** – Are you talking about Hanapi?

**Mr. Fukumitsu** – Hanapi, yes. But in general, it’s talking about myself as well. We are being taxed a heck out of our homes, our lands, our jobs, the high cost of living, you know. It is at a value of \$10 million per home. I been on kuleana lands, my family and myself, fighting 130 years of kuleana rights. The moment I walked in and saw what was on the PowerPoint I totally agree because the circle is huge on the direction and the course OHA should be following. The circle up here was huge and I was impressed. The order was just follow the directions over here what we should be doing. Job security is huge; personally, I am fighting to try to get acquisition back on my own family lands. Just through my never quit, never give up; I ended up going in a full circle. I prayed about it and I have been involved with a lot of kupuna. I have been in the movement Kahoolawe and all the sovereign stuff. But if you broke, you aren’t going to go too far.

Here I look at our kids. I probably had about 20,000 kids on my farm. I’ve help coordinate Kanawai up in up in Hawaiian studies 1978, Kahoolawe, I did a whole bunch of taro projects all over, very successful. I know we got education pretty primary here we got economics at the top. So if you look at Governor Abercrombie’s statement in congress. You know what he said right, it’s not about the tradition, about the constitution, it’s about the asset, equity. We got 1.8 million acres of so called native claim lands; we got 240,000 of Hawaiian Home Lands. Here we have all these curriculum going on, I see everybody’s projects jamming away. I believe when we go into the field we need reconnaissance team that seriously goes in and looks, for example Oahu’s economic development, the future of Oahu in general, of course when you talk about Molokai you talk about the Tri Isle. Maui, Molokai and Lanai it’s not just about Molokai right. But all this stuff, I have 12 grandchildren we’ve been planting taro for 150 years. I still planting taro as a grandpa at 65 so how I going save them. The difference between me and everyone else is I get poi in my bowl and I get fish right on my doorstep.

I been part of the taro security task force. We made a lot of recommendation to the Hawaii Revised Statutes. This is nothing new we don’t have to reinvent the wheel. It is the revised statutes of the Kingdom, under the King established 7 executive positions. Leg, Judiciary, he brought in the Judge to maintain all of this. How do you quite title the land back from Kamehameha the I and II and so forth? In Waiahole that is how Ariyoshi purchased the land, it was for conservation, preservation in perpetuity and to promote the diversified Ag. We have land water and ocean. Kaneohe by is the largest lagoon in the whole pacific and I am going to use my back yard. I am not going to try save everybody; I have to save myself first. We have 9 ahupua’a going to an estuary and our aquifer. Serious things how do we create jobs through our curriculum to establish our own economic development. I see a lot of education stuff but what was on the board was really clear. Here I am speaking on behalf of saving our children. I have had 20,000 children from K to 12 visit my area. I did all the courses SBA on small business ownership. I have

my nonprofit, I have my for profit I got a contract through Kamana'o admin. I ended going out there I went through 19 judges, 15 years in enormous trauma. The district court the Supreme Court I had Legislature protect me from the Attorney General on my request to exempt land tax, income tax and general excise tax. Laura Thielen sided with me she told the Attorney General no, what Keoki is saying is true. Our kids need grounds to get on their two feet so at least they get one home in the further and they can look at security. Because the assessment and the appraisal that's just getting carried away. No matter how much money you make you need to be a millionaire to even start to get a job. Here we have land, water, ocean we have all these things on the table.

There was a direction over there clear. I don't think we need to be too picky. I hear all the groups we are sovereign, we have to protect the Hawaiian Kingdom and this and that. But really what it boils down to is, where is the general funds going to and how is the general funds appropriated and directed and managed. What is the priority? So when reconnaissance team go out there I want to hear a report back. I got all kinds of contract with OHA. And there is the pros and cons. I just want to stay on the positive part on it. I had to end up standing on my own two feet, go back to DLNR, Land Legacy, go back to the City clean all the act. I had to bug the Mayor and Governor and go out of my way planting the taro coming all the way out of the land to get a million dollars to buy my grandma's land back. My grandma's last will, testament, and family trust. What more you need I thought there is supposed to be a trust to protect all our 'āina.

I believe we cannot get to picky. The writing on the wall, the last two gentlemen were fabulous. So it doesn't matter in the general way it is job security and food security and to protect our land, water and ocean. The County Planning commission refers back to Board of Water supply for development. They already know we cannot develop. I am going to stop there. There bottom line is that we are being over taxed and it is nailing us. I got 12 grandchildren. I am fighting tooth and nail. Right Colette, we've been together a long time. I want to be on the good side with everybody and you got my number, my email we should have a weekly correspondence. We are getting old, the next generation is confused we need good leadership. So the preservation in the ahupua'a was established. When I dealt with the Mayor and my approach to protect Waikane Valley a 500 acre project there, all this stuff is designated by the people. The City and State never come there as a handout or some good deed. The people demanded it. Now we have it, and we have to maintain it and move on and try to use our natural resources, resources management two birds with one stone. You know one fish in the bowl and two fish back in the ocean kind of stuff. Thank you very much.

**Chair Colette Machado** – Mahalo Keoki, maybe Kamana'o you can assign someone to talk with him after the meeting.

**Kamana'opono Crabbe** – We have been trying to assist Keoki both legally but also bureaucratically. Some of his issues have pertained to the State as well as with the County. Trying our best to help what we can for him to retrieve ownership as much as possible his kupuna or ancestral lands in Hakipu'u.

**Chair Colette Machado** – Any other testifiers, hearing none we will move on.

## **VIII. ANNOUNCEMENTS**

None

## **IX. ADJOURNMENT**

**Chair Colette Machado** – Having no further business I would 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** – It has been moved and seconded. 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						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5			4
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with five (5) yes votes and four (4) excused.						

The meeting was adjourned at 11:37 am.

Respectfully submitted,

\_\_\_\_\_  
Dayna Pa, Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_.

\_\_\_\_\_  
Colette Y. Machado, Chairperson  
Board of Trustees

Attachments:

1. Excuse memo from Trustee Dan Ahuna
2. Excuse memo from Trustee Rowena Akana
3. Excuse memo from Trustee Peter Apo
4. PowerPoint Presentation Lisa Watkins-Victorino: Strategic Planning Phase1: OHA's Identity September 27, 2018
5. PowerPoint Presentation Everett: OHA Statutory References, in support of OHA Strategic Plan 2020+
6. PowerPoint Presentation Mehana Hind: Mission Statement, Vision Statement, Strategy, Goals & Objectives
7. PowerPoint Presentation Miles: Roles of the Office of Hawaiian Affairs, September 27, 2018)



OFFICE OF  
HAWAIIAN AFFAIRS  
STATE OF HAWAII  
RECEIVED-BOT

---

Office of Trustee Dan Ahuna  
OFFICE OF HAWAIIAN AFFAIRS  
Interoffice Memorandum

2018 SEP 25 P 12:25

Date: September 25, 2018

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

From: Trustee Dan Ahuna

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

Subject: **BOT Meeting Absence**

---

I am unable to attend the BOT meeting scheduled for September 27, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.



---

**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana 'o a ke Ke'ena Kuleana Hawai'i*

---

To: Chairperson Colette Y. Machado

From: Trustee Rowena Akana

Date: September 24, 2018

Re: Excused Absence

---

Please be advised that I am unable to attend the Board of Trustees meeting on September 27, 2018 at 9:30 A.M. due to travel on official OHA business.

Mahalo!



INTEROFFICE MEMORANDUM

**TO:** Trustee Colette Machado, BOT Chair  
Trustee Dan Ahuna, BOT Vice-Chair

**FROM:** Trustee Peter Apo

**DATE:** September 25, 2018

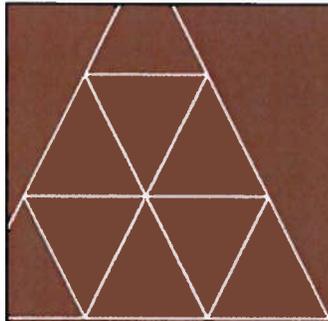
**RE:** BOT Meeting Absence on September 27, 2018

---

I am unable to attend the BOT Meeting on Thursday, September 27, 2018 at 10 a.m. Please excuse my absence and extend my apologies to the members of the Board.

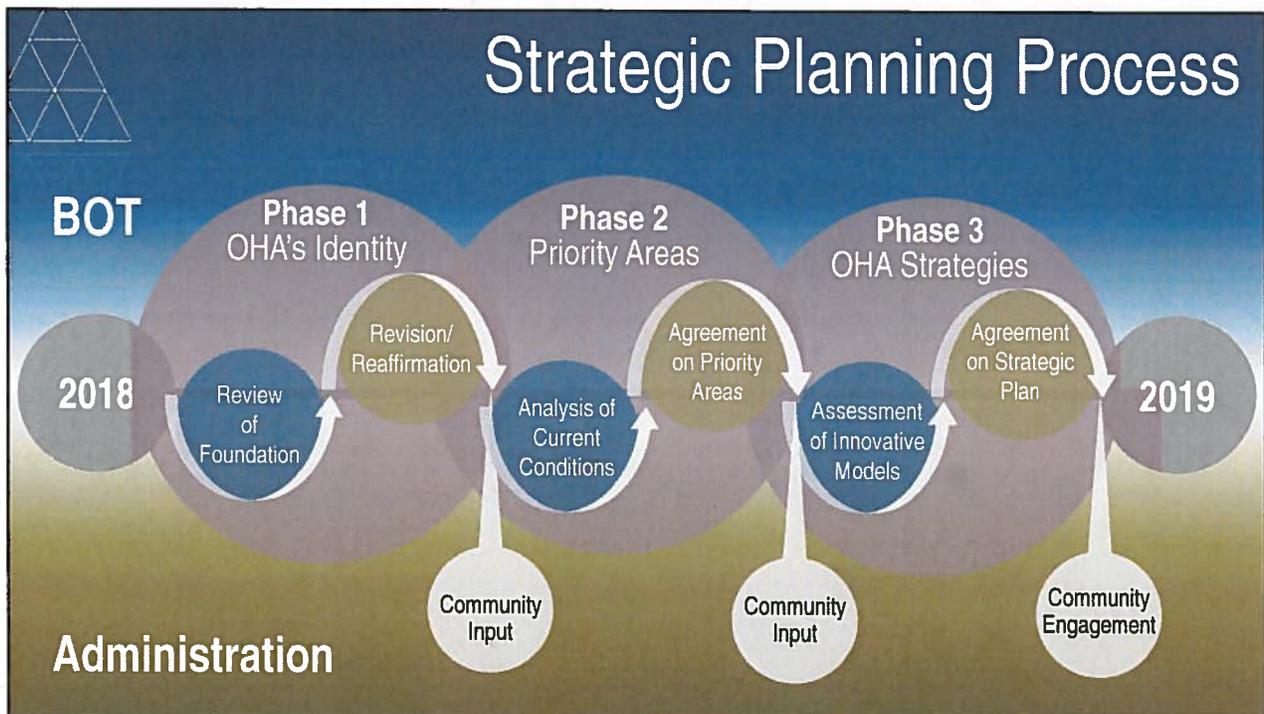
If you have any questions, please call my office at 594-1879.

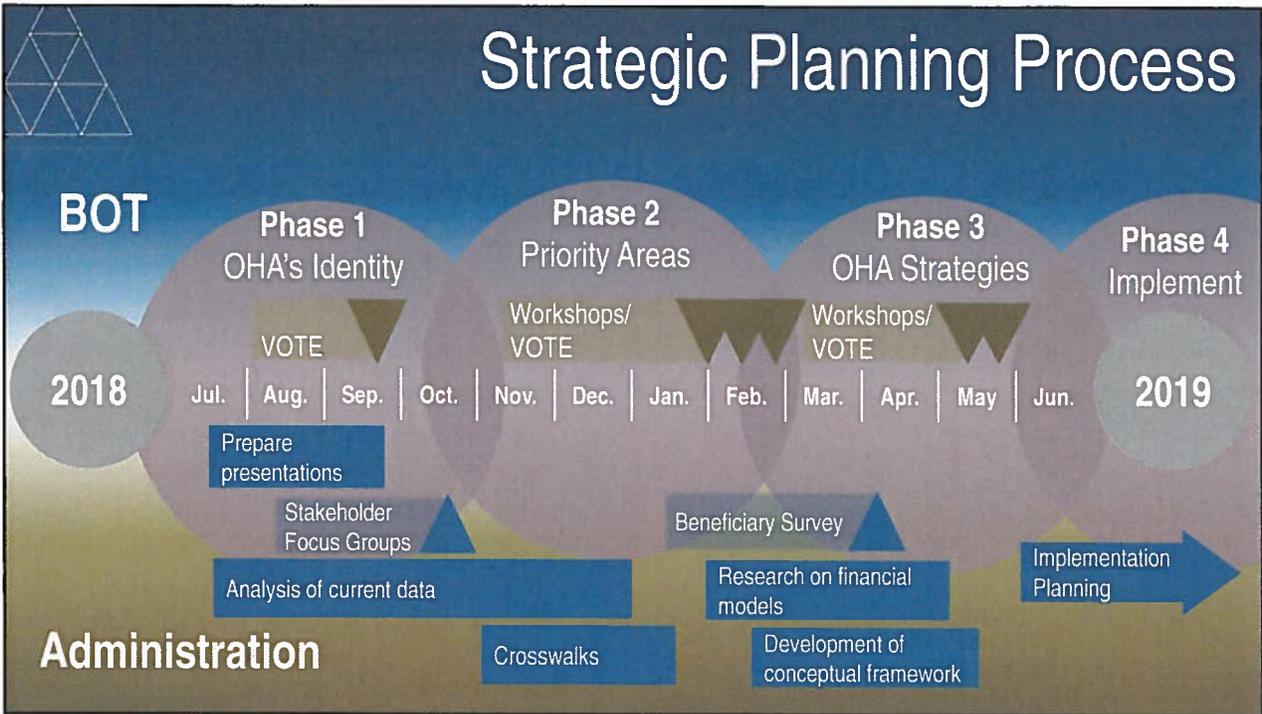
Mahalo.



# Strategic Planning Phase 1: OHA's Identity

September 27, 2018





## Strategic Planning Phase 1: OHA's Identity

- OHA Statuary Reference Presentation
- Mission and Vision Presentation
- Roles of the Office of Hawaiian Affairs Presentation
- Discussion

# OHA Statutory References

in support of OHA Strategic Plan 2020+

Everett Ohta, Esq.  
OHA Corporation Counsel

## Presentation overview

- I. Constitutional and statutory basis for OHA
- II. OHA statutory requirements
- III. OHA powers

## I. OHA constitutional basis

- OHA established under Hawai'i Constitution art. XII, sec. 5.
  - Led by OHA Board of Trustees
  - Exercise powers enumerated in Haw. Const. art. XII, sec. 6.
- Owing to the trust obligation to native Hawaiians in the state constitution, OHA was established to address the needs of the aboriginal class of people of Hawai'i (HI Rev. Stat. ch.10)

## I. OHA statute – HRS ch. 10

- OHA's broad mandates are set forth under state law (HRS ch. 10)
- Purposes of OHA:
  - The betterment of conditions of native Hawaiians and Hawaiians;
  - Serving as the principal public agency for the performance, development, and coordination of programs and activities relating to Native Hawaiians;
  - Assessing the policies and practices of other agencies impacting on Native Hawaiians and conducting advocacy efforts;
  - Applying for, receiving, and disbursing, grants and donations for NH programs and services;
  - Serving as a receptacle for reparations.

## I. OHA statute – HRS ch. 10

- OHA requirements
- OHA powers

Other federal, state, and county laws also apply

## II. OHA statutory requirements and references

- |                                   |                  |                        |
|-----------------------------------|------------------|------------------------|
| • 20 USC 7514(b)                  | • HRS 10-6(a)(5) | • HRS 200D-2           |
| • 42 USC 2991b-1                  | • HRS 10-6(a)(6) | • HRS 210D-5           |
| • Hawai'i Const. art. XII, sec. 5 | • HRS 10-6(a)(7) | • HRS 225P-3           |
| • HRS 4E-1                        | • HRS 10-6(a)(8) | • HRS 304A-1903        |
| • HRS 6E-3                        | • HRS 10-6(a)(9) | • HRS 304A-1904        |
| • HRS 6E-17                       | • HRS 10-13      | • HRS 346-382          |
| • HRS 6E-43                       | • HRS 10-13.5    | • HRS 353F-4           |
| • HRS 6E-43.5                     | • HRS 10-14.5    | • HRS 560:2-105.5      |
| • HRS 6E-43.6                     | • HRS 10-14.5(c) | • HRS 669-2            |
| • HRS 6K-5                        | • HRS 10-14.55   | • Act 178 (SLH 2006)   |
| • HRS 10-3(4)                     | • HRS 10-14.6    | • Act 104 (SLH 2017)   |
| • HRS 10-3(5)                     | • HRS 10-15      | • Act 185 (SLH 2017)   |
| • HRS 10-3(6)                     | • HRS 10-17      | • HCC 2-226(b)         |
| • HRS 10-4.5                      | • HRS 10-19      | • HCC 19-89.5          |
| • HRS 10-6(a)(1)(A), (B)          | • HRS 10-42      | • KCC 5A-11.29         |
| • HRS 10-6(a)(1)                  | • HRS 23-12      | • MCC 2.88.030         |
| • HRS 10-6(a)(2)                  | • HRS 90-5       | • MCC 3.48.554         |
| • HRS 10-6(a)(3)                  | • HRS 171-50     | • MCC 19.510.010(D)(9) |
| • HRS 10-6(a)(4)                  | • HRS 171-64.7   | • ROH 8-10.32          |

## II. OHA statutory requirements and references

### Other sources of obligations for OHA:

- Responsibilities assumed by agreement or administrative process
  - Examples: HLID program, Papahānaumokuākea co-trustee
- Responsibilities as a government agency
  - Examples: procurement code, Sunshine law, ethics code
- Engagement as the principle public agency responsible for Native Hawaiian programs and advocacy
  - Examples: cultural site preservation, health consortium, water rights
- Fiduciary duties of Trustees and OHA
  - Examples: duty of care, duty of loyalty

## II. OHA statutory requirements and references

- |                                   |                  |                        |
|-----------------------------------|------------------|------------------------|
| • 20 USC 7514(b)                  | • HRS 10-6(a)(5) | • HRS 200D-2           |
| • 42 USC 2991b-1                  | • HRS 10-6(a)(6) | • HRS 210D-5           |
| • Hawai'i Const. art. XII, sec. 5 | • HRS 10-6(a)(7) | • HRS 225P-3           |
| • HRS 4E-1                        | • HRS 10-6(a)(8) | • HRS 304A-1903        |
| • HRS 6E-3                        | • HRS 10-6(a)(9) | • HRS 304A-1904        |
| • HRS 6E-17                       | • HRS 10-13      | • HRS 346-382          |
| • HRS 6E-43                       | • HRS 10-13.5    | • HRS 353F-4           |
| • HRS 6E-43.5                     | • HRS 10-14.5    | • HRS 560:2-105.5      |
| • HRS 6E-43.6                     | • HRS 10-14.5(c) | • HRS 669-2            |
| • HRS 6K-5                        | • HRS 10-14.55   | • Act 178 (SLH 2006)   |
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| • HRS 10-3(6)                     | • HRS 10-17      | • HCC 2-226(b)         |
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| • HRS 10-6(a)(1)(A), (B)          | • HRS 10-42      | • KCC 5A-11.29         |
| • HRS 10-6(a)(1)                  | • HRS 23-12      | • MCC 2.88.030         |
| • HRS 10-6(a)(2)                  | • HRS 90-5       | • MCC 3.48.554         |
| • HRS 10-6(a)(3)                  | • HRS 171-50     | • MCC 19.510.010(D)(9) |
| • HRS 10-6(a)(4)                  | • HRS 171-64.7   | • ROH 8-10.32          |

### OHA – Advocacy (*Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs*)

- HRS 10-3(4)
- HRS 10-6(a)(2)
- HRS 10-15
- HRS 10-42
- HRS 6E-3
- HRS 6E-17
- HRS 6E-43
- HRS 6E-43.5
- HRS 6E-43.6
- HRS 171-50
- HRS 171-64.7
- HRS 304A-1903
- HRS 304A-1904
- HCC 2-226(b)
- MCC 2.88.030
- MCC 19.510.010(D)(9)

## II. OHA statutory requirements and references

OHA – Advocacy (*Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs*)

- Assist with planning for state/county plans for Native Hawaiian programs and services (HRS 10-6(a)(2))
- Prepare and submit special reports as required by Legislature (HRS 10-15)
- Administer Native Hawaiian law training course (HRS 10-42)
- Submit nominee lists to Governor for island burial councils (HRS 6E-43.5)
- Submit nominee lists to Maui and Hawai'i mayors for respective Cultural Resources Commissions, when requested (HCC 2-226(b), MCC 19.510.010(D)(9))

## II. OHA statutory requirements and references

OHA – Advocacy (*Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs*)

Consulting agency on Native Hawaiian issues and conducting advocacy for Native Hawaiians (HRS 10-3(4)). *Excludes OHA representation on boards and commissions and laws requiring consultation Native Hawaiian organizations, including OHA.*

- Consult on proposed public land sales and exchanges (HRS 171-50; 171-64.7)
- Consult on Maunakea rulemaking related to traditional and customary rights and administrative fines (HRS 304A-1903; 304A-1904)
- Consult on rulemaking on burial site relocation, rulemaking on burial council appointment, cultural site confidentiality, and upon the inadvertant discovery of burial sites. (HRS 6E-17; 6E-43; 6E-43.5; 6E-43.6)
- Consult on access permits to cultural site, via Native Hawaiian Historic Preservation Council (HRS 6E-3(17))
- Consult on planning applications and preservation plans in the County of Maui (MCC 2.88.030)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- 42 USC 2991b-1
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(5)
- HRS 10-3(6)
- HRS 10-4.5
- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(1)
- HRS 10-6(a)(3)
- HRS 10-6(a)(4)
- HRS 10-6(a)(5)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(8)
- HRS 10-6(a)(9)
- HRS 10-13
- HRS 10-13.5
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 10-19
- HRS 23-12
- HRS 90-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

### OHA – Community Engagement

*(Community Outreach, Digital and Print Media, Hawaiian Registry programs)*

- HRS 10-6(a)(3)
- HRS 10-19

## II. OHA statutory requirements and references

OHA – Community Engagement *(Community Outreach, Digital and Print Media, Hawaiian Registry programs)*

- Maintain an inventory of federal, state, county, and private Native Hawaiian programs and services for referral (HRS 10-6(a)(3))
- Establish a registry of all Native Hawaiians (HRS 10-19)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- 42 USC 2991b-1
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(5)
- HRS 10-3(6)
- HRS 10-4.5
- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(1)
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- HRS 10-6(a)(7)
- HRS 10-6(a)(8)
- HRS 10-6(a)(9)
- HRS 10-13
- HRS 10-13.5
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 23-12
- HRS 90-5
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- HRS 210D-5
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- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

### OHA – Research *(Program Improvement; Land, Culture and History; Special Projects; Demography programs)*

- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(5)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

## II. OHA statutory requirements and references

### OHA – Research *(Program Improvement; Land, Culture and History; Special Projects; Demography programs)*

- Conduct and support research related to Native Hawaiians (HRS 10-6(a)(5))
- Compile demographic data and identify the physical, sociological, psychological, and economic needs of Native Hawaiians (HRS 10-6(a)(1)(A), (B))
- Provide kuleana land tax ancestry verification (HCC 19-89.5; KCC 5A-11.29; MCC 3.48.554; ROH 8-10.32)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- 42 USC 2991b-1
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(8)
- HRS 10-6(a)(9)
- HRS 10-13
- HRS 10-13.5
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 23-12
- HRS 90-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

### OHA – Resource Management – Financial Assets *(Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs)*

- 42 USC 2991b-1
- HRS 10-3(5)
- HRS 10-4.5
- HRS 10-6(a)(8)
- HRS 10-13
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 23-12

## II. OHA statutory requirements and references

### OHA – Resource Management –Financial Assets *(Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs)*

- Make disbursements via OHA instruments and make deposits (HRS 10-4.5)
- Administer federal funds allotted by federal act for Native Hawaiians; deposit such funds in depositories and report such funds to the state comptroller (HRS 10-6(a)(8); 10-13)
- Establish a revolving loan funds for underserved Native Hawaiian organizations and individuals (42 USC 2991b-1)

## II. OHA statutory requirements and references

OHA – Resource Management –Financial Assets (*Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs*) - continued

- Prepare a budget, program/financial plans, and variance reports and submit to legislature. Budget must be provided to beneficiaries for input, along with an accounting of funds expended and the effectiveness of programs (HRS 10-14.5)
- Comply with state auditor in its audit every four years and review of OHA special, revolving, and trust funds. (HRS 10-14.5(c); 14.55; 23-12)
- Apply for and disburse grants for Native Hawaiian programs and services (HRS 10-3(5); 10-17)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(6)
- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)
- HRS 10-13.5
- HRS 90-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

OHA – Resource Management-  
Land Assets (*Commercial Property Management, Land and Property Management, Hālawā-Luluku Interpretive Development programs*)

- Hawai'i Const. art. XII, sec. 5
- HRS 560:2-105.5
- HRS 669-2

## II. OHA statutory requirements and references

OHA – Resource Management-Land Assets (*Commercial Property Management, Land and Property Management, Hālawā-Luluku Interpretive Development programs*)

- Hold property in trust for Native Hawaiians (Hawai'i Const. art. XII, sec. 5)
- Develop a land management plan for kuleana lands where an interest escheats to the state (HRS 560:2-105.5) Represent itself in quiet title or adverse possession cases where OHA has been named as a defendant (HRS 669-2)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(6)
- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)
- HRS 10-13.5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HRS 90-5

### OHA – generally

- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-13.5
- HRS 10-15
- HRS 21F-8
- HRS 90-5
- Act 178 (SLH 2006)

## II. OHA statutory requirements and references

### OHA – generally

- Develop a Strategic Plan that provides for the compilation of demographic data, identification of the needs of Native Hawaiians, establishment of long-range goals, establishment of priorities and alternatives, and organizes OHA facilities and personnel (HRS 10-6(a)(1))
- Expend annual Public Land Trust funds for the benefit of native Hawaiians (HRS 10-13.5; Act 178 (SLH 2006))
- Prepare an annual report on OHA's activities, income, and expenditures, as well as volunteer statistics (HRS 10-15; 90-5)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(6)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

### OHA – generally (representative)

- 20 USC 7514(b)
- HRS 4E-1
- HRS 6K-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

## II. OHA statutory requirements and references

### OHA – generally (representative on boards and commissions)

- Native Hawaiian Education Council (20 USC 7514(b))
- State Board on Geographic Names (HRS 4E-1)
- Kaho’olawe Island Reserve Commission (HRS 6K-5)
- Kāne’ohe Bay Regional Council (HRS 200D-2)
- Community-Based Economic Development Advisory Council (HRS 210D-5)
- Hawai’i Climate Change Mitigation and Adaptation Commission (HRS 225P-3)
- Hawai’i Interagency Council on Homelessness (HRS 346-382)
- Corrections Population Management Commission (HRS 353F-4)
- Dark Night Skies Protection Advisory Committee (Act 104 (SLH 2017))
- Temporary Comm’n on the 13th Festival of the Pacific Arts (Act 185 (SLH 2017))

## II. OHA statutory requirements and references

- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

### OHA – unassigned

- HRS 10-3(6)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

- HRS 10-3(6)

## II. OHA statutory requirements and references

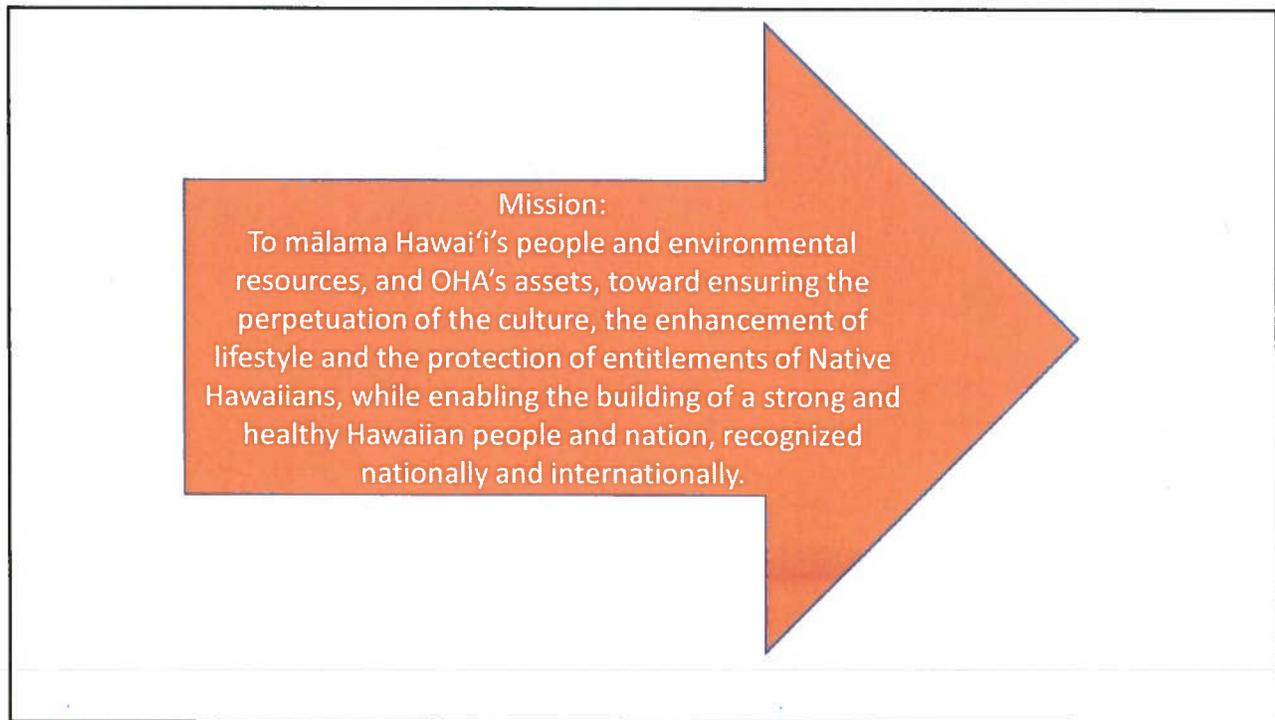
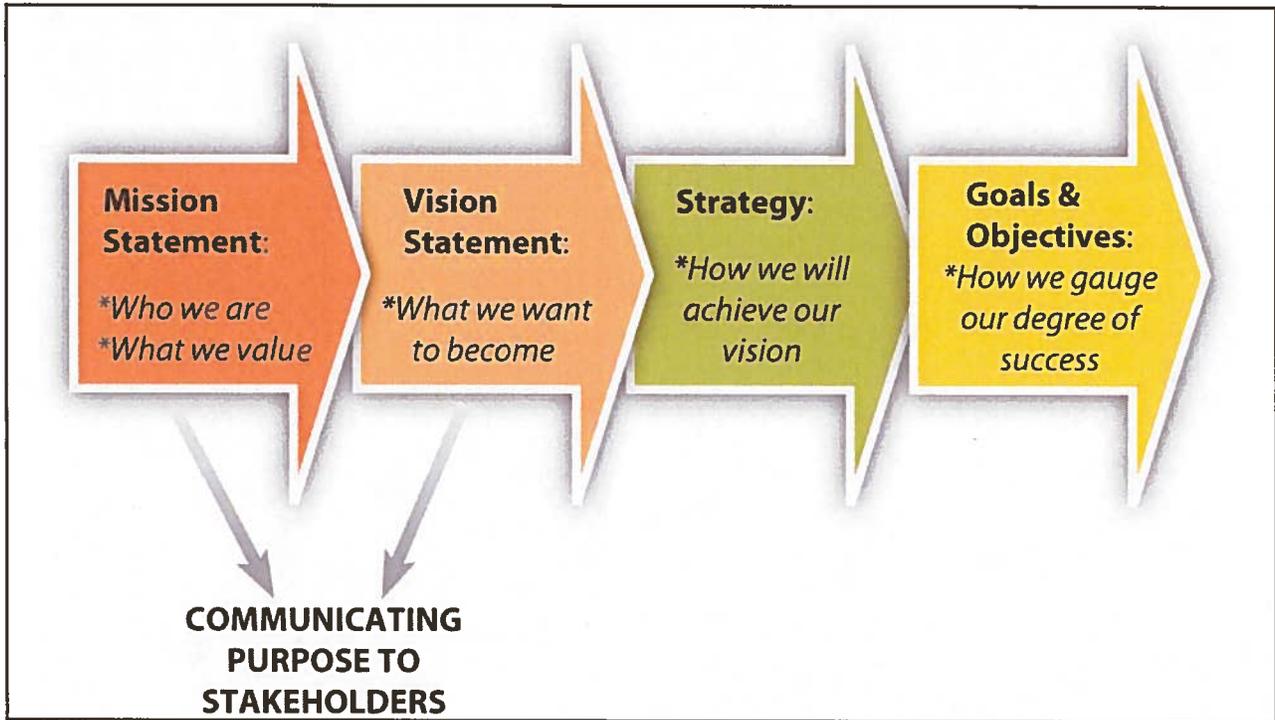
### OHA – unassigned

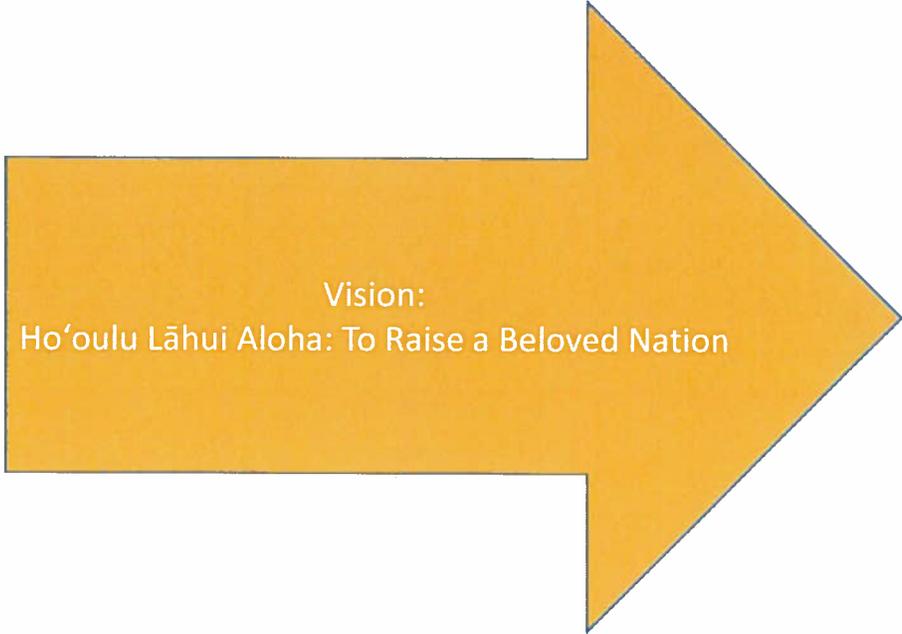
- Serve as a receptacle for reparations (HRS 10-3(6))
- Develop and review models for comprehensive Native Hawaiian programs (HRS 10-6(a)(6))
- Act as a clearinghouse for applications for federal and state assistance for Native Hawaiian programs and projects (HRS 10-6(a)(7))
- Promote establishment of agencies to serve Native Hawaiians (HRS 10-6(a)(9))

## III. OHA powers

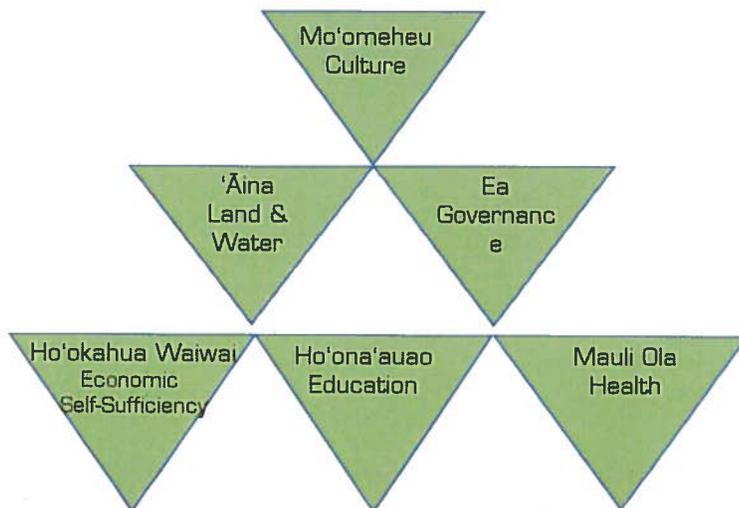
- OHA powers established in Hawai'i Constitution and enumerated in HRS chapter 10, specifically HRS 10-4, HRS 10-5, HRS 10-22, in addition to the powers necessary to perform the duties in HRS chapter 10.
- OHA may also retain its own attorneys and utilize volunteers

NEXT: OHA's Mission and Vision





Vision:  
Ho'oulu Lāhui Aloha: To Raise a Beloved Nation



# Lili'uokalani Trust

## VISION

e nā kamalei lupalupa  
*Thriving Hawaiian Children*



## MISSION

*We believe in the resiliency of all Native Hawaiian children. We advocate for their wellbeing and build them pathways to thriving lives.*

# Kamehameha Schools

## Mission

Kamehameha Schools' mission is to fulfill Pauahi's desire to create educational opportunities in perpetuity to improve the capability and well-being of people of Hawaiian ancestry.

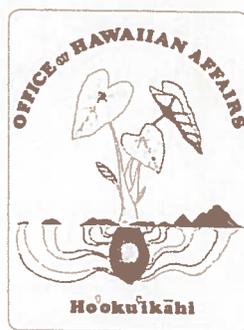
## Vision Statement

Within a generation of twenty-five years, we see a thriving lāhui where our learners achieve postsecondary educational success, enabling good life and career choices. We also envision that our learners will be grounded in Christian and Hawaiian values and will be leaders who contribute to their communities, both locally and globally.

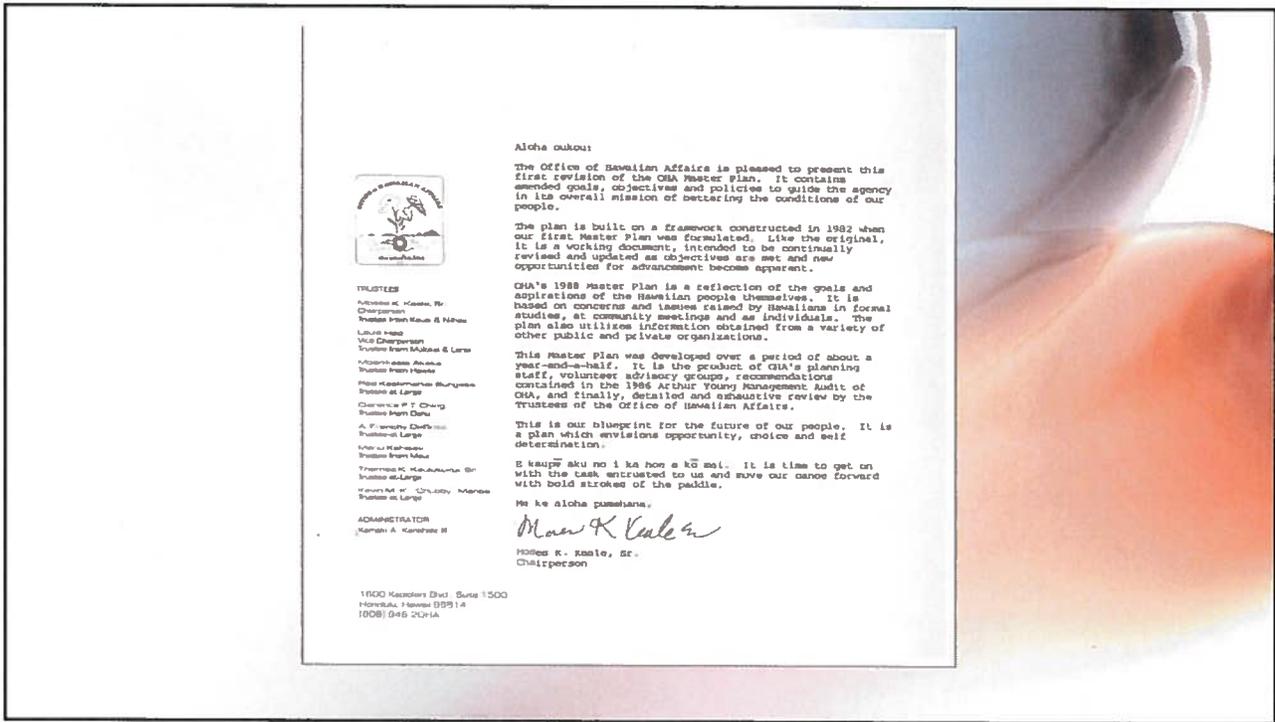


# ROLES OF THE OFFICE OF HAWAIIAN AFFAIRS

September 27, 2018



MASTER PLAN



**Aloha oukou:**

The Office of Hawaiian Affairs is pleased to present this first revision of the OHA Master Plan. It contains amended goals, objectives and policies to guide the agency in its overall mission of bettering the conditions of our people.

The plan is built on a framework constructed in 1982 when our first Master Plan was formulated. Like the original, it is a working document, intended to be continually revised and updated as objectives are met and new opportunities for advancement become apparent.

OHA's 1988 Master Plan is a reflection of the goals and aspirations of the Hawaiian people themselves. It is based on concerns and issues raised by Hawaiians in formal studies, at community meetings and as individuals. The plan also utilizes information obtained from a variety of other public and private organizations.

This Master Plan was developed over a period of about a year-and-a-half. It is the product of OHA's planning staff, volunteer advisory groups, recommendations contained in the 1986 Arthur Young Management Audit of OHA, and finally, detailed and exhaustive review by the Trustees of the Office of Hawaiian Affairs.

This is our blueprint for the future of our people. It is a plan which envisions opportunity, choice and self-determination.

E keupuni aku no i ka hona ka ma. It is time to get on with the task entrusted to us and move our canoe forward with bold strokes of the paddle.

Me ke aloha pumehana,

*Morris K. Kaine, Sr.*

Morris K. Kaine, Sr.  
Chairperson

**TRUSTEES**

- Adrian K. Kaine, Sr.  
Chairperson
- Mahealani Kaine & Nani
- Lelei Hagi  
Vice Chairperson
- Trustees from Maui & Lanai
- Mohiaka Ahiwa  
Trustee from Hawaii
- Mahealani Kaine  
Trustee at Large
- Cherrie P. Chung  
Trustee from Oahu
- A. F. Young, Director  
Trustee at Large
- Maria K. Kaine  
Trustee from Maui
- Thomas K. Macauliffe Sr.  
Trustee at Large
- Keoni A. Young, Member  
Trustee at Large

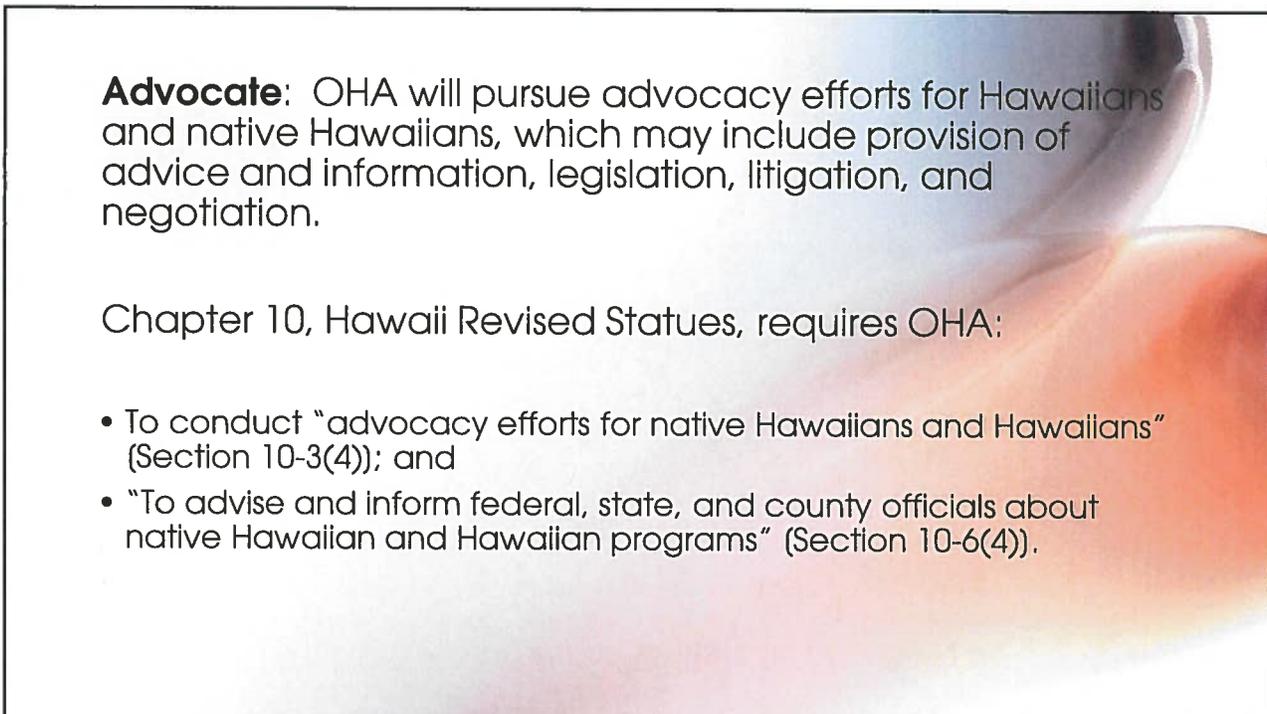
**ADMINISTRATOR**  
Morris A. Kaine, II

1100 Kapiolani Blvd. Suite 1500  
Honolulu, Hawaii 96814  
(808) 946-2414



**ROLES:**

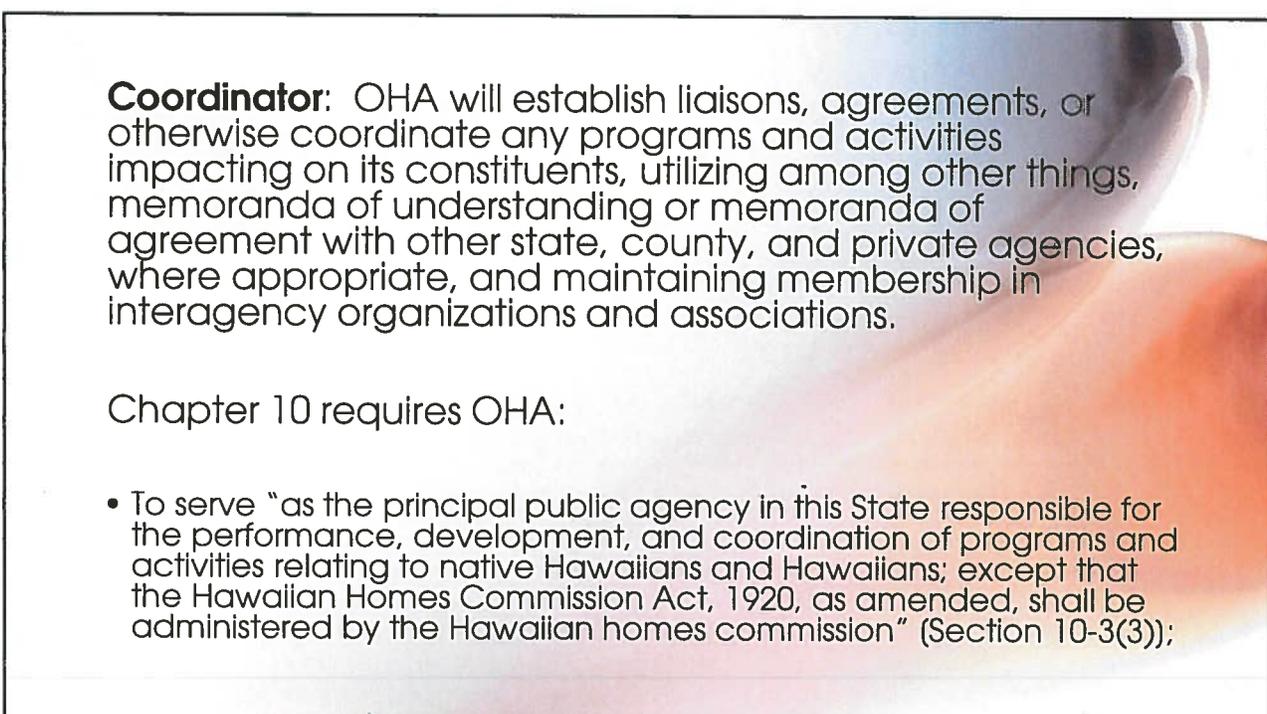
- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator/Provider of Services
- Trustee of Assets



**Advocate:** OHA will pursue advocacy efforts for Hawaiians and native Hawaiians, which may include provision of advice and information, legislation, litigation, and negotiation.

Chapter 10, Hawaii Revised Statutes, requires OHA:

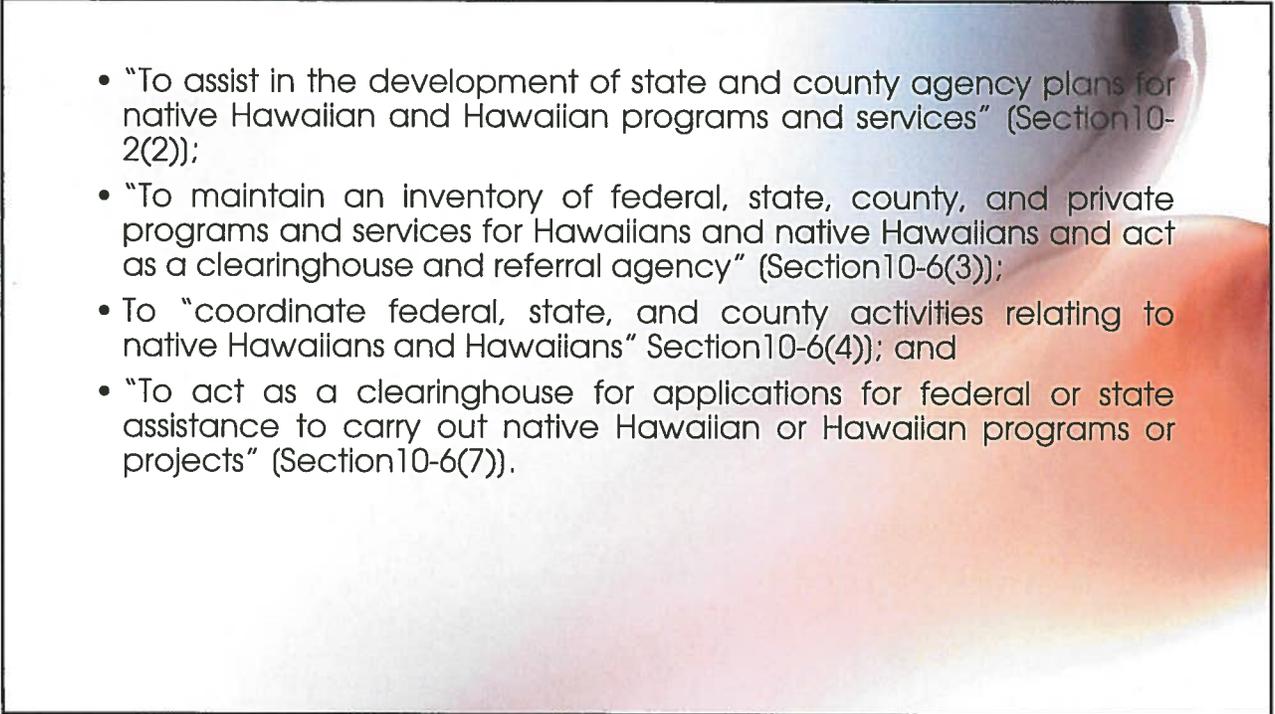
- To conduct “advocacy efforts for native Hawaiians and Hawaiians” (Section 10-3(4)); and
- “To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs” (Section 10-6(4)).

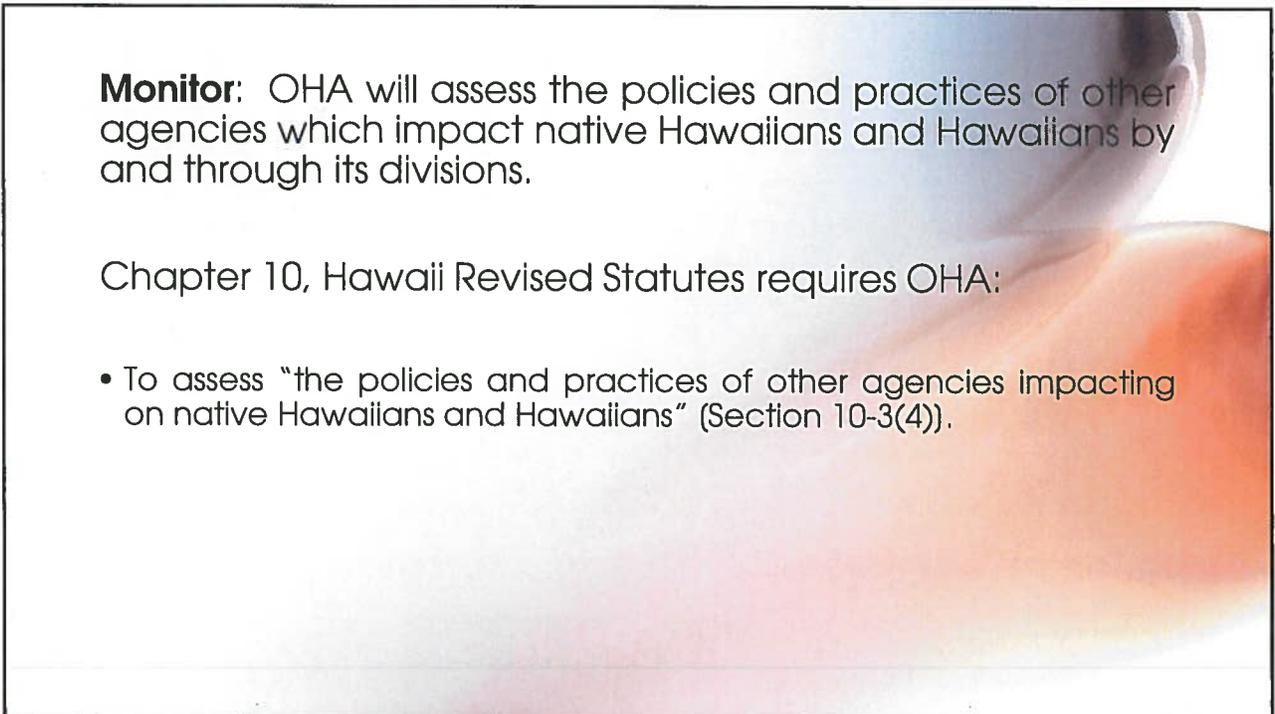


**Coordinator:** OHA will establish liaisons, agreements, or otherwise coordinate any programs and activities impacting on its constituents, utilizing among other things, memoranda of understanding or memoranda of agreement with other state, county, and private agencies, where appropriate, and maintaining membership in interagency organizations and associations.

Chapter 10 requires OHA:

- To serve “as the principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission” (Section 10-3(3));

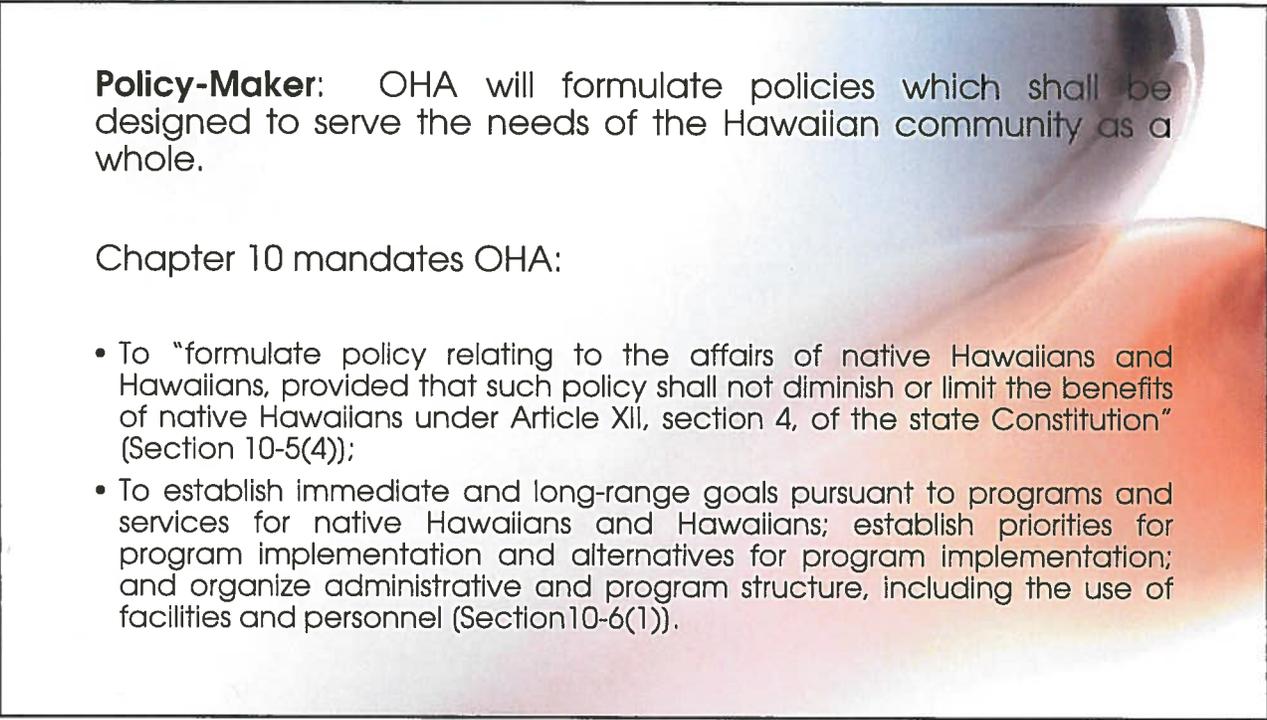
- 
- “To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services” (Section 10-2(2));
  - “To maintain an inventory of federal, state, county, and private programs and services for Hawaiians and native Hawaiians and act as a clearinghouse and referral agency” (Section 10-6(3));
  - To “coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians” Section 10-6(4); and
  - “To act as a clearinghouse for applications for federal or state assistance to carry out native Hawaiian or Hawaiian programs or projects” (Section 10-6(7)).



**Monitor:** OHA will assess the policies and practices of other agencies which impact native Hawaiians and Hawaiians by and through its divisions.

Chapter 10, Hawaii Revised Statutes requires OHA:

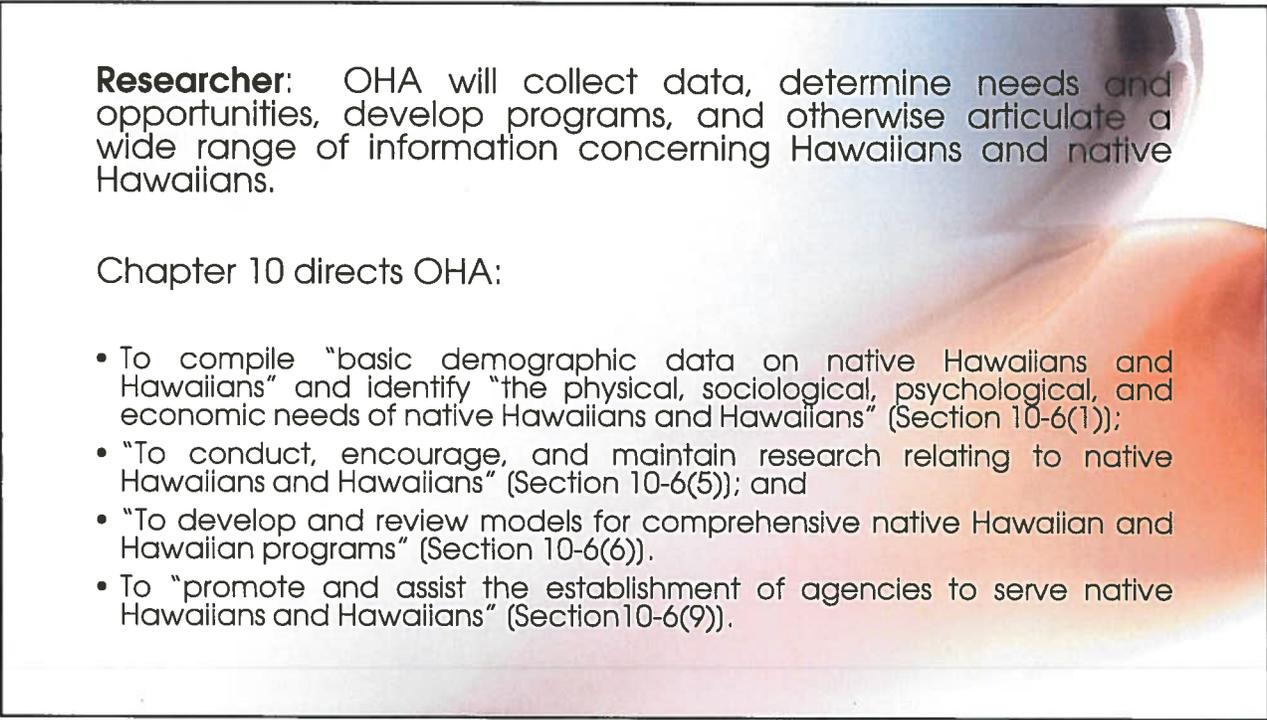
- To assess “the policies and practices of other agencies impacting on native Hawaiians and Hawaiians” (Section 10-3(4)).



**Policy-Maker:** OHA will formulate policies which shall be designed to serve the needs of the Hawaiian community as a whole.

Chapter 10 mandates OHA:

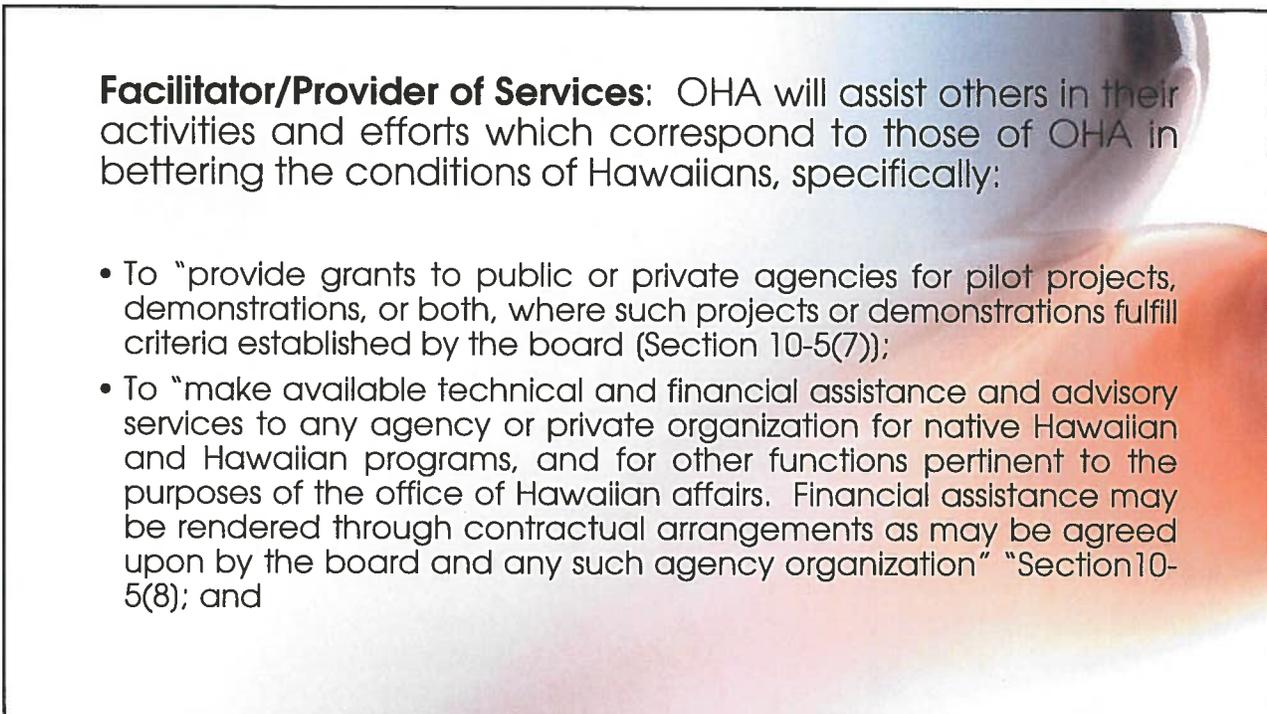
- To “formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under Article XII, section 4, of the state Constitution” (Section 10-5(4));
- To establish immediate and long-range goals pursuant to programs and services for native Hawaiians and Hawaiians; establish priorities for program implementation and alternatives for program implementation; and organize administrative and program structure, including the use of facilities and personnel (Section 10-6(1)).



**Researcher:** OHA will collect data, determine needs and opportunities, develop programs, and otherwise articulate a wide range of information concerning Hawaiians and native Hawaiians.

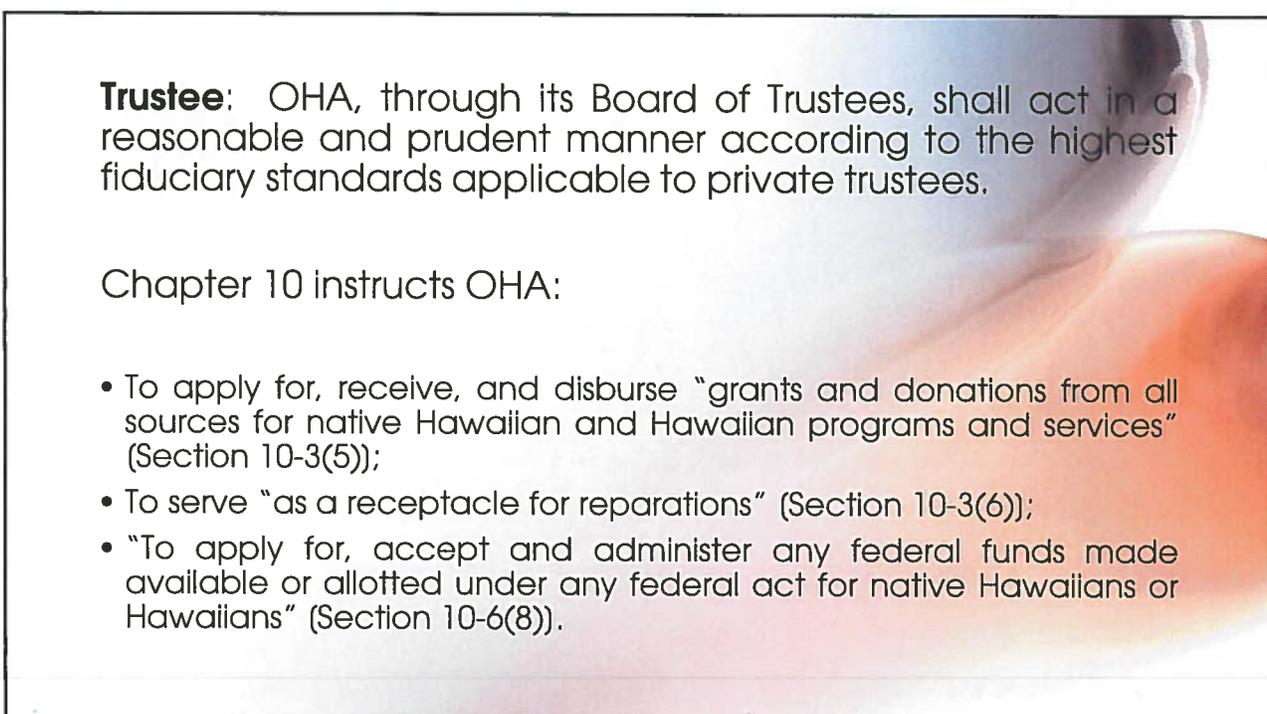
Chapter 10 directs OHA:

- To compile “basic demographic data on native Hawaiians and Hawaiians” and identify “the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians” (Section 10-6(1));
- “To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians” (Section 10-6(5)); and
- “To develop and review models for comprehensive native Hawaiian and Hawaiian programs” (Section 10-6(6)).
- To “promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians” (Section 10-6(9)).



**Facilitator/Provider of Services:** OHA will assist others in their activities and efforts which correspond to those of OHA in bettering the conditions of Hawaiians, specifically:

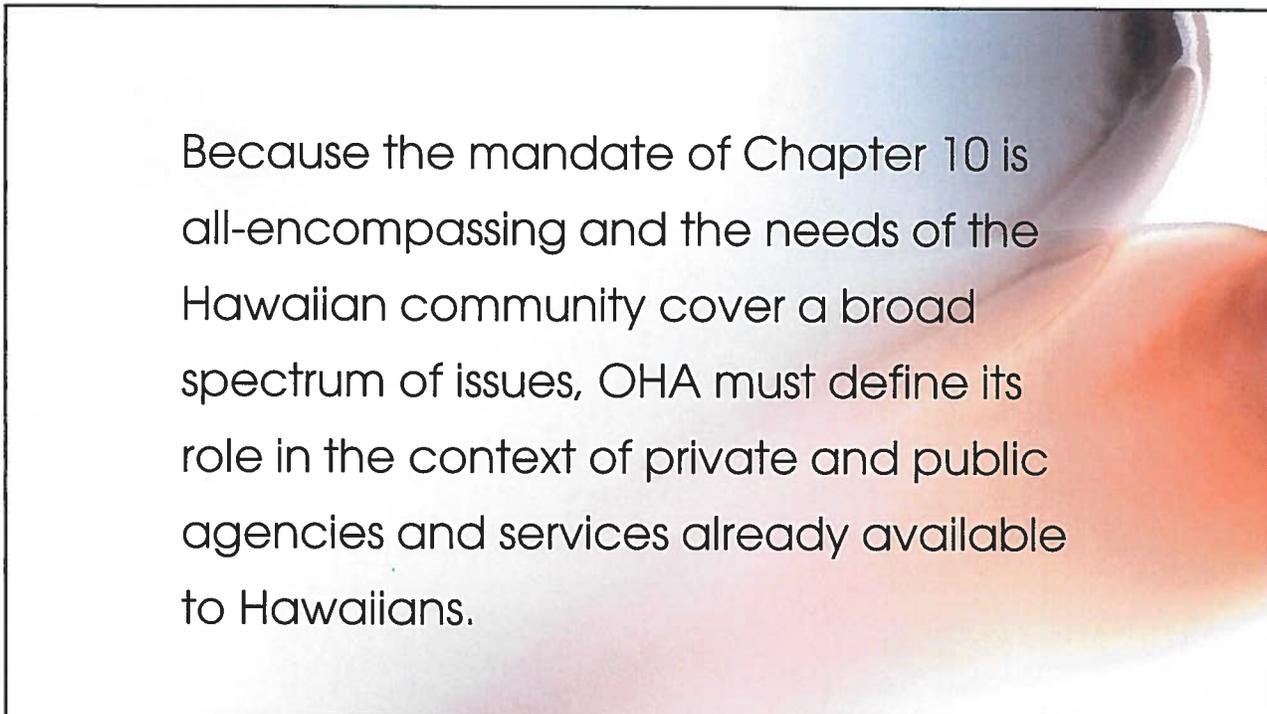
- To “provide grants to public or private agencies for pilot projects, demonstrations, or both, where such projects or demonstrations fulfill criteria established by the board (Section 10-5(7));
- To “make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agreed upon by the board and any such agency organization” “Section 10-5(8); and



**Trustee:** OHA, through its Board of Trustees, shall act in a reasonable and prudent manner according to the highest fiduciary standards applicable to private trustees.

Chapter 10 instructs OHA:

- To apply for, receive, and disburse “grants and donations from all sources for native Hawaiian and Hawaiian programs and services” (Section 10-3(5));
- To serve “as a receptacle for reparations” (Section 10-3(6));
- “To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians” (Section 10-6(8)).



Because the mandate of Chapter 10 is all-encompassing and the needs of the Hawaiian community cover a broad spectrum of issues, OHA must define its role in the context of private and public agencies and services already available to Hawaiians.

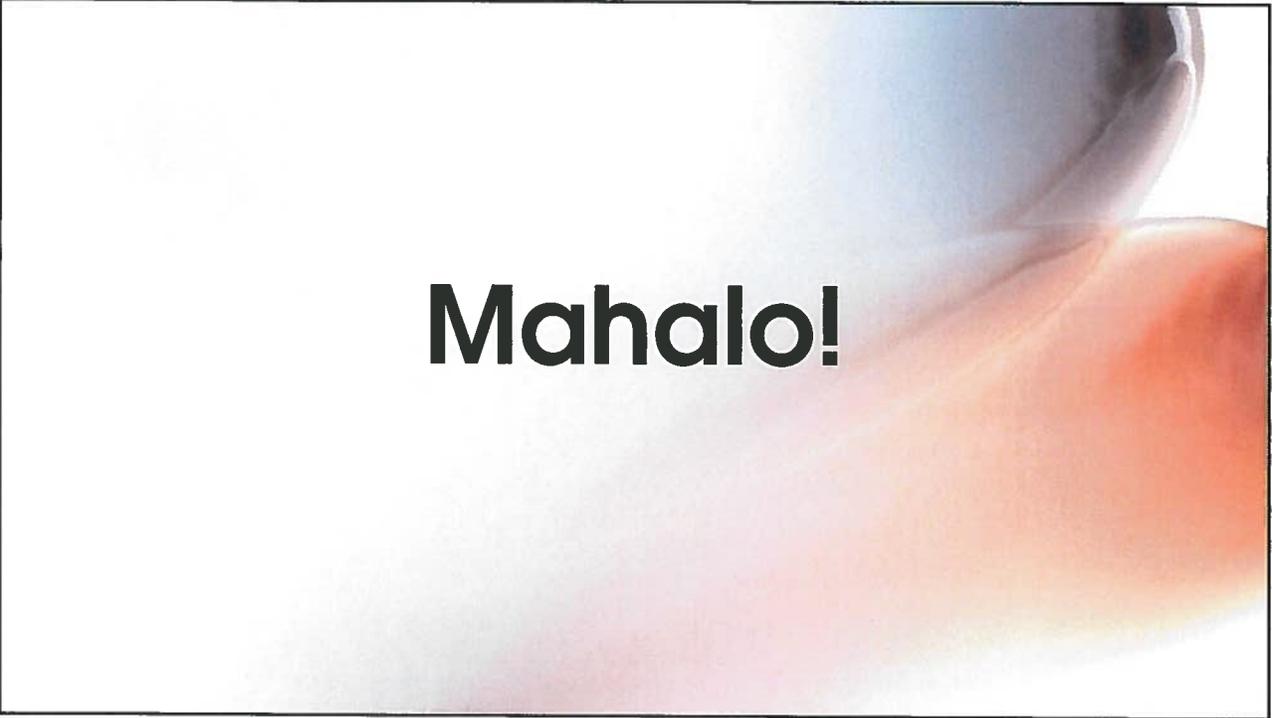
## ROLES:

### 1988

- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator
- Trustee of Assets

### 2010

- Providing Resources
- Advocating For Native Hawaiians
- Facilitating Collaboration



**Mahalo!**

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Tuesday, October 2, 2018  
10:00 am**

**ATTENDANCE:**

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

ROBERT G. KLEIN, ESQ., BOARD COUNSEL  
PAUL ALSTON, ESQ.

**ADMINISTRATION STAFF:**

KAMANA‘OPONO CRABBE, CEO  
ALBERT TIBERI, CC  
MILES NISHIJIMA, LPD  
MEHANA HIND, CE  
DAVID LAEHA, CFO  
KAWIKA RILEY, ADV  
MOMILANI LAZO, SR. EXEC. ASSISTANT  
LISA VICTOR, CTO  
KAHEALANI PELERAS, CE

**BOT STAFF:**

CAROL HO‘OMANAWANUI  
LŌPAKA BAPTISTE  
ANI PANG  
LAURENE KALUAU-KEALOHA  
MARIA CALDERON  
PAUL HARLEMAN  
CLAUDINE CALPITO  
DAYNA PA  
LADY GARRETT  
KAMA HOPKINS  
KAUIKEAOLANI WAILEHUA  
LEHUA ITOKAZU  
ALVIN AKEE  
LADY GARRETT

**GUESTS:**

DR. NOENOE WONG-WILSON  
DR. TY KĀWIKAWIKA TENGAN  
MONA BERNARDINO  
KALĀ HOE  
DR. JOHN OSORIO

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 10:07 am. Roll call is taken; Trustees Ahuna, Akana, Akina, Apo, Carmen Hulu Lindsey, Robert Lindsey, Waihee and Machado are present; constituting a quorum of eight Trustees. Trustee Leina‘ala Ahu Isa is expected to arrive shortly.

**II. PUBLIC TESTIMONY**

**Chair Colette Machado** – We have signed up Dr. Noenoe Wong-Wilson to the table. Followed by Dr. Kawika Tengan. Please come forward.

**Dr. Noenoe Wong-Wilson** – Aloha Chair and members of the Board of OHA. My name is Dr. Noenoe Wong-Wilson I am from Hilo Hawaii. I am here to speak on behalf of Lālākea Foundation a nonprofit comprise of Kumu Hula from across the pae ‘āina and our purpose is the perpetuation of our culture through hula and its intended arts. I am here to speak about your deliberation about contract number 3147 today and to support the retention of the CEO Kamana‘opono Crabbe. If he desires to continue in this position for the remainder of his contract at least. Frankly, I personally don‘t understand why so much time is spent on trying to remove him when his contract is fairly short and he has done a lot of wonderful work on behalf of the lahui. Sometimes I know its contentious with the Board but

that is what we are all about. Our differing opinions, our ability to work together if we all have the same purpose in mind which is the betterment of our lahui. I do want to read to you testimony from our senior Kumu Hula Pualani Kanahele from Hilo. She was most impassioned about this issue and so this is her testimony.

*Testimony of Kumu Hula Pualani Kanahele is read by Dr. Wong-Wilson.*

*He is Hawaiian to the core. He has the best intention for things Hawai'i and people Hawai'i. He has an academnic degree of the highest order. He participates in things Hawai'i shallow and deep. He can speak the language, he is politically smart, he is socially adept to the most makaainana and those who think they are about it all. He treats everyone honorably. He also has a good mind, intellegent, which I cannot say for a lot of people. He is not a criminal or theif. Whatever he has done is it against the law, what is your concern for his dismissal. My mana'o along with all kupuna past and present absolutely no removal.*

That statement is supported by some of our Kumu Hula Keali'i Reichel, Snowbird Bento, Hokulani Holt-Padilla, Moani Whittler-Wagner, Kehaulani Kekua from Kauai and myself and I wanted to make sure that we are heard. Mahalo for the time.

**10:08 am Trustee Leina'ala Ahu Isa arrives to the meeting.**

**Chair Colette Machado** – Thank you Dr. Noenoe Wong-Wilson. Our next Dr. Ty Kawika Tengan. Followed by Mona Bernardino.

**Dr. Ty Kāwika Tengan** – Aloha mai kakou. Chair Machado, Vice-Chair Ahuna and all the Trustees. Thank you for hearing my testimony. I am here testifying on behalf of myself I am not representing the University. To speak to, I think the real need to maintain Kamana'opono in the position of Pouhana and CEO really for the betterment I think of all of the lahui but specifically from my experience in working with haumana and students. One of the programs that I have helped to run with a colleague of mine is Hawaiian Leadership Program. Both Kamana'opono and Kealoha Fox have visited the program and have spoken to the students. Really inspiring them to take on the kuleana of leadership in the community. In fact one of them a student from Waimea whose family also have aina in Waipio, was really so inspired and he has been working with me to try to organize a huakai for the students to go to that aina to really help the community there and a lot of the efforts to maintain the aina and face the possible sales of lands in Waipio as well as have them connect to community in ways that the program and everything that Kamana'opono and Kealoha shared with them was really all about in terms of this kukulu hou the lahui to rebuild that lahui through the aina.

So that is one small example. That is why I am here, the first reason was to go to the Kulia Grant presentation because both Kamana'opono and Kealoha had notified us that this would be an opprountnity to support our programs at the Univeristy of Hawai'i. Its that kind of outreach, that personal outreach and that investment in the students that I think is so critical and important just from my perspective as a faculty. We've also been able to utilize a number of publications that have come out recently, the mana book, the reports on both kane and wahine which have added alot to the discussion within the classroom as well as research we are conducting to better our lahui. So all of those things are really core and essential to the mission of OHA to reach out to the broader lahui. Specifically in education and connecting our haumana with the aina and the lahui. So I could go on and on for a lot of other reasons because I know Kamana'opono through a number of other ways but for now that is what I wanted to offer. I think we really inspires confidence in the students and the faculty to know that Office of Hawaiian Affairs is a place that is responsive to the educational needs of the students and for that reason especially I want to support his continued position of Pouhana. Mahalo.

**Chair Colette Machado** – The next speaker is Mona Bernardino.

**Mona Bernardino** – Good morning Madame Chair and Trustees. I am here in my personal capacity to speak to in support of retaining Dr. Kamana'opono Crabbe as CEO of the Office of Hawaiian Affairs. I am also representing Richard Pezzulo who could not be here today. We both support Kamana'opono's leadership, he has been very helpful to both of us in the LLCs. He responds to any issues that we have very quickly and timely and in a good way.

He doesn't always agree with our recommendations but the decisions that he makes are always well thought through and we appreciate that. I was here on behalf of myself and Richard just a few months ago. There were many people in the community who supported Dr. Crabbe then we don't understand why we have to be here again today to say the same things. But we are here and we hope that you would look at all the testimony that was given the prior time.

My involvement with Kamana'opono also goes to Native Hawaiian Organizations that I am involved in. Some of them I have held leadership positions, some of them I have just been a member. For example the Association of Hawaiian Civic Clubs, three specific clubs as well as the Asosociation and the Oahu Council. I am active in the Native Hawaiian Chamber of Commerce and now recently I am becoming more active with CNHA. I want to say that in all my observations of him with these groups he is always professional. He represents OHA well, he is admired by the community because of some of the things that were said by the speakers before me, his deep cultural base, his honesty, his integrity, his willing to speak up if he doesn't agree and his driving of this office, this canoe for the better of all of us, our lahui. So for these reasons we support his continued leadership. In closing I would like to read Richard Pezzulo's testimony and I will leave copies with the Chair's staff.

**(Mona read Richard Pezzulo's testimony which is attached to the minutes)**

**Chair Colette Machado** – Thank you Ms. Bernardino. Is there anyone else that would like to testify under public testimony. Please come forward.

**Kalā Hoe** – Aloha my name is Kalā. I am here on behalf of myself and my family. I would like to also echo the comments that had been made previously in support of Kamana'o. I would like to take this opportunity to speak to his character and how it inspires people like me. In times I look back to my childhood growing up, certainly as people would look to myself and my family they would see Hawaiians. That wasn't always a good thing. People would often think of us as less than. Call us kua'aina, people from the backwoods. However, as we move forward, coming forward from a lot of travesty, a lot of pilikia, and hurt its people like Kamana'o who have stood up and inspired the rest of us to take on these adversities, these challenges. Often times making mistakes, I know for myself whenever I fall flat and I find it hard to get back up. I definitely look to people like Kamana'o and his example to help me to carry on, to carry forward. Definitely, there is a lot of progress that needs to be made going forward and it's going to be a hard road. Its 200 years of hurt that we have to make up for and I think it may take another two centuries to be back where we should be. However, as we go through these hardships I think it's very important that we celebrate our successes and I certainly look to Kamana'o as an example of people who provide us with reasons to celebrate. Mahalo for this chance to speak. Aloha.

**Chair Colette Machado** – Thank you Mr. Hoe for coming today. Members we've also received testimony from Dr. Kawika Winter, Dr. Mehana Vaughan, Dr. Jamie Miller, and Umi Kai. My staff has distributed all the testimony that we received. Is there anyone else who would like to testify in public testimony if not we will move on to III.

**(Testimony received via email from Dr. Kawika Winter, Dr. Mehana Vaughan, and Umi Kai are attached to the minutes.)**

**Trustee Rowena Akana** – I would like to speak to specifically to those who came today to support Dr. Crabbe. I am appreciative of your feelings for him and know of his social activities within the community on behalf of OHA. However, you have to know that Mr. Crabbe has a contract with OHA as the Board of Trustees it is our duty to look at the work that this contractor has done and whether or not that person fulfills all of the responsibilities that OHA has required him to do under his contract. There are many, many reasons why, I cannot discuss why this topic keeps coming up. But if it keeps coming up you have to know that something is amiss. While Dr. Crabbe can be very influential in the community his tenure as the CEO at OHA has not been the best. The relationship with the Trustees have been horrible, we have exodus by many staff because of the leadership in our administration. The favoritism that has been flagged by many, many employees before leaving and reasons for leaving is a serious, serious concern. Two years ago, or two and a half years ago the staff themselves did a survey on this Administrator and it was the staff that has no good things to say.

**Chair Colette Machado** – Trustee.

**Trustee Rowena Akana** – I need to have my time.

**Chair Colette Machado** – You have your time, talk generally and not specifically on the individual.

**Trustee Rowena Akana** – We need to address this.

**Chair Colette Machado** – No, you don't have to address it. I will call you out of order.

**Trustee Rowena Akana** – People need to know why.

**Chair Colette Machado** – You are crossing the line between our personnel matters versus your own conflicts.

**Trustee Rowena Akana** – There are serious, serious concerns and if there weren't the Attorney General would not be investigating this office.

**Chair Colette Machado** – Stay out of personnel issues if you want address this Board table.

**Trustee Leina'ala Ahu Isa** – Its public testimony now.

**Trustee Dan Ahuna** – And this is not a "we" thing, don't represent all of us.

**Chair Colette Machado** – Thank you Trustees.

**Trustee Rowena Akana** – Well you are a go along, go along because you have gotten a lot of benefits.

**Chair Colette Machado** – Trustee Akana I have called you out of order we are going to proceed to item III.

**Trustee Rowena Akana**- Its time the public knew.

**Chair Colette Machado** – You will have that opportunity to discuss this but we have to go in a particular order to not cross over into personnel issues and violate the contract that we would be penalized. I want to acknowledge that Kamana'opono Crabbe has personnel counsel here representing him so we need to be very civil on how we handle this correctly if not this can be a negative reaction for the organization. With that said can we move on to III.A.

### **III. NEW BUSINESS**

#### **A. Report by the Ad Hoc Committee on Grants and Sponsorships of its findings and recommendations related to the Trustee Sponsorship and Annual Allowance Fund, without discussion.**

**Chair Colette Machado** – On behalf of the Ad Hoc Committee on Grants and Sponsorships, we distributed for your review. This is only distribution we will not entertain any discussion as of today. I want to thank Trustee John Waihe'e IV for his assistance in the work we did and the committee that served. I hope you all will be able to review this and we will have ample time to have free and full discussion. Under the PIG rules, it is very limited at this time, purely distribution. With that said, I will call on Robert Klein, Board Counsel. Before we proceed with the requirements that will lead us into the discussion on contract number 3147.

**Trustee Keli'i Akina** – With regard to item III. A. Do you have a date when we will discuss the matter?

**Chair Colette Machado** – We do have a schedule date. Carol will explain.

**Carol Hoomanawanui** – This is the second meeting so it is just the presentation of the report. The third meeting is scheduled for October 11<sup>th</sup>. That is where you would have discussion on the report itself and an action item can be submitted to Trustee Hulu's committee in RM on October 17<sup>th</sup> then you need to go through two readings for a change in policy. So the 18<sup>th</sup> at BOT and the 25<sup>th</sup>.

**Trustee Keli'i Akina** – Thank you. Madame Chair I will submit in writing to the RM Chair my comments, as I will be traveling to conference on some of those dates.

**Chair Colette Machado** – Yes, we will take your comments.

**Trustee Rowena Akana** – I just had a question for Carol. That is what we are talking about yes, the policy on the \$7,200. So the sponsorship amount will not be discussed at all.

**Chair Colette Machado** – No just the protocol part.

**Trustee Rowena Akana** – Is that going to be separate or did you disallow it?

**Chair Colette Machado** – No, we did not disallow that part we are still having discussions on that. We will come back with the report to discuss.

**Carol Hoomanawanui** – Yes that will be discussed more thoroughly at the third meeting, which is scheduled for October 11<sup>th</sup>.

#### **IV. EXECUTIVE SESSION**

**Chair Colette Machado** – I'd like to call on Robert Klein, Board Counsel to give us some instructions on how to proceed.

**Robert Klein, Board Counsel** – Thank you Chair. Good morning Trustees. The item on the agenda under IV. A. for executive session for discussion is for the PIG committee to discuss with Attorney Paul Alston and Judy Tanaka. Matters involving the PIG report so if any legal questions arise you have the option of going into Executive Session at any time to discuss with them legal rights and responsibilities concerning the PIG report. On the other hand under the sunshine law, under 92-5 (a)(2) because that matter involves disciplinary action the employee being disciplined has the option to keep the meeting in open session and discuss the matter fully in open session or the option to discuss the matter of the report in closed Executive Session. The law give the choice to in this case Ka Pouhana CEO. I am going to ask Kamana'opono since we don't know whether he would prefer the discussion and deliberation portion of the PIG report that is the third meeting report, to be in open session or in closed Executive Session.

**Kamana'opono Crabbe** – Thank you Justice Klein, I would like to exercise the open session discussion.

**Robert Klein, Board Counsel** – Ok, now the other part is that the members of the committee were advised by Paul Alston and Judy Tanaka on the issues that were part of the report and I am not sure if Paul is here right now. I am going to ask him to come to the table and be available to discuss with you in executive session any legal issues that arise. Madame Chair I think we should recuse into Executive Session and that means we will have the Trustees, that is it in the room.

**Chair Colette Machado** –The Chair would like to seek a motion to recuse ourselves into Executive Session to consult with Paul Alston regarding the PIG findings and recommendations re: Contract Number 3147 (Contract of CEO Kamana'opono Crabbe) pursuant to *HR§ 92-2.5 (b)(1)(C) and § 92-5(a)(2), and §92-5(a)(4).*

**Trustee Dan Ahuna motions to move into Executive Session Pursuant to HRS§92-2.5 (b)(1)(C), and §92-5(a)(2) and §92-5(a)(4).**

**Trustee John Waihe'e IV 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§92-2.5 (b)(1)(C), and §92-5(a)(2) and §92-5(a)(4).						
Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA	X		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY			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 passes with eight (8) yes votes and one (1) no vote.						

**Chair Colette Machado** – Clear the room including you Kamana'o but don't go too far.

**The Board resolved into Executive Session at 10:15 am.**

- A. Consultation with legal counsels Paul Alston, Esq. and Judy Tanaka, Esq. re: the Board's powers, duties, and liabilities to deliberate and decide on OHA's Permitted Interaction Group's findings and recommendations re: Contract Number 3147 (Contract of CEO Kamana'opono Crabbe) pursuant to HR§ 92-2.5 (b)(1)(C) and § 92-5(a)(2), and §92-5(a)(4).**

**The Board reconvenes in Open Session at 11:48 am.**

**Chair Colette Machado** – I would like to call to order the Board of Trustees meeting. I'd like to call on Robert G. Klein, Board Counsel and Paul Alston, Esq.

**Robert G. Klein, Board Counsel** –Thank you Chair, Trustees. In Executive session, I hope all of your legal questions and consultation with Paul were answered and at this time, you are ready to move forward.

**Chair Colette Machado** – The Chair would like to call on Trustee Carmen Hulu Lindsey or Trustee Peter Apo.

**Trustee Peter Apo** – First of all, I'd like to thank you and thank the Board for providing the opportunity for us to review this and ending up in a good place.

**Chair Colette Machado** – Trustee Carmen Hulu Lindsey, please put the motion on the board please.

**Trustee Carmen Hulu Lindsey moves that the Board of Trustees will receive the Permitted Interaction Group (PIG) Report related to Contract No. 3147, dated August 27, 2018, and adopt only the following recommendations in concept and subject to further review:**

- **Adopt recommendations of the Ad Hoc Committee on CEO Profile Report (April 15, 2016) outlining higher experience qualifications and performance expectations of the CEO in anticipation of expiration of current CEO contract on June 30, 2019; and**
- **Adopt recommendations of the Ad Hoc Committee on Policy Report (September 9, 2016) for revised Board policies re-defining authoritative boundaries between Administration and Board of Trustees.**

**Trustee Rowena Akana seconds the motion.**

**Chair Colette Machado – Roll call vote.**

Trustee Carmen Hulu Lindsey moves that the Board of Trustees will receive the Permitted Interaction Group (PIG) Report related to Contract No. 3147, dated August 27, 2018, and adopt only the following recommendations in concept and subject to further review:						
<ul style="list-style-type: none"> <li>• Adopt recommendations of the Ad Hoc Committee on CEO Profile Report (April 15, 2016) outlining higher experience qualifications and performance expectations of the CEO in anticipation of expiration of current CEO contract on June 30, 2019; and</li> <li>• Adopt recommendations of the Ad Hoc Committee on Policy Report (September 9, 2016) for revised Board policies re-defining authoritative boundaries between Administration and Board of Trustees.</li> </ul>						
Trustee Rowena Akana seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA				X		
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8	1		
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with eight (8) yes votes and one (1) no vote.						

**Chair Colette Machado –** I wanted to make a closing comment. With the adoption of the motion of the PIG report regarding contract number 3147 this committee is now dissolved. With that said, we have one individual that would like to address the Board. Thank you all for your hard work, the Permitted Interaction Group on the Contract Number 3147.

**V. COMMUNITY CONCERNS**

**Chair Colette Machado –** We do have one person signed up for community concerns. Dr. John Osorio to the table please. Should I be clear, there is no termination, no suspension today on Kamana‘opono on the CEO Contract 3147. As far as I know as the Chair, there is no termination and no suspension. Dr. Osorio welcome to our table thank you for coming.

**Dr. John Osorio** – Thank you for allowing me to speak. I am here to speak about leadership at the Office of Hawaiian Affairs from the perspective of someone who has recently become the Dean of the School of Hawaiian Knowledge. I've come to understand just how important management as well as leadership is. With those two things in mind, I'd like to speak a little bit about the CEO, Kamana'opono Crabbe.

I'd like to say first of all that management involves not just the management of resources, and it's really an important thing to be careful on how you spend the money and the process that you go through in spending money. With that in mind I am reminded of the February 2018 Auditors Report and how critical it was of the Office of Hawaiian Affairs, not just of the CEO but of the Trustees and how this money was being managed. I remember thinking at the time how ironic it was that the State of Hawaii would criticize our small agency for how we spend money when in fact the money that is due the Office of Hawaiian Affairs, which is 20%, has never been met by the State because the State could not afford it. I wonder about the right of the State of Hawaii to tell us how we should be managing our money. At the same time I recognize that within an organization not only do you have to have processes in place so that money is seemed to be used fairly and correctly, but that from time to time you will make an effort to reach the broader constituency not just the usual people who come to the table and know how to get money from you.

I know that Trustees here and the CEO have made it possible for organizations, and not even organizations, people, your constituencies, our lāhui, to obtain funds that were absolutely necessary and do good things. This I know. I do think it is possible to fix the procedures so that we can come up with things that are open and observable and seem to be fair and still reach our people. Still reach the people that don't necessarily have grant writers working for them or the time to submit those requests in time.

I am only going to say one more thing. It's not just management that makes good leadership; it is vision and its accountability and the trust of the community. I am here to tell you that one of the things that we have observed about the Office of Hawaiian Affairs under Kamana'opono's leadership is that we've gone through some really difficult times together. Really potentially devastating things, Kana'iowalu, Na'i Aupuni, the 2014 DOI testimonies, Mauna Kea and look no one is mad at you. The Lāhui realizes that you've done the right things, talked it through and come to the conclusion that there were people of good will on all sides and kept this lāhui together. I think that's leadership and the fact that we have faith in OHA to lead us forward is incredibly important now because we as a State, as a Community we face difficult times. Look at the newspapers this morning the rising sea levels much higher than people anticipated. There is going to have to be real substantial changes in how we live in Hawaii. I believe as a Hawaiian, that it's Hawaiians that are going to lead the way. It's an institution like OHA that we really require to help us in that leadership. So I'm hoping that you make very few changes in terms of this leadership. Do all the internal things you need to do to keep the people in the State quite but do remember that it is the State of Hawaii we are talking about. Thank you very much.

**Chair Colette Machado** – Are there any testifiers to address the BOT. If not I'd like to adjourn the meeting for today.

## **VI. ANNOUNCEMENTS**

None

## **VII. ADJOURNMENT**

**Trustee Carmen Hulu Lindsey moves to adjourn.**

**Trustee Dan Ahuna seconds the motion.**

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn. Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
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	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion unanimously passes with nine (9) yes votes.						

**Chair Colette Machado** – Thank you Trustee Peter Apo for you leadership in the PIG Committee and your three members. Thank you so much.

The meeting was adjourned at 12:01 pm.

Respectfully submitted,

\_\_\_\_\_  
Dayna Pa, Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_.

\_\_\_\_\_  
Colette Y. Machado, Chairperson  
Board of Trustees

**Attachments:**

1. Testimony of Richard Pezzulo (Read by Mona Bernardino)
2. Testimony received via email from Dr. Kawika Winter
3. Testimony received via email from Dr. Mehana Vaughan
4. Testimony received via email from G. Umi Kai
5. Testimony received via email from Jamee Miller (received as late testimony)
6. Testimony received via email from Kalani Quiocho (received as late testimony)
7. Testimony received via email Mahina Paishon Duarte (received as late testimony)

Richard Pezzulo  
94-462 Haiwale Loop  
Mililani, Hawaii 96789

October 1, 2018

Dear Chair Machado and Trustees,

I am writing to provide my support for the leadership of Dr. Kamana`opono Crabbe. I have worked with Kamana`o since 2010 and feel confident expressing my full support for him to remain as the CEO of the Office of Hawaiian Affairs.

I have worked closely with Kamana`o in his capacity as OHA Research Director and CEO and in both cases he has demonstrated outstanding leadership and management capabilities. I have always been able to count on him for support in my capacity as OHA COO and the Executive Director of Hi`ipaka LLC. He is highly responsive to any of my work related requests and has demonstrated a high degree of professionalism and leadership. I greatly appreciate his suggestions and ideas on how to improve operations and the management of Waimea Valley. He has been a major factor in the success of Waimea Valley and his removal as OHA CEO will have a very negative impact on the Valley and OHA.

Dr. Crabbe is a highly respected leader in the Hawaiian community and I believe his removal as OHA CEO will have a negative impact on how the native Hawaiian and non-Hawaiian community view OHA. It will be very confusing and hard to understand, for many people, why he is being removed. There have been many positive achievements under his tenure as CEO and many people appreciate his leadership and accomplishments over the past six years.

I hope the Trustees will make the right decision that takes into account the many achievements and strong leadership he provides along with the need for stability in the organization. I strongly recommend you do not remove Dr. Crabbe as OHA CEO.

Māhalo,



Richard Pezzulo

## Dayna Pa

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**From:** Kawika Winter <  
**Sent:** Tuesday, October 02, 2018 5:13 AM  
**To:** BOT Meetings  
**Subject:** Letter of Support for Ka Pouhana Crabbe  
**Attachments:** Letter of Support for Ka Pouhana - Dr Kamanaopono Crabbe.pdf

Aloha,

Please find attached my **letter of strong support of Ka Pouhana Dr. Kamana'opono Crabbe**. He is the leader that OHA needs now and into the future.

Mahalo,

Kawika Winter, Ph.D.  
Reserve Manager  
He'eia National Estuarine Research Reserve  
[Hawai'i Institute of Marine Biology](#)

He'eia National Estuarine Research Reserve  
*Ko'olaupoko, O'ahu, Hawai'i*

October 2, 2018

**Re: Letter of support for Dr. Kamana'opono Crabbe**

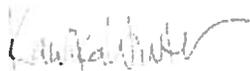
*'Ano'ai me ke aloha* to the OHA Board of Trustees,

I am submitting this letter of support on behalf of *Ka Pouhana* Dr. Kamana'opono Crabbe in the hope that he be retained in the position of *Ka Pouhana*. Dr. Crabbe has brought exemplary leadership to the Office of Hawaiian Affairs, and—for the sake of all native Hawaiians—should be kept in his position.

Dr. Crabbe is held in high regard and has the utmost respect among those in the spheres that I operate in—among cultural practitioners, administrators, researchers, natural resource managers, community advocates, and native Hawaiian leaders. He has brought a level of respect to OHA that many of us have longed for, he has led OHA on the *pono* path, and has stood as a model of Hawaiian leadership. He is the leader that OHA needs now and into the future.

The removal of Dr. Crabbe from the position of *Ka Pouhana* would be a travesty for OHA and for the *lāhui*. I implore you vote today in favor of retaining him in his current position.

Me ka `oia`i`o,



Kawika Winter, Ph.D.

Reserve Manager, He'eia National Estuarine Research Reserve

## Dayna Pa

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**From:** Mehana  
**Sent:** Monday, October 01, 2018 11:45 PM  
**To:** BOT Meetings  
**Subject:** RE: Ka Pouhana Kamana'opono Crabbe - For BOT meeting, 10 AM, October 2, 2018

ʻAno ʻai me ke aloha e nā alakaʻi o OHA,  
Aloha Honorable members of the OHA board of trustees....

I am writing this letter regarding the evaluation of Dr. Kamanopono Crabbe in his position of Ka Pouhana at the Office of Hawaiian Affairs, an item to be discussed at tomorrow's Board meeting. I write as a Kīlauea, Kauaʻi community member, mother of three Native Hawaiian keiki, cultural practitioner, and Professor at the University of Hawaiʻi at Mānoa. Dr. Crabbe has shown impressive leadership and action in my field of Native Hawaiian natural resource management. He understands that ʻāina is key to the well being and independence of our people, and has been proactive in the acquisition and stewardship of vital lands by OHA. He takes on tough issues related to land and waters in Hawaiʻi, and has positioned OHA as a leader in land stewardship. He is cognizant of the great challenges that come with holding land and works closely with many of us at the University to strengthen capacity and skills for land management, both within OHA and among our people. He actively supports Native Hawaiian community entities stewarding resources such as the Hui Makaʻāinana o Hāʻena, whom OHA supported in obtaining designation and passage of rules for their Community Based Subsistence Fishing Area.

Kamana'opono is deeply respected across Hawaiʻi, and has unique capacity to bring people together to discuss tough issues. The respect Dr. Crabbe garners among leaders of community groups, government agencies, non-profits and other entities serving as kiaʻi of lands and waters in Hawaiʻi was evidenced in the OHA ʻĀina summit, E Hoʻolau Kānaka, held in June of 2018. With just a few months notice nearly two hundred amazing individuals gathered and spent two full days discussing vital issues related to ʻāina in Hawaiʻi, simply because Kaman'opono asked them to convene. Participants from the highest leadership of DLNR, KS, Trust for Public Lands, Kua ʻĀina Ulu ʻAuamo. hālau, universities, Castle Foundation, Hawaiian Homes, The Nature Conservancy and over fifty Hawaiʻi communities learned about and discussed plans to address climate change, protection of ʻohana lands, application of Hawaiian knowledge to guide management and policy, allocation of fresh water resources and ways to expand community stewardship. I am attaching a photo of the event which occurred through Kamana'o's patient, clear, and trusting leadership of the twenty person planning committee, and simply due to the great respect our lāhui holds for Kamana'opono as both a leader and person.

Kamana'opono is also effective because he takes action, quietly, behind the scenes, simply getting things done. After our flooding on Kauaʻi in April, he

personally reached out to community members here just days after the event, and arranged for immediate assistance from other agencies skilled at disaster response. He then supported efforts by our Kaua'i Trustee and OHA staff to direct funding to our local taro farmers and families who needed it the most. Our community is so grateful to everyone at OHA for the vital support at this difficult time for our kaiāulu. OHA was flexible and creative in their assistance in a way that filled key gaps no other government agency or emergency response effort had been able to address. Our community members felt welcome to share their plight and concerns, and truly listened to. This has not always been the case with OHA, that our people feel it is a place where they are welcome, that they can turn to in times of need. As someone who has worked within OHA, I see many ways in which Kamana'opono has bettered the agency with his own example of compassion, integrity and treating everyone with respect and aloha.

In closing Kamana'opono Crabbe's is a truly exemplary leader of OHA and our Hawaiian people. He is a skilled practitioner whose deep study of our culture guides his everyday actions and way of being. His research and work to improve the health of our people, and particularly to elevate our Hawaiian kāne, will have lasting impacts for generations. His recent book is testament to his ability to apply his innate intelligence and multilayered understanding to the betterment of all Hawaiians. Dr. Crabbe leads by example, by listening to all perspectives, cultivating calm and dignity, and through hard work, whether to prepare testimony for the legislature or as the last cleaning up at a lū'au. He is humble, self effacing, wise, and kind. His job at OHA has never been easy, yet he continues to serve with aloha. Both our lāhui, and the Office of Hawaiian Affairs are blessed to have him as our Pouhana, and we ask that you continue to support him in this role.

Please contact me if I can ever be of further help and assistance.  
'O au iho no me ke aloha,

Dr. Mehana Blaich Vaughan  
Assistant Professor

Department of Natural Resources and Environmental Management,  
Sea Grant College Program and Hui 'Āina Momona  
University of Hawai'i at Mānoa  
1901 East West Center Rd.  
Honolulu, HI 96822

*Ola i ke ahe lau makani...*

There is life in a gentle breath of wind...



## Dayna Pa

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**From:** Momilani Lazo  
**Sent:** Tuesday, October 02, 2018 7:58 AM  
**To:** Dayna Pa  
**Cc:** MACHADO  
**Subject:** FW: Public Testimony- October 2, 2018 Board of Trustee Meeting

Forwarding testimony for today.

Momilani Lazo  
Ka Pou Alo Nui Hale O'ahualua, Sr. Executive Assistant to Ka Pouhana Ke Ke'ena Kuleana o Hawai'i - Na  
Lama Kukui  
560 N. Nimitz Highway, Suite 200, Honolulu, HI 96817  
5: (808) 594-1892 . : (808) 594-1938 ::MomilaniL@oha.org

-----Original Message-----

**From:** Umi Kai >  
**Sent:** Tuesday, October 2, 2018 5:14 AM  
**To:** BOT <BOT@oha.org>  
**Subject:** Public Testimony- October 2, 2018 Board of Trustee Meeting

Aloha mai kakou,  
I am very concerned and frustrated over this agenda that includes the dismissal of our Ka Pouhana,  
Kamana'opono Crabbe.  
Your constant investigations on his performance and ethics has proven that he is a strong leader and has  
done nothing inappropriate.  
Your constant discussions is wasteful of OUR OHA time and money.  
His contract ends next year at which time his evaluation should be reviewed and a decision can be made  
of extending or not.  
Please stop wasting OUR OHA money and time on this fruitless matter at this time.  
Mahalo nui,  
G. Umi Kai  
kaikompany.com

Sent from my iPad

**Dayna Pa**

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**From:** Jamee Miller  
**Sent:** Tuesday, October 02, 2018 9:07 AM  
**To:** BOT; BOT Meetings  
**Subject:** testimony for today's board meeting  
**Attachments:** Dr. Miller testimony OHA 10.2.18.pdf

> Aloha,  
> Please find attachment for testimony for today's bot meeting.  
> Mahalo,  
> Jamee Miller

Jamee Māhealani Miller, Ed.D, LSW  
53-480V Kamehameha Hwy  
Punalu'u, Hawaii 96717  
jmahealani@me.com

October 2, 2018

Office of Hawaiian Affairs  
The Board of Trustees  
560 N.Nimitz Hwy  
Honolulu, Hi. 96817

Aloha Mai Kākou,

‘O wau ‘o Jamee Māhealani Miller, no Punalu‘u mai au. I am here representing my ‘ohana. I have two adult children and three mo‘opuna. I come from a hardworking, humble family. Parents who taught us how to behave and treat one another with kindness and to be accountable when we don’t. I am the eldest grandchild and child in my family so I have kuleana to my makua, kupuna and cousins. I am cognizant of the power and perception of influence, so being and having exceptional role models are important to me.

I am a licensed Social Worker and I have a doctorate degree in educational leadership. I work in both fields as they complement one another. I’ve dedicated my professional life to our lāhui and have chosen to work for Native Hawaiian organizations that are committed to the betterment of our people. I would never have thought to aspire for an advanced degree if there were not those that looked like me and were passionate for our people pioneering the way, such as Dr. Kamana’opono Crabbe. He has inspired me and many others. I am and represent the typical modern Native Hawaiian woman, I have a demanding work schedule, I manage a household, am there for my family and friends, I practice nā mea Hawaii to keep me connected to my culture and I volunteer a lot because I believe in giving selflessly for the benefit of others. I follow issues through my network of friends and colleagues, try my best to be involved. To interrupt my day to day hana to write a support letter for Ka Pouhana is both a priority for me and an irritation because this is my third time here for the same topic. If the attempt to remove Ka Pouhana Crabbe is miraculously successful, it will undoubtedly be catastrophic and detrimental to our people and Hawaii for generations to come.

I have known Dr. Crabbe personally and professionally for over 25 years, seen him at his worse and best. Even in his worse, he has never behaved nor reacted to embarrass himself, his position, his ‘ohana and his legacy. Because of his pono behavior, he knows how his actions, thoughts and behaviors affect many. His leadership skills surpass many. In fact, several years back he was being introduced as a keynote speaker at the WIPCE conference being held in Hawai‘i where the emcee stated, “Dr. Kamana’opono Crabbe is the most important kanaka to be alive today for our lāhui.” I sat there and instantly agreed.

Unfortunately, this is not my first time testifying on this subject regarding the contract of Ka Pouhana Dr. Kamana’opono Crabbe. It is unfortunate because I along with many of my peers

have had numerous discussions and feel that the trustees that have continued to raise this topic are wasting time and resources that do not belong to them! As a reminder, you are not a trustee to represent your personal interests but the interests of me, my children and my mo'opuna here and to come- in other words the lāhui. That is what a public servant is- a servant to the public, us.

My entire 25+ years of employment have been with Native Hawaiian organizations that are governed by a board of trustees. I am very familiar with the ins and outs of an organizing structure similar to that of OHA. And in all of my years, I have never been as mortified by a trustee(s), as those that continue to pursue this. The pettiness, incompetence and ineffectiveness continue to make us look inept, ineffectual and plain messy as a people. **Of great importance**, because of this we leave ourselves vulnerable to the "others," whose primary agenda are to take us down because we appear to be broken and disunited. The consequences of your actions are damaging the progression we are making as a people. This internal backbiting and infantile tactics need to stop! In the relatively short time that Dr. Crabbe has been Ka Pouhana, he and his staff have done more and have been at the forefront of real issues for our people than you have in your decades here. The public reputation of OHA has improved drastically because of Ka Pouhana Crabbe's leadership, insight and strength. The difference he has made comes down to his leadership qualities and pono practices. His core is worthy and intentions are selfless.

In my last two testimonies, I shared with you a prime example of why Ka Pouhana was chosen to be the symbol of safety, well-being and PONO for the Hawaii Says No More campaign. I have embedded the PSA to evoke your memory as you again attempt to smear Ka Pouhana's character. Also, may I remind you that it was very difficult to find Native Hawaiians to measure up to the standards and criteria of the PSA that were simply to live a life of truth and honor. I am adding in here again as a reminder.

In closing, as a beneficiary and a registered voter, it is disappointing that we have to go through this again and again. Yet the silver lining that I and many others are looking forward to is the fact that this year is a voting year and trustees will be up for re-election. I and my peers are confident that there are others who are running against you that are better and will win. We stand behind Dr. Crabbe and support him as Ka Pouhana until the work is Pau and our people thrive.

Mahalo nui,



Jamee Māhealani Miller, EdD., LSW

# NO MORE

"IT'S NOT MY KULEANA"



Domestic violence  
and sexual assault  
should never be ignored.  
It's time we all speak out  
to stop the violence.

No more excuses.  
No more shame.  
No more silence.  
No more violence.



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National's Crebill

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## Dayna Pa

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**From:** Kalani Quioco  
**Sent:** Tuesday, October 02, 2018 9:58 AM  
**To:** BOT Meetings; BOT  
**Subject:** Support ka Pouhana Kamana'opono

Aloha e nā hoa 'āina a me nā kupa o Hawai'i,

'O wau nō 'o Kalani Quioco. Ke kū 'elele nei wau no ko'u 'ohana a me ku'u one hānau. I am from Hilo and I currently reside on O'ahu. I am the great grandson of "Papa" Henry Auwae and I carry his teachings.

As an beneficiary of OHA, I humbly express my support for ka Pouhana Kamana'opono Crabbe. If there was every an opportunity to ensure a head of state for the sovereign government of Hawai'i, I would endorse Kamana'opono Crabbe. This man demonstrates the standards and principles of Hawai'i. He fiscally responsible to his beneficiaries. He strives for maui ola in all areas and acts with the greatest diplomacy strategy our kūpuna introduced to the world, and that is aloha. He is firmly rooted in 'ike kūpuna and has the vision to carry our lāhui forward.

Please accept these words as formal public comments for the BOT special meetings scheduled for October 2, 2018 at 10am.

Mahalo a kana,  
Kalani

## Dayna Pa

---

**From:** Mahina Paishon Duarte  
**Sent:** Tuesday, October 02, 2018 12:25 PM  
**To:** BOT Meetings  
**Subject:** Fwd: Support for Dr. Kamana'opono Crabbe

From: **Mahina Paishon Duarte**  
Date: Tue, Oct 2, 2018 at 10:59 AM  
Subject: Support for Dr. Kamana'opono Crabbe  
To: <[bot@oha.org](mailto:bot@oha.org)>

Members of the Board, Aloha Kakahiaka,

I am writing to you in support of Dr. Kamana'opono Crabbe's continued leadership at the Office of Hawaiian Affairs. I have engaged Dr. Crabbe on a number of levels over the past two decades; as an Executive Director of a cultural non-profit, a Hawaiian language immersion teacher and Hawaiian medium education administrator, as a cultural practitioner, and now as a Native Hawaiian wahine business owner. In every encounter, Dr. Crabbe displayed Hawaiian leadership and intelligence that always led to improved outcomes for that particular context and community.

My understanding is that a meeting is being held to discuss his removal. As an OHA beneficiary, I ask that the Board, in its wisdom, to delay any discussion or action regarding this topic until after the November 2018 General Election.

Thank you for your expedient consideration of this request.

me ka 'oi'ai'o,

--  
Mahina Paishon-Duarte  
Waiwai Collective LLC, Partner and Owner

--  
Mahina Paishon-Duarte  
Waiwai Collective LLC, Partner and Owner

Office of Hawaiian Affairs  
Board of Trustee Meeting  
October 25, 2018  
10:00 am

V. New Business

- A. Presentation of an OHA Resolution recognizing and thanking the Kūkaniloko Master Plan Working Group - Nā Lālā 'Ike Pono a Kūkaniloko for participating in the creation of the Master Plan for OHA's 511 acres in Wahiawā.
-

**A Resolution of the Office of Hawaiian Affairs**

*Thanking the Kūkaniloko Master Plan Working Group – Nā Lālā ‘Ike Pono a Kūkaniloko – members who graciously assisted Office of Hawaiian Affairs in the creation of the Master Plan for OHA’s 511 acres in Wahiawā.*

**WHEREAS**, in 2012, OHA acquired 511 acres of agricultural land in Wahiawā surrounding the Kūkaniloko Birthing Stones, one of the most sacred Hawaiian places in the Pae ‘Āina as the birth place of many notable ali‘i; and

**WHEREAS**, OHA acquired this property to protect Kūkaniloko by providing a buffer against future incompatible development in the area, to explore the development of compatible agricultural uses and other programmatic initiatives, and to contribute to Hawai‘i’s food self-sufficiency, preservation of open space and watershed lands, and overall community planning goals for central; and

**WHEREAS**, between February 2017 and September 2018, a Kūkaniloko Master Plan Working Group (KMPWG) was initiated to inform the Master Plan for OHA’s property. This group, which named themselves “Nā Lālā ‘Ike Pono a Kūkaniloko,” served to advise OHA in the development of a unique, innovative, exemplary, and culturally-focused Master Plan to harmoniously protect, preserve, and perpetuate the resources of Kūkaniloko for today’s and future generations; and

**WHEREAS**, since that time, KMPWG members have generously contributed their mana‘o to the Master Plan process through regular meetings with OHA and its contractors, public community gatherings, and site visits; and

**WHEREAS**, the KMPWG was comprised of 10 community members: **Leilani Basham, Jesse Cooke, Susan Crow, Jo-Lin Lenchanko Kalimapau** (official representative of the Hawaiian Civic Club of Wahiawā), **Ku‘uipo Laumatia, La‘akapu Lenchanko, Thomas Lenchanko, Noa Lincoln, Kukui Maunakea-Forth,** and **Manu Meyer**; and

**WHEREAS**, the concerns, ideas, and diverse viewpoints of all noted participants have been the community and cultural voice of the planning process, while also providing valuable expertise in subjects such as stewardship, education, agriculture, business, and more; and

**WHEREAS**, the KMPWG’s expertise on these complex topics have been an invaluable contribution to the Master Plan’s overall success.

**A Resolution of the Office of Hawaiian Affairs**

*Thanking the Kūkaniloko Master Plan Working Group – Nā Lālā 'Ike Pono a Kūkaniloko – members who graciously assisted Office of Hawaiian Affairs in the creation of the Master Plan for OHA's 511 acres in Wahiawā.*

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Office of Hawaiian Affairs on this 6th day of September 2018, extends its gratitude and appreciation to Nā Lālā 'Ike Pono Kūkaniloko, the group comprised of KMPWG members, for your outstanding service to the Office of Hawaiian Affairs and the Hawaiian community.

**BE IT FURTHER RESOLVED** that the copies of this Resolution be transmitted to each KMPWG member.

**ADOPTED this 6th day of September 2018**, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

*Colette Y. Machado*

**Colette Y. Machado**  
Ke Kauhulu, Chairperson  
Ke Kua Moloka'i a me Lāna'i

*Dan Ahuna*

**Dan Ahuna**  
Ke Kua Kaua'i a me Ni'ihau,  
Trustee, Kaua'i Ni'ihau, Vice Chairperson

*Leina'ala Ahu Isa*

**Leina'ala Ahu Isa, Ph.D.**  
Ke Kua Pae Moku-puni,  
Trustee, At-Large

*Rowena N. Akana*

**Rowena N. Akana**  
Ke Kua Pae Moku-puni,  
Trustee, At-Large

*William Keli'i Akina*

**William Keli'i Akina, Ph.D.**  
Ke Kua Pae Moku-puni,  
Trustee, At-Large

*Peter Apo*

**Peter Apo**  
Trustee, O'ahu  
Ke Kua O'ahu

*Carmen Hulu Lindsey*

**Carmen Hulu Lindsey**  
Ke Kua Maui,  
Trustee, Maui

*Robert K. Lindsey Jr.*

**Robert K. Lindsey Jr.**  
Ke Kua Hawai'i,  
Trustee, Hawai'i

*John D. Waihe'e IV*

**John D. Waihe'e IV**  
Ke Kua Pae Moku-puni,  
Trustee, At-Large



Date: September 6, 2018

Office of Hawaiian Affairs  
Board of Trustee Meeting  
October 25, 2018  
10:00 am

V. New Business

B. Committee on Beneficiary Advocacy and Empowerment

1. Action Item BAE #18-03: 2019 OHA Legislative Package

*\*Note: The committee report for Action Item BAE #18-03 will be forwarded to the Board of Trustees following its approval at the BAE Committee Meeting scheduled for October 24, 2018.*

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

**COMMITTEE REPORT**

October 24, 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 October 24, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

**ACTION**

**Action Item BAE 18-03: 2019 OHA Legislative Package**

Relevant attachments are included for your information and reference.
---

**Attachments:**

- A) BAE Roll Call Vote Sheet – Action Item BAE 18-03: 2019 OHA Legislative Package
  - V. New Business
    - A. Action Item BAE 18-03: 2019 OHA Legislative Package

**ROLL CALL VOTE SHEET**

<b>COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)</b>	<b>DATE: October 24, 2018</b>  <b>VOTE: 11:22 a.m.</b>
--	--

**AGENDA ITEM:**

**V. New Business:**

**A. Action Item BAE 18-03: 2019 OHA Legislative Package**

**ACTION:**

**To approve Action Item BAE 18-03: 2019 OHA Legislative Package**

**AMENDMENT:**

**MEANS OF FINANCING:**

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				
CHAIR ROBERT	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>			

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

Respectfully submitted:

**EXCUSED**

Trustee, Leina'ala Ahu Isa, Member



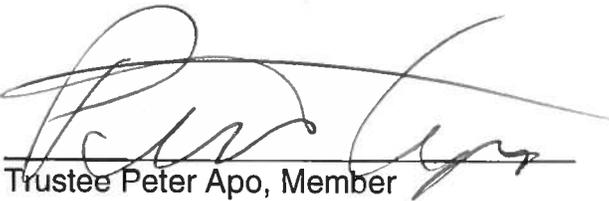
Trustee, Dan Ahuna, Vice-Chair

**EXCUSED**

Trustee Rowena Akana, Member



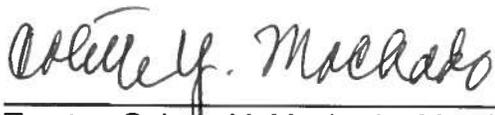
Trustee Keli'i Akina, Member



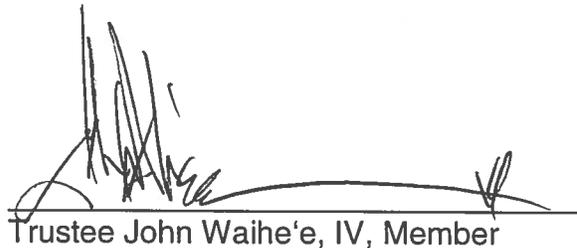
Trustee Peter Apo, Member



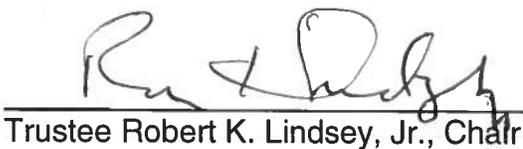
Trustee Carmen Hulu Lindsey, Member



Trustee Colette Y. Machado, Member



Trustee John Waihe'e, IV, Member



Trustee Robert K. Lindsey, Jr., Chair



OHA

Action Item

Committee on Beneficiary Advocacy and Empowerment

October 24, 2018

BAE #18-03

Action Item Issue: To support the inclusion of new legislative proposals in the 2019 OHA Legislative Package

Prepared by:

Jocelyn M. Doane  
Pou Kāko'o Kulekele Aupuni, Public Policy Manager

10/19/18

Date

Reviewed by:

Kawika Riley  
Ka Poukihi Kū, Chief Advocate

10/19/18

Date

Reviewed by:

Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

10/19/18

Date

Reviewed by:

Trustee Robert Lindsey  
Luna Ho'omalū o ke Kōmike BAE  
Chairperson, Committee on Beneficiary Advocacy and Empowerment

10.22.18

Date

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## I. Action

To support the following new legislative proposals and approve their inclusion in the 2019 OHA Legislative Package (See referenced attachments for text of the proposals):

**OHA-1 OHA Biennium Budget Bill Fiscal Year 2019-20/2020-21:** OHA's budget bill requests \$3,980,579 in state general fund appropriations each fiscal year to support OHA's budget plans for the upcoming biennium. This request is \$942,700 more per fiscal year compared to what OHA received in the previous fiscal biennium, and includes \$562,130 more for personnel. While still maintaining the three historical provisos (social services, legal services, and education improvement), OHA-1 also requests \$500,000 in general funds for housing improvement programs. This bill proposes matching OHA trust fund resources with the requested state general funds. By passing this measure, the state would reaffirm its commitment to address the needs of Native Hawaiians by supporting programs and operations that will directly benefit OHA's beneficiaries. (Attachment A)

**OHA-2 Criteria and Prioritization of Facilities Funding for Public Charter Schools Resolution:** Addressing public charter schools' facilities needs has been a critical and longstanding issue for the charter school community and its supporters. Currently, start-up charter schools must pay for their substantial facilities lease and rental costs, and conversion schools may have to pay for substantial maintenance, repair and facilities costs, using their already-stretched per-pupil operational funds. These costs are not borne by schools under the Hawai'i Department of Education. Despite strong support and demonstrated need, efforts to seek appropriations for charter schools' facilities costs have not been successful. In recognition of the need to provide facilities funding for charter schools, an existing statute already contemplates legislative appropriations and bond authorizations to cover charter school facilities costs, tasks the State Public Charter School Commission with the development of criteria for the distribution of appropriated facilities funding, and further establishes and tasks the Facilities Funding Working Group to advise on the prioritization of funding distribution, pursuant to such criteria. This concurrent resolution highlights the charter school facilities funding statute, and urges the State Public Charter School Commission to prepare a report to the 2020 State Legislature on its criteria for facilities funding distribution, as well as the prioritization of funding as advised by the Facilities Funding Working Group. This resolution would also urge the Commission, with input from the Working Group, to provide to the legislature proposed recommendations and legislation, including recommendations relating to funding expenditures for lease and rental payments. (Attachment B)

**OHA-3 Annual PLT Accounting:** Act 178 (Session Laws 2006) requires the state, through the Department of Land and Natural Resources ("DLNR"), to provide an annual accounting of the total revenues generated from the use of Public Land Trust lands. The annual reporting must include the amount of revenues transferred to OHA and the amount retained by the state. However, reporting and transferring has been inconsistent, and no one in the state is actively verifying the accuracy of individual agencies' reporting and transferring of revenues to OHA. This measure would codify Act 178's reporting requirements, with supplementary provisions to 1) explicitly reaffirm that all state Public

Land Trust revenues must be accounted for and reported on, regardless if such revenues are subject to OHA's pro rata share; 2) explicitly reaffirm that UH is also subject to Act 178's reporting requirements; and 3) require the DLNR to identify and provide a rationale why for any instance where 20% of the revenues received from Public Land Trust lands are not transferred to OHA. (Attachment C)

**OHA-4 Membership on Hawai'i State Mental Health Council:** This measure would require three of the 21 members of the Hawai'i State Mental Health Council ("Council") to have demonstrated knowledge or work experience involving Native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices. Data shows that the Native Hawaiian community may suffer from significant mental health-associated challenges, with Native Hawaiians demonstrating high rates of childhood abuse, suicidal ideation and suicide attempts by both adults and keiki, feelings of hopelessness, self-harm, postpartum depression, kūpuna depressive disorders, and negative self-health assessments by wāhine. Unfortunately, many Native Hawaiians facing mental health challenges may find that culturally-grounded mental health programs or treatment opportunities are not consistently available, despite the recognized potential of such mental health approaches to significantly improve their mental and emotional well-being. As an advisory body to the Department of Health on the state's mental health policies and infrastructure, the Council has the potential to promote the development and implementation of culturally-grounded mental health policies and programs that can systemically address the mental health-associated challenges of the Native Hawaiian communities as well as the broader public. Accordingly, requiring three members of the Council to possess expertise or experience in Native Hawaiian cultural concepts, mental health methodologies, or traditional healing or health practices may help to significantly improve the mental health status of the Native Hawaiian and broader communities. (Attachment D)

**OHA-5 Unsecured Bail:** In 2018, all of Hawai'i's jails were overcrowded and operating over capacity from at least 27%, and in more cases 50-85%; Native Hawaiians disproportionately bear the burden of Hawai'i's jail overcrowding issues. Many of those awaiting trial are in jail simply because they are too poor to afford bail, even when they pose little to no potential flight risk, and pose no threat to individuals or the community. Such individuals may lose their jobs, homes, and even custody of their children, due solely to their inability to post cash bail. This measure would seek to provide relief to Hawai'i's jail overcrowding issues while mitigating the unnecessary harms that cash bail may inflict on indigent individuals awaiting trial, by offering judges the additional option to allow for unsecured or partially secured bail. Under this system, defendants who would experience significant financial hardship by paying for bail or a bail bondsman could be released instead on a bond requiring the payment of only part of the bail amount or no security at all. This would enable the release of indigent defendants without cash payments up front, but would maintain accountability as defendants and their families could still be liable for the bail amounts if the defendants fail to appear for court or commit new crimes while out on bail. (Attachment E)

**II. Issue**

Should the OHA Board of Trustees support the new legislative proposals and approve their inclusion in the 2019 OHA Legislative Package?

**III. Discussion**

From July through September 2018, OHA Public Policy staff collected more than 70 legislative proposals from staff, key stakeholders, experts, and community leaders. These proposals were vetted, filtered, and developed into the legislative proposals offered in this Action Item for inclusion in the 2019 OHA Legislative Package.

**Editing note:**

With this Action Item, we also ask the Board of Trustees to authorize staff (1) to make, as appropriate, technical, non-substantive changes for style, clarity, consistency, and accuracy to all of the legislative proposals in the 2019 OHA Legislative Package and (2) to add or amend preamble language in the measures for framing and editorial purposes.

**IV. Recommended Action**

To support the new legislative proposals and include those new proposals in the 2019 OHA Legislative Package.

**V. Alternative Actions**

- A. To support only selected new legislative proposals and include only those selected new legislative proposals in the 2019 OHA Legislative Package.
- B. To not approve any of the new legislative proposals and not include any of the new legislative proposals in the 2019 OHA Legislative Package.

**VI. Funding**

No funding is required.

**VII. Timeframe**

Immediate action is recommended.

**VIII. Attachments**

- A. OHA-1 (Attachment A)
- B. OHA-2 (Attachment B)
- C. OHA-3 (Attachment C)
- D. OHA-4 (Attachment D)
- E. OHA-5 (Attachment E)

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_ .B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**PART I. GENERAL PROVISIONS**

1

2 SECTION 1. SHORT TITLE. This Act shall be known and may  
3 be cited as the Office of Hawaiian Affairs Appropriations Act of  
4 2019.

5 SECTION 2. DEFINITIONS. Unless otherwise clear from the  
6 context, as used in this Act:

7 "Means of financing" or "MOF" means the source from which  
8 funds are appropriated or authorized to be expended for the  
9 programs and projects specified in this Act. All appropriations  
10 are followed by letter symbols. Such letter symbols, where  
11 used, shall have the following meanings:

12 A general funds

13 T trust funds

14 "Position ceiling" means the maximum number of permanent  
15 and temporary full-time equivalent positions authorized for a  
16 particular program during a specified period or periods, as  
17 denoted by an asterisk (\*) for permanent full-time equivalent  
18 positions and a pound (#) sign for temporary full-time  
19 equivalent positions.

1 "Program ID" means the unique identifier for the specific  
2 program and consists of the abbreviation for the Office of  
3 Hawaiian Affairs (OHA) followed by the organization number for  
4 the program.

5 **PART II. PROGRAM APPROPRIATIONS**

6 SECTION 3. APPROPRIATIONS. The following sums, or so much  
7 thereof as may be sufficient to accomplish the purposes and  
8 programs designated herein, are hereby appropriated or  
9 authorized from the means of financing specified to the Office  
10 of Hawaiian Affairs for the fiscal biennium beginning July 1,  
11 2019, and ending June 30, 2021. The total general expenditures  
12 and the number of positions in each fiscal year of the biennium  
13 shall not exceed the sums and the numbers indicated for each  
14 fiscal year, except as provided elsewhere in this Act, or as  
15 provided by general law.

PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2019-20	M O F	FISCAL YEAR 2020-21	M O F
<b>Hawaiian Affairs</b>							
1.	OHA150	OFFICE OF THE TRUSTEES					
				0.47*		0.47*	
				0.00#		0.00#	
	OPERATING		OHA	89,045A		89,045A	
				4.53*		4.53*	
				0.00#		0.00#	
			OHA	275,687T		275,687T	
2.	OHA160	ADMINISTRATION					
				5.03*		5.03*	
				0.00#		0.00#	
	OPERATING		OHA	1,559,749A		1,559,749A	
				31.97*		31.97*	
				0.00#		0.00#	
			OHA	2,861,727T		2,861,727T	
3.	OHA175	BENEFICIARY ADVOCACY					
				1.47*		1.47*	
				0.00#		0.00#	
	OPERATING		OHA	2,331,785A		2,331,785A	
				18.53*		18.53*	
				0.00#		0.00#	
			OHA	3,172,863T		3,172,863T	

1                                   **PART III. PROGRAM PROVISIONS**

2           SECTION 4. Provided that the general fund appropriations  
3 in part II of this Act shall be expended by the Office of  
4 Hawaiian Affairs.

5           SECTION 5. Provided that of the funds appropriated for  
6 beneficiary advocacy (OHA175), the sum of \$415,000 in general  
7 funds and \$415,000 in trust funds for fiscal year 2019-2020 and  
8 the same sums for fiscal year 2020-2021 shall be expended to  
9 provide for social services, including referral services and  
10 case management, to at-risk Office of Hawaiian Affairs  
11 beneficiaries to immediately address unexpected crises; provided  
12 further that program activities shall be designed with an  
13 overall objective to provide financial assistance to improve  
14 stability during emergency situations; and provided further that  
15 notwithstanding section 10-17(e), Hawaii Revised Statutes, any  
16 funds expended for the purposes of this section shall be in  
17 accordance with chapter 103D or 103F, Hawaii Revised Statutes,  
18 or a competitive grants process, as appropriate.

19           SECTION 6. Provided that of the funds appropriated for  
20 beneficiary advocacy (OHA175), the sum of \$615,000 in general  
21 funds and \$615,000 in trust funds for fiscal year 2019-2020 and  
22 the same sums for fiscal year 2020-2021 shall be expended to

1 provide for educational improvement programs for Native Hawaiian  
2 students; provided further that program activities shall be  
3 designed to help Native Hawaiian students succeed academically;  
4 and provided further that notwithstanding section 10-17(e),  
5 Hawaii Revised Statutes, any expenditures for the purposes of  
6 this section shall be in accordance with chapter 103D or 103F,  
7 Hawaii Revised Statutes, or a competitive grants process, as  
8 appropriate.

9 SECTION 7. Provided that of the funds appropriated for  
10 beneficiary advocacy (OHA175), the sum of \$524,400 in general  
11 funds and \$524,400 in trust funds for fiscal year 2019-2020 and  
12 the same sums for fiscal year 2020-2021 shall be expended to  
13 provide for legal services and legal representation to Office of  
14 Hawaiian Affairs beneficiaries for:

- 15 (1) The assertion and defense of quiet title actions;
- 16 (2) Assistance with ahupua'a and kuleana tenant rights,  
17 including rights of access and rights to water;
- 18 (3) Land title assistance, including review of title and  
19 genealogy;
- 20 (4) Preservation of traditional and customary practices;
- 21 (5) Protection of culturally significant places; and
- 22 (6) Preservation of Native Hawaiian land trust entitlements;

1 provided further that notwithstanding section 10-17(e), Hawaii  
2 Revised Statutes, any funds expended for the purposes of this  
3 section shall be made in accordance with chapter 103D or 103F,  
4 Hawaii Revised Statutes, as appropriate.

5 SECTION 8. Provided that of the funds appropriated for  
6 beneficiary advocacy (OHA 175), the sum of \$500,000 in general  
7 funds and \$500,000 in trust funds for fiscal year 2019-2020 and  
8 the sum of \$500,000 in general funds and \$500,000 in trust funds  
9 for fiscal year 2020-2021 shall provide for housing improvement  
10 programs to assist Native Hawaiians, including those that are  
11 homeless, at-risk of homelessness, in transitional housing, in  
12 unstable or unaffordable rentals, and/or in pursuit of  
13 homeownership to increase their capacity to attain housing  
14 stability. Programs shall be designed with an overall objective  
15 to address barriers that hinder Native Hawaiians from obtaining  
16 stable housing; provided that notwithstanding section 10-17(e),  
17 Hawaii Revised Statutes, any funds expended for the purposes of  
18 this section shall be in accordance with chapter 103D or 103F,  
19 Hawaii Revised Statutes, or a competitive grants process, as  
20 appropriate.

21 **PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

1 SECTION 9. Provided that whenever necessary, the board of  
2 trustees of the Office of Hawaiian Affairs or the board's  
3 designee may transfer sufficient funds and positions between  
4 programs for operating purposes; provided further that these  
5 transfers shall be consistent with legislative intent; and  
6 provided further that the Office of Hawaiian Affairs shall  
7 submit a report to the legislature of all uses of this authority  
8 for the previous twelve month period from December 1 to November  
9 30 no later than twenty days prior to the regular session of  
10 2020 and 2021.

11 SECTION 10. If any portion of this Act or its application  
12 to any person, entity, or circumstance is held to be invalid for  
13 any reason, the legislature declares that the remainder of the  
14 Act and each and every other provision thereof shall not be  
15 affected thereby. If any portion of a specific appropriation is  
16 held to be invalid for any reason, the remaining portion shall  
17 be expended to fulfill the objective of such appropriation to  
18 the extent possible.

19 SECTION 11. In the event manifest clerical, typographical,  
20 or other mechanical errors are found in this Act, the board of  
21 trustees of the Office of Hawaiian Affairs is authorized to

1 correct these errors. All changes made pursuant to this section  
2 shall be reported to the legislature at its next session.

3 SECTION 12. This Act shall take effect on July 1, 2019.

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAI'I

\_\_\_\_.C.R. NO.\_\_\_\_

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# CONCURRENT RESOLUTION

REQUESTING THE PUBLIC CHARTER SCHOOL COMMISSION TO REPORT ON THE  
CRITERIA DEVELOPED AND PRIORITIZATION ADVISED FOR CHARTER  
SCHOOL FACILITIES FUNDING PURSUANT TO SECTION 302D-29.5,  
HAWAI'I REVISED STATUTES.

1 WHEREAS, there are thirty-seven public charter schools in  
2 Hawai'i serving nearly twelve thousand students statewide; and  
3

4 WHEREAS, these public charter schools are a part of the  
5 state public education system under the authority of the Public  
6 Charter School Commission and the Board of Education; and  
7

8 WHEREAS, public charter schools provide unique and valuable  
9 educational opportunities by exploring, developing, and  
10 implementing innovative education strategies, such as the  
11 integration of Hawaiian language, values, and history into  
12 culturally enriched curricula; and  
13

14 WHEREAS, public charter schools such as Ke Kula 'O  
15 Nāwahīokalani'ōpu'u Iki Lab Public Charter School have earned  
16 international recognition for their incorporation of indigenous  
17 language and values into high-quality academic programs, and  
18 have ranked among the top-performing public schools in student  
19 American College Testing scores, graduation rates, and rates of  
20 college matriculation; and  
21

22 WHEREAS, the role of public charter schools as "innovation  
23 labs" for public education informs their potential to improve  
24 education standards in schools throughout Hawai'i's public  
25 education system; and  
26

27 WHEREAS, there are two types of public charter schools in  
28 Hawai'i: start-up charter schools that must procure their own  
29 operating facilities, and conversion charter schools that were

1 converted from traditional Department of Education schools with  
2 pre-existing facilities; and

3  
4       WHEREAS, according to the Public Charter School  
5 Commission's past testimonies to the Legislature, lease or  
6 rental payments constitute a substantial portion of the  
7 facilities expenses incurred by public start-up charter schools,  
8 who collectively spent over \$5.3 million on rent or lease  
9 payments for school facilities in school year 2015-2016; in  
10 2016-2017, both public start-up and conversion charter schools  
11 spent an approximate total of \$10.4 million on rent and lease  
12 payments, repair and maintenance, and utilities payments; and

13  
14       WHEREAS, while section 302D-28, Hawai'i Revised Statutes,  
15 mandates that non-facility general fund per-pupil funding amount  
16 for public charter school students be equivalent to the non-  
17 facility general fund per-pupil base funding amount provided for  
18 traditional Department of Education schools, there is no  
19 provision to ensure equitable state funding for public charter  
20 schools' unique facilities expenses; and

21  
22       WHEREAS, public charter schools, and start-up public  
23 charter schools in particular, have accordingly had to use a  
24 significant amount of their already stretched per-pupil  
25 operational funds to pay for their facilities expenses; and

26  
27       WHEREAS, the lack of consistent state funding for public  
28 charter schools' facilities expenses may significantly limit  
29 their capacity to develop and provide innovative curricula for  
30 their students, as well as serve as "innovation labs" for  
31 traditional Department of Education schools; and

32  
33       WHEREAS, section 302D-29.5, Hawai'i Revised Statutes,  
34 requires the Legislature to consider making an appropriation and  
35 bond authorization to the Public Charter School Commission for  
36 the design, planning, construction, repair, and maintenance of  
37 public charter school improvements; expand or improve  
38 instructional space; provide for food services; and provide  
39 restroom facilities; and

40  
41       WHEREAS, despite the plain language of section 302D-29.5,  
42 which contemplates appropriations for the costs of instructional  
43 space, restroom facilities, and other improvements necessary or  
44 incidental to a public charter school's educational mission,

1 questions have been raised regarding whether the scope of  
2 section 302D-29.5 includes appropriations for lease or rental  
3 payments; and  
4

5 WHEREAS, section 302D-29.5 tasks the Public Charter School  
6 Commission to develop criteria to determine the distribution of  
7 any funds appropriated for public charter school facilities  
8 expenses, to include distribution based on the need and  
9 performance of the charter schools, overall benefit to the  
10 surrounding community, amount of risk and availability of  
11 recourse to the State, and whether a particular charter school  
12 received facilities funding through other state funding,  
13 including grants-in-aid or a separate appropriation; and  
14

15 WHEREAS, section 302D-29.5 further establishes a Charter  
16 School Facilities Funding Working Group within the Department of  
17 Education, to act in an advisory capacity to prioritize the  
18 allocation of general fund appropriations and bond proceeds for  
19 public charter schools to expend based on the criteria  
20 established by the Public Charter School Commission; and  
21

22 BE IT RESOLVED by the [originating chamber] of the  
23 Thirtieth Legislature of the State of Hawai'i, Regular Session of  
24 2019, the [non-originating chamber] concurring, that the Public  
25 Charter School Commission is requested to report on the criteria  
26 developed by the Commission, and prioritization advised by the  
27 Charter School Facilities Funding Working Group, for charter  
28 school facilities funding pursuant to section 302D-29.5, Hawai'i  
29 Revised Statutes; and  
30

31 BE IT FURTHER RESOLVED that the Public Charter School  
32 Commission, with input from the Charter School Facilities  
33 Funding Working Group, provide any proposed legislation and  
34 recommendations, including any recommendations related to  
35 funding expenditures for lease and rental payments under section  
36 302D-29.5, to the Legislature no later than twenty days prior to  
37 the convening of the Regular Session of 2020; and  
38

39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the Chairperson and  
41 Executive Director of the Public Charter School Commission, the  
42 Board of Education, the Director of Budget and Finance, the  
43 Comptroller, the Superintendent of Education, and the

\_\_\_ C.R. NO. \_\_\_

1 Chairperson of the Board of Trustees of the Office of Hawaiian  
2 Affairs.

3  
4  
5

OFFERED BY: \_\_\_\_\_  
By Request

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# A BILL FOR AN ACT

RELATING TO STRENGTHENING THE FOUNDATION FOR ENSURING A FAIR AND JUST PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in 1978, the state  
2 constitution was amended to include article XII, sections 4, 5,  
3 and 6, which established the Office of Hawaiian Affairs and its  
4 board of trustees.

5           Sections 4, 5, and 6 of article XII of the state  
6 constitution provide:

7           Section 4. The lands granted to the State of Hawaii  
8 by Section 5(b) of the Admission Act and pursuant to  
9 Article XVI, Section 7, of the State Constitution,  
10 excluding therefrom lands defined as "available lands" by  
11 Section 203 of the Hawaiian Homes Commission Act, 1920, as  
12 amended, shall be held by the State as a public trust for  
13 native Hawaiians and the general public.

14           Section 5. There is hereby established an Office  
15 of Hawaiian Affairs. The Office of Hawaiian Affairs  
16 shall hold title to all the real and personal property  
17 now or hereafter set aside or conveyed to it which

**.B. NO.**           

1        shall be held in trust for native Hawaiians and  
2        Hawaiians. There shall be a board of trustees for the  
3        Office of Hawaiian Affairs elected by qualified voters  
4        . . . as provided by law. . . . There shall be not  
5        less than nine members of the board of trustees;  
6        provided that each of the following Islands have one  
7        representative: Oahu, Kauai, Maui, Molokai and  
8        Hawaii. The board shall elect a chairperson from its  
9        members.

10            Section 6. The board of trustees of the Office of  
11        Hawaiian Affairs shall exercise power as provided by  
12        law: to manage and administer the proceeds from the sale  
13        or other disposition of the lands, natural resources,  
14        minerals and income derived from whatever sources for  
15        native Hawaiians and Hawaiians, including all income and  
16        proceeds from that pro rata portion of the trust referred  
17        to in section 4 of this article for native Hawaiians; to  
18        formulate policy relating to affairs of native Hawaiians  
19        and Hawaiians; and to exercise control over real and  
20        personal property set aside by state, federal or private  
21        sources and transferred to the board for native Hawaiians  
22        and Hawaiians. The board shall have the power to exercise

1 control over the Office of Hawaiian Affairs through its  
2 executive officer, the administrator of the Office of  
3 Hawaiian Affairs, who shall be appointed by the board.  
4 Act 273, Session Laws of Hawai'i 1980, enacted section  
5 10-13.5, Hawai'i Revised Statutes, to implement the Office of  
6 Hawaiian Affairs' pro rata share and provide that "[¶]twenty per  
7 cent of all funds derived from the public land trust . . . shall  
8 be expended by the [Office of Hawaiian Affairs] . . . for the  
9 purposes of this chapter."

10 Following a series of lawsuits concerning the Office of  
11 Hawaiian Affairs' constitutional pro rata share of all funds  
12 derived from the public land trust, the legislature enacted Act  
13 178, Session Laws of Hawai'i 2006. Act 178, which took effect on  
14 June 7, 2006, specifically acknowledged that "the State's  
15 obligation to native Hawaiians is firmly established in the  
16 state constitution. (See Haw. Const. art XII)" and included a  
17 stated purpose of providing "interim measures to ensure that an  
18 adequate amount of income and proceeds is made available to the  
19 [Office of Hawaiian Affairs] from the pro rata portion of the  
20 public land trust, for the betterment of the conditions of  
21 native Hawaiians."

1           Act 178 carried out this interim purpose by requiring "the  
2 income and proceeds from the pro rata portion of the public land  
3 trust under article XII, section 6, of the state constitution  
4 for expenditure by the office of Hawaiian affairs for the  
5 betterment of the conditions of native Hawaiians for each fiscal  
6 year beginning with fiscal year 2005-2006 shall be \$15,100,000."  
7 Specifically, Act 178 noted this interim amount was "[until]  
8 further action is taken by the legislature for this purpose."  
9 This \$15,100,000 was based, in part, on certain ancillary  
10 receipts from the state airports.

11           The second purpose of Act 178 was to identify "revenue-  
12 generating public trust lands and the amounts derived from those  
13 lands by requiring that the department of land and natural  
14 resources provide an annual accounting to the legislature."  
15 Accordingly, section 5 of Act 178 requires that no later than  
16 January 1 of each year, the department of land and natural  
17 resources, with the cooperation of the department of budget and  
18 finance and any other state department or agency that uses or  
19 manages public lands, provide an accounting of all receipts from  
20 lands described in section 5(f) of the Admission Act for the  
21 prior fiscal year. Section 5 of Act 178 also requires that with

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1 respect to each receipt, the department of land and natural  
2 resources must identify:

- 3 (1) The total gross amount;
- 4 (2) The amount transferred to the Office of Hawaiian  
5 Affairs;
- 6 (3) The amount retained by the State;
- 7 (4) The account or fund into which the amount specified in  
8 paragraph (3) was transferred or deposited;
- 9 (5) The parcel of land subject to section 5(f) of the  
10 Admission Act that generated the receipt, whether by  
11 tax map key number, department of land and natural  
12 resources inventory number, or other recognizable  
13 description; and
- 14 (6) The state department or agency that received the total  
15 gross amount identified in paragraph (1).

16 In addition, section 5 of Act 178 requires that the  
17 accounting indicate whether any parcel of land described in  
18 section 5(f) of the Admission Act was sold or exchanged in the  
19 prior fiscal year and, if so, the amount of consideration that  
20 the State received for the respective parcels. Section 5 of Act  
21 178 also requires that the department of land and natural

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1 resources consult the Office of Hawaiian Affairs in determining  
2 the method in which the accounting must be conducted.

3 In order to effectuate Act 178, the then-governor of the  
4 state issued Executive Order No. 06-06, which established the  
5 procedures by which all state agencies collecting receipts for  
6 the use of public land trust lands must account for, set aside,  
7 and transfer to the Office of Hawaiian Affairs receipts from  
8 public land trust lands, subject to enumerated exceptions.

9 Based on the annual accountings of the amounts derived from  
10 the public land trust conducted pursuant to Act 178, and as  
11 supplemented by additional research commissioned by the Office  
12 of Hawaiian Affairs of receipts from the public land trust in  
13 fiscal year 2015-2016, the minimum amount of total gross public  
14 land trust receipts from sources to which the Office of Hawaiian  
15 Affairs has made a past or current claim was found to be  
16 \$174,816,220 in fiscal year 2015-2016. Twenty percent of this  
17 amount from fiscal year 2015-2016 is \$34,963,244, considerably  
18 more than the \$15,100,000 that the Office of Hawaiian Affairs  
19 receives annually pursuant to Act 178. However, despite its  
20 "interim" nature, Act 178, Session Laws of 2006, remains in  
21 effect setting the Office of Hawaiian Affairs' annual income and  
22 proceeds from the public land trust for the betterment of the

1 conditions of native Hawaiians at \$15,100,000, pending further  
2 legislative action on the subject.

3         While accounting information gathered pursuant to Act 178  
4 has already proven valuable to illustrating the need to revisit  
5 and revise the \$15,100,000 amount transferred annually to the  
6 Office of Hawaiian Affairs, full compliance with Act 178 is  
7 critical to informing future discussions and determinations of  
8 what constitutes a fair, revised amount of native Hawaiians'  
9 share of all funds derived from the public land trust. However,  
10 deficiencies in reporting and accountability have been  
11 identified by the Office of Hawaiian Affairs and its contractors  
12 over several recent years, including the State's failure to  
13 fully account for gross receipts from the public land trust, and  
14 the State's apparent reluctance to completely report public land  
15 trust receipts of certain agencies, including the University of  
16 Hawai'i. Such deficiencies will likely continue without further  
17 clarification, supplementation, and codification of the  
18 reporting requirements of Act 178.

19         Accordingly, the legislature finds that it is now in the  
20 best interests of the Office of Hawaiian Affairs, its  
21 beneficiaries, the State, and all citizens of Hawai'i to amend  
22 the Hawai'i Revised Statutes to clarify, supplement, and codify

1 the reporting and accountability foundation established by Act  
2 178.

3 The purpose of this Act is to:

4 (1) Codify the accounting and reporting requirements set  
5 forth in Section 5 of Act 178, Session Laws of Hawai'i,  
6 with modifications to:

7 (a) Emphasize that the University of Hawai'i is  
8 subject to the requirements;

9 (b) Emphasize that all public land trust revenues  
10 must be accounted for, including those revenues  
11 that a department or agency believes may not be  
12 subject to the Office of Hawaiian Affairs' pro  
13 rata share; and

14 (c) Require the department of land and natural  
15 resources to consult with the Office of Hawaiian  
16 Affairs to ensure that the accounting is accurate  
17 and inclusive;

18 and

19 (2) Require certain explanations and determinations  
20 regarding the amount of revenues transferred to the  
21 Office of Hawaiian affairs.

1 SECTION 2. Chapter 171, Hawai'i Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§171- Public land trust; reporting. Notwithstanding the  
5 provisions of section 5 of Act 178, Session Laws of Hawai'i 2006,  
6 no later than January 1 of each year, the department of land and  
7 natural resources, with the cooperation of the department of  
8 budget and finance and any other department or agency that  
9 collects receipts from lands within the public land trust that  
10 is described in section 171-18, including the University of  
11 Hawai'i, shall provide an annual report with an accounting of all  
12 receipts from lands described in section 5(f) of the Admission  
13 Act for the prior fiscal year. With respect to each receipt,  
14 the department of land and natural resources shall identify:

- 15 (1) The total gross amount of revenue generated from the  
16 use of the public land trust, regardless of whether  
17 the revenue is subject to the Office of Hawaiian  
18 Affairs' pro rata share;
- 19 (2) The amount transferred to the Office of Hawaiian  
20 Affairs;
- 21 (3) The amount retained by the State;

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- 1       (4) The account or fund in which the amount specified in  
2           paragraph (3) was transferred or deposited;
- 3       (5) The parcel of land subject to section 5(f) of the  
4           Admission Act that generated the receipt, whether by  
5           tax map key number, department of land and natural  
6           resources inventory number, or other recognizable  
7           description;
- 8       (6) The state department or agency that received the total  
9           gross amount identified in paragraph (1); and
- 10       (7) For each receipt where the transferred amount  
11           identified in paragraph (2) was less than twenty per  
12           cent of the total gross amount identified in paragraph  
13           (1), an explanation of why the state department or  
14           agency identified in paragraph (6) did not transfer  
15           the full twenty per cent of the total gross amount of  
16           revenue; for example, that federal or state law  
17           precludes any portion of the receipts from being used  
18           directly to better the conditions of native Hawaiians,  
19           or the transfer of any portion of the receipt will  
20           cause the State to renege on any pre-existing pledge,  
21           rate covenant, or other pre-existing obligation to



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THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_ .B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO THE COMPOSITION OF THE STATE COUNCIL ON MENTAL  
HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that there is an urgent  
2 need to promote community-centric and culturally-integrated  
3 mental health policies for Native Hawaiians. The legislature  
4 further finds that Hawai'i's exceptionally diverse population  
5 also has the potential to benefit significantly from mental  
6 health programs and approaches that incorporate cross-cultural  
7 values, practices, and understandings, including in particular  
8 those of Hawai'i's host culture.

9           Today, Native Hawaiians are born into and are raised  
10 against a backdrop of historical injustice and social,  
11 political, and cultural disruption. The physical decimation of  
12 entire communities, alienation from the land, the deprivation  
13 and destruction of natural and cultural resources and sites,  
14 linguistic suppression, cultural devaluation and  
15 misappropriation, and systemically biased socioeconomic  
16 structures have impacted generations of Native Hawaiians over  
17 the past two centuries. Unfortunately, the resulting

1 disintegration of ancestral knowledge and disconnection from  
2 culturally-grounded understandings and relationships have  
3 perpetuated and exacerbated the serious negative mental health-  
4 associated outcomes now seen in the Native Hawaiian community,  
5 including: high rates of suicide and suicide attempts,  
6 including alarmingly high rates of suicidal ideation and suicide  
7 attempts among 'ōpio, or youth; high rates of alcohol and drug  
8 abuse; child abuse; school adjustment problems; disproportionate  
9 interactions with the criminal justice system; and certain  
10 specific psychological and psychiatric mental illnesses.

11       The legislature finds that a growing and well-established  
12 body of literature, as well as case studies and highly  
13 successful examples of culturally-grounded mental health  
14 programming, shows that the promotion and integration of  
15 cultural traditions and sacred places, access to lands and  
16 natural resources, a strong indigenous identity, and cultural  
17 participation may be necessary for improving Native Hawaiian  
18 mental health stability and success. In addition to providing  
19 Native Hawaiians with culturally based curative methods,  
20 traditional Hawaiian healing practices benefit Hawai'i's  
21 ethnically diverse population as well by offering alternative  
22 treatment options. However, Hawai'i's current approaches to

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1 improving mental health do not provide Native Hawaiians or  
2 others with consistent opportunities to participate in holistic  
3 mental health programs that incorporate such culture-based  
4 knowledge, values, and activities. The legislature finds that  
5 encouraging the systemic exploration, development, and  
6 implementation of such opportunities throughout the State's  
7 mental health infrastructure may be critical to providing  
8 substantial and much-needed relief to the mental health-  
9 associated burdens that impact the Native Hawaiian community in  
10 particular, as well as many other residents of the State.

11 The legislature finds that the state council on mental  
12 health is responsible for advising, reviewing, and evaluating  
13 the allocation and adequacy of mental health services in the  
14 State. Accordingly, requiring the council to include members  
15 with knowledge of or work experience involving Native Hawaiian  
16 concepts of well-being, culturally-grounded mental health  
17 methodologies, or traditional healing or health practices can  
18 help to systemically advance the culturally-grounded policies  
19 and programs that are critical to meeting the dire mental health  
20 needs of Native Hawaiian community members and others.

21 Therefore, the purpose of this Act is to require at least  
22 three members of the state council on mental health to be

1 reserved for individuals with demonstrated knowledge of or work  
2 experience involving Native Hawaiian concepts of well-being,  
3 culturally-grounded mental health methodologies, or traditional  
4 healing or health practices.

5 SECTION 2. Section 334-10, Hawai'i Revised Statutes, is  
6 amended to read as follows:

7 "**§334-10 State council on mental health.** (a) There is  
8 established a state council on mental health. The council shall  
9 consist of twenty-one members appointed by the governor as  
10 provided in section 26-34. In making appointments to the  
11 council, the governor shall ensure that all service area boards  
12 of the State are represented, and that a majority of the members  
13 are nonproviders of mental health or other health services, and  
14 that a majority of the members are not state employees. The  
15 number of parents of children with serious emotional  
16 disturbances shall be sufficient to provide adequate  
17 representation of such children in the deliberations of the  
18 council. The council shall be composed of residents of the  
19 State, including individuals representing:

20 (1) The principal state agencies with respect to mental  
21 health, education, vocational rehabilitation, criminal  
22 justice, housing, and social services;

1 (2) Public and private entities concerned with the need,  
2 planning, operation, funding, and use of mental health  
3 services and related support services;

4 (3) Adults with serious mental illnesses who are  
5 receiving, or have received, mental health services;

6 (4) The families of such adults or families of children  
7 with serious emotional disturbances; and

8 (5) The Hawaii advisory commission on drug abuse and  
9 controlled substances who shall be a person  
10 knowledgeable about the community and the  
11 relationships between mental health, mental illness,  
12 and substance abuse.

13 (b) The council shall elect a chairperson from among its  
14 members. All members shall serve without compensation but shall  
15 be paid their necessary expenses in attending meetings of the  
16 council.

17 (c) At least three members of the council shall have  
18 demonstrated knowledge of or work experience involving Native  
19 Hawaiian concepts of well-being, culturally-grounded mental  
20 health methodologies, or traditional healing or health practices  
21 as evidenced by:

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- 1           (1) A college or university degree in a relevant  
2           field, such as psychology, social work, public  
3           health, nursing, Hawaiian studies, health  
4           administration, or medicine, with a focus on  
5           Native Hawaiian and indigenous health,  
6           transgenerational trauma, or traditional healing  
7           or health practices such as ho'oponopono, la'au  
8           lapa'au, or lomilomi;
- 9           (2) Work history that demonstrates an appropriate  
10           level of knowledge of or involvement in Native  
11           Hawaiian and indigenous health, transgenerational  
12           trauma, or traditional healing or health  
13           practices such as ho'oponopono, la'au lapa'au, or  
14           lomilomi;
- 15           (3) Health, social, or legal work history addressing  
16           Native Hawaiian inequities; or
- 17           (4) Substantial community experience as a Native  
18           Hawaiian traditional and customary practitioner  
19           in healing treatments, techniques, services, or  
20           practices.

21           ~~(e)~~(d) The council shall advise the department on  
22 allocation of resources, statewide needs, and programs affecting

1 two or more service areas. The council shall review and comment  
2 on the statewide comprehensive integrated service plan and shall  
3 serve as an advocate for adults with serious mental illness,  
4 children with serious emotional disturbances, other individuals  
5 with mental illnesses or emotional problems, and individuals  
6 with combined mental illness substance abuse disorders.

7 ~~(d)~~(e) If the department's action is not in conformance  
8 with the council's advice, the department shall provide a  
9 written explanation of its position to the council.

10 ~~(e)~~(f) The council shall prepare and submit an annual  
11 report to the governor and the legislature on implementation of  
12 the statewide comprehensive integrated service plan. The report  
13 presented to the legislature shall be submitted at least twenty  
14 days prior to the convening of each regular session."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval,  
18 provided that the composition of the state council on mental  
19 shall comply with the requirements of section 2 of this Act  
20 beginning on July 1, 2020.

21

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INTRODUCED BY: \_\_\_\_\_

\_\_\_\_.B. NO. \_\_\_\_\_

By Request

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAI'I

\_\_\_ .B. NO. \_\_\_

## A BILL FOR AN ACT

RELATING TO BAIL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

1 SECTION 1. Chapter 804, Hawai'i Revised Statutes, is amended  
2 by adding a new section to part I to be appropriately designated  
3 and to read as follows:

4 "§804- Unsecured bail. (a) After an amount of bail is  
5 determined by a justice or judge pursuant to section 804-9, a  
6 defendant in custody may petition the court for unsecured bail.

7 Upon a showing that:

- 8 (1) Securing the bail bond or obtaining a surety or  
9 sureties to secure the bail bond pursuant to section  
10 804-11.5 would result in significant financial  
11 hardship; and
- 12 (3) The continued incarceration of the defendant would  
13 jeopardize the defendant's ability to maintain  
14 employment, remain enrolled in any educational or  
15 training program, care for a dependent, continue  
16 medical or therapeutic treatment, or maintain housing;  
17 the court may order the defendant released upon the execution of  
18 an unsecured financial bond for all or part of the bail amount

1 by the defendant and any additional obligors as may be required  
2 by the court, upon the deposit of cash or other security as  
3 described in section 804-11.5 for any remaining bail amount not  
4 covered by the unsecured financial bond, and subject to any  
5 other conditions of release that will reasonably assure the  
6 appearance of the defendant in court as required and protect the  
7 public.

8 (b) In granting or denying a petition for unsecured bail,  
9 the court shall consider:

- 10 (1) The defendant's employment status and history;
- 11 (2) The nature and extent of the defendant's family  
12 relationships;
- 13 (3) The defendant's past and present residences;
- 14 (4) The defendant's character and reputation;
- 15 (5) Any persons who agree to assist the defendant to  
16 appear when required and satisfy conditions of  
17 release;
- 18 (6) The defendant's ties to the community;
- 19 (7) The defendant's financial circumstances;
- 20 (8) The results of an empirical and validated pretrial  
21 risk assessment;
- 22 (9) The offense charged and any potential sentence;

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- 1       (10) The defendant's prior criminal record, if any, and any
- 2           prior failures to appear in court; and
- 3       (11) Any other facts the court finds relevant to the
- 4 defendant's likelihood to appear in court and satisfy the
- 5 conditions of release."

6       SECTION 2. New statutory material is underscored.

7       SECTION 3. This Act shall take effect upon its approval.

8

9

INTRODUCED BY: \_\_\_\_\_

10

By Request

Office of Hawaiian Affairs  
Board of Trustee Meeting  
October 25, 2018  
10:00 am

VI. Executive Session

- A. Consultation with Board Counsel Robert G. Klein, Esq. and attorneys William Yuen, Esq., Claire Black, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities in Civil No. 18-1-0301 (Andrew Walden v. Hi'ilei Aloha LLC, Ho'okele Pono LLC, and Hi'ipaka LLC), *Pursuant to HRS §92-5(a)(4)*.
- B. 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)*.
- C. Approval of Minutes
1. July 26, 2018
  2. August 30, 2018
  3. September 6, 2018
  4. October 2, 2018

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