

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, February 20, 2020
10:00 am**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE BRENDON KALEI'ĀINA LEE
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI'Ī AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT KLEIN, BOARD COUNSEL
SHANLYN PARK, ESQ.

EXCUSED:

TRUSTEE ROBERT K. LINDSEY

ADMINISTRATION STAFF:

SYLVIA HUSSEY, CEO
RAINA GUSHIKEN, CC
JIM MCMAHON, ADV
EVERETT OHTA, CC
JOCELYN DOANE, PP
LISA WATKINS-VICTORINO, ICOO
STERLING WONG, PRO
DANIEL SANTOS III, IT

BOT STAFF:

CAROL HO'OMANAWANUI
DAYNA PA
LAURENE KALUAU-KEALOHA
KAUIKEAOLANI WAILEHUA
LEIANN DURANT
ALYSSA-MARIE KAU
MARIA CALDERON
ANUHEA PATOC
BRANDON MITSUDA
NATHAN TAKEUCHI
MELISSA WENNIHAN
BETHANN AHSING
ZURI AKI

GUESTS:

THOMAS SHIRAI
CLARE APANA

I. CALL TO ORDER

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:01 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, and Machado are present, constituting a quorum. Trustees Waihee is expected to arrive shortly and an excuse has been received from Trustee Robert K. Lindsey.

I would like to acknowledge the 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

V. New Business

- A. Committee on Beneficiary Advocacy and Empowerment
 - 2. 2020 OHA Legislative Positioning – Matrix 2, February 19, 2020
 - 3. Action Item BAE #20-01: Approval of Nominees for the O'ahu Island Burial Council, Kaua'i & Ni'ihau Island Burial Council, Maui and Lāna'i Island Burial Council, and Hawai'i Island Burial Council
- B. Action Item BOT #20-01: Approve the Office of Hawaiian Affairs, Board of Trustees' Updated By-Laws

Which is a first reading to take and approve updated PIG By-Laws. With that said members we will move to the approval of our Minutes for February 6, 2020.

II. APPROVAL OF MINUTES

A. February 6, 2020

Trustee Brendon Kalei‘āina Lee moves to approve the Board of Trustees meeting minutes of February 6, 2020.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado –Is there any discussion? Hearing none, roll call vote please.

10:02 am Trustee John Waihe‘e IV arrives to the meeting.

Trustee Brendon Kalei‘āina Lee moves to approve the Board of Trustees meeting minutes February 6, 2020. 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 KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		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) excused.						

III. PUBLIC TESTIMONY

Chair Colette Machado – Member we are now on public testimony. I have one individual that has signed up. This is Trustee Brendon Kalei‘āina Lee in his individual capacity. He will be addressing VI. B. identified as Executive Session VI.B. Citizen Brendon Lee.

Brendon Kalei‘āina Lee – Aloha Chair Machado, Aloha Trustees of the Office of Hawaiian Affairs, my name is Brendon Kalei‘āina Lee and I am a beneficiary for the Office of Hawaiian Affairs. I am here to give public testimony today regarding one of your body who gave community concerns at the Nanakuli Neighborhood Board meeting the night before last. During that testimony, sorry not testimony, during his community concerns Trustee Akina talked about that if the Office of Hawaiian Affairs wishes to be transparent that they should have nothing to hide and to turn over the documents being requested by the State Auditor. At no point when he was addressing our beneficiaries did he disclose to them that the items requested came from not only Executive Session but they contained Attorney Client Privileged materials. Thank you, Trustees.

Chair Colette Machado – Thank you citizen Lee. Is there anyone else that has signed up? Hearing none we will proceed to IV. which is unfinished business and I will call on our CEO, Sylvia Hussey.

Trustee Keli'i Akina – Madame Chair.

Trustee Carmen Hulu Lindsey – Cannot.

Chair Colette Machado – You cannot respond.

Brendon Kalei'aina Lee – Yes, he can its public testimony, it's an agendized item.

Trustee Keli'i Akina – I don't have a response prepared at this time. I would like to however ask you in what manner, who can I present a response to the Board at a later time once I have investigated the comments made.

Chair Colette Machado – Are you disputing the comments that were made by citizen Lee at the table today under public testimony?

Trustee Keli'i Akina – What I'm doing is asking when I might be able to respond to it after I look into what he had said.

Chair Colette Machado – You have an option to respond in a like manner in public testimony or community concerns.

Brendon Kalei'aina Lee – Trustee, I believe pursuant to the sunshine law, unless this item on an agendized item at a later point that Trustee Akina may not respond at a latter time. I am here, open and available for questions for his comments made the night before last. I don't know what there is to research. If he wishes to question me about his comments, I am here to answer them.

Trustee Keli'i Akina – It is not true that I revealed something that I have learned in Executive session. It is true that I only made responses to something...

Brendon Kalei'aina Lee – Can I make a clarification Chair, at no point did I say that he made comments to something that was delcared in executive session, nor did I accuse him of disclosing things that were privy only to executive session. What I did say was he did not inform our beneficiaries that the documents being requested by State Auditor Kondo were in executive session and that they contained attorney client privileged materials. At no point did I say he disclosed statements that were in executive session.

Trustee Keli'i Akina – All I will say is that I did nothing improper and I will take what Trustee Lee has into consideration and respond at a latter time. Thank you.

Brendon Kalei'aina Lee – And just to clarify Madame Chair, I never said he did anything improper either. Thank you Madame Chair.

Chair Colette Machado – That's correct he was just giving us some response...

Trustee Keli'i Akina – I am glad that the Trustee clarified he did not say I did anything improper. Thank you, Trustee.

Brendon Kalei'aina Lee – Trustee Machado, Trustee Akina just stated the comments made by Trustee. I don't believe there was a Trustee giving public testimony. Thank you.

Chair Colette Machado – I have a request to take out of order for community concerns the beneficiary Thomas Shirai. Because he needs to be going, he just came from dialysis. Let me do that and move to VII. Thomas come to the table I would like you to address the Board of Trustees since you took the time to travel today under community concerns.

VII. COMMUNITY CONCERN

Chair Colette Machado – I will take you out of order.

Thomas Shirai – I appreciate it, otherwise I would stay the whole meeting. Before I talk, I'd like to say, do the best you guys can. Because you cannot make everyone happy, that is not realistic. You going get somebody that no like and you going get people that like what you guys doing. Ok. That's the realistic thing. Thank you for seeing me. I get the double "D", Dialysis and Diabetes. I made my peace with it and I need up otherwise I going die. So, I get nothing bad, I upbeat, I get my ups and downs like everyone else. But poopakiki, this is so important what I want to talk to you guys about I sacrifice going home. I be fine after some coffee.

You guys saw the news of Dillingham Airfield. Channel 2 went present a side that nobody went like address. I come here because I don't want to use the "h" word, or the "r" word. I feel very disappointed in my Senators and my representatives. They only catering to the tenants and transplant people. That is why I no like use the "h" word. I felt, it says it all on Channel 2, they only get one lease existence on that airfield. I go back way before the mahele. I get um all, everyone know in that capacity, even a lineal descendant by SHPD, that is how far back. I am well documented in the Bishop Museum publication, my family when they talk about Waialua. They went aloha Lahilahi Web and we went hanai her so she is part of our 'ohana. All I like, what I am trying to say is, I am entitled to be at a seat at this kind table when you talk about the future of that airfield. 2005 I reinterned my iwi kupuna of my ancestor because they never like listen 7 years ago when my grandpa, myself, my mom and my wife told them where to do and where not to go. They ignored all that and you see it on the news.

We reinterned the remains. And you going tell me you going let people with just a lease get to say about the future of that airfield instead of me as a member of the general public. Its not an evil trick Trustee, that is about respect. I just got through, yesterday, Governor's office I like one meeting, because I like be at the meeting at DOT, Army and the Governor. I thinking in the Hawaiian sense, before you address any of those future concerns about the airfield you got to make hooponopono right of what happened to my ancestor long time ago. What they went do and all those things. I represent not just my family but the others that were over there. Because like I said we are not being represented by our legislators. I was so angry when I went finish the Governor's office, I went go talk to the Hawaiian Senators and they were very concerned about that. Senator Keohokalole and Senator English and Representative Perruso. I never go see mine. Because I know the way they think they not for us. That's why the report come out "F", "F" down the board straight line. All I asking is I like one seat at the table and the hooponopono before the make any more decisions about that airfield. Regardless if I support the thing or I no support the thing.

I want to share with you too. My family get Government service too. 1940 my grandfather got a silver lifesaving for saving one soldier at that airfield beach. My mom, in 1953 or 1954 Civil Air Patrol Territorial Cadet of the year and the unit based at Mokuleia Field. Me, I am one of the elite Coast Guardsmen. Only 275 men get Coast Guard medal presented to me in Washington DC by at that time Senator Elizabeth Dole, that is Bob Dole's wife. I met all the staff. That is three native Hawaiian people to show that we not stupid and when you tell us to be loyal and to serve, we know what the hell we doing. Like I said, want to reiterate about me. Only 275 in the history of the Coast Guard get that kind of award. That is the highest of the highest, the bests of the bests and the elite of the elite. Of course, I no look like the elite, too momona and sick. But at that time hard to beat. I am asking for you guys to understand that, and one of the most hooponopono thing I like them do in 2002 Governor Cayetano went sign Act 276 rename Dillingham Airfield to Kawaihāai Airfield, they already get um. But get on stipulation over there, if I don't put that stipulation above land transfer, they not going pass it, it will be shut down. But I feel this is the opportunity. If you can do that for Honolulu Airport name it Dan Inouye, what's the matter with this airport over here. I not glorifying a land. I am talking about the 'āina first to inclusive.

The think I want you guys to do, please support that. If the Governor grant me a meeting with him to discuss what I said to you guys. I invite anyone of the Trustees to come over there. Already went invite the two Senators. And going make my Senator, going make um look like one okole for taking me for granted and not representing the Hawaiian people. That is all I get for say. I get one long trip, I going back down North Shore. Do the best you

guys can in whatever you guys agenda you guys do and neva mind what some no like. I like see them sit on this table so they know what its like. I know what it's like because I sat on your Native Hawaiian Historic Preservation Council, and two terms of Oahu Island Burial Council. Mahalo for you guys for taking me out of order. Have a good day.

Chair Colette Machado – Thank you Thomas. Members we will go back to IV.A.

IV. UNFINISHED BUSINESS

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

Chair Colette Machado – I would like to call on our CEO, Sylvia Hussey for any updates that she has.

Sylvia Hussey – Good morning Trustees. No major updates but just want to thank you for allowing your staff to participate in the organization wide project management and portfolio management training going on. I believe, our entire staff is gaining new skills and hopefully there are lots of projects and opportunities to apply that. But it is time away that we've asked of being Trustee Aides and doing and supporting you. So, we appreciate that time you have allowed them to participate in the training as well as the relationship building throughout the agency for this particular item. So, thank you for that. That is it Chair.

Chair Colette Machado – Thank you Sylvia we are now on V. New Business.

V. NEW BUSINESS

Chair Colette Machado – Item A. relates to the Beneficiary Advocacy and Empowerment Committee. I'd like to call on Trustee Waihee regarding matrix February 12th and 19th.

A. Beneficiary Advocacy and Empowerment Committee

1. 2020 OHA Legislative Positioning – Matrix 2, February 12, 2020

**Trustee John Waihe'e IV moves to approve Administration's recommendations on:
NEW BILLS (Items 1 – 83) and
BILL POSITIONS FOR RECONSIDERATION (Item 84),
along with the following revisions:**

CHANGE items:

- 76, HCR12, from ~~Monitor~~ to COMMENT;
- 149, HB2119, from ~~Monitor~~ to SUPPORT; and
- 378, SB3164, from ~~Support~~ to SUPPORT WITH AMENDMENTS

on the OHA Legislative Positioning Matrix dated February 12, 2020, as amended.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado –Any further discussion members? Hearing none roll call vote.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:
 NEW BILLS (Items 1 – 83) and
 BILL POSITIONS FOR RECONSIDERATION (Item 84),
 along with the following revisions:
 CHANGE items:
 • 76, HCR12, from ~~Monitor~~ to COMMENT;
 • 149, HB2119, from ~~Monitor~~ to SUPPORT; and
 • 378, SB3164, from ~~Support~~ to SUPPORT WITH AMENDMENTS
 on the OHA Legislative Positioning Matrix dated February 12, 2020, as amended.
 Trustee Kalei Akaka 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 KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						Excused
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1

MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED
 Motion passes with eight (8) yes votes and one (1) excused.

2. 2020 OHA Legislative Positioning – Matrix 2, February 19, 2020

Chair Colette Machado – Trustee Waihee.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:

NEW BILLS (Items 1 - 31) and
 BILL POSITIONS FOR RECONSIDERATION (Items 32 - 38),

along with the following revisions:

CHANGE items:

- 11, SB43 from ~~Comment~~ to MONITOR; and
- 247, 248, and 261; HCR35, HCR37, and SCR37 respectively, from ~~Comment~~ to MONITOR

on the OHA Legislative Positioning Matrix dated February 19, 2020, as amended.

Trustee Kalei Akaka seconds the motion.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:
 NEW BILLS (Items 1 - 31) and
 BILL POSITIONS FOR RECONSIDERATION (Items 32 - 38),
 along with the following revisions:
 CHANGE items:
 • 11, SB43 from ~~Comment~~ to MONITOR; and
 • 247, 248, and 261; HCR35, HCR37, and SCR37 respectively, from ~~Comment~~ to MONITOR
 on the OHA Legislative Positioning Matrix dated February 19, 2020, as amended.
 Trustee Kalei Akaka 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 KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			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) excused.

3. Action Item BAE #20-01: Approval of Nominees for the O'ahu Island Burial Council, Kaua'i & Ni'ihau Island Burial Council, Maui and Lāna'i Island Burial Council, and Hawai'i Island Burial Council

Chair Colette Machado – Trustee Waihee, Action Item BAE #20-01.

Trustee John Waihe'e IV moves to approve the following candidates as nominees for immediate appointment to the O'ahu Island Burial Council, Kaua'i & Ni'ihau Island Burial Council, Maui & Lāna'i Island Burial Council, and Hawai'i Island Burial Council:

- Kyle K. Nakanelua, *Nominee for Hāna regional representative on the Maui/Lāna'i Island Burial Council*
- Susan Talbot Herhold, *Nominee for Kohala regional representative on the Hawai'i Island Burial Council*
- Naki'a Nae'ole, *Nominee for Ko'olaupua regional representative on the O'ahu Island Burial Council*
- Tatiana Kalaniopua Young, *Nominee for Wai'anae regional representative on the O'ahu Island Burial Council*
- Hinaleimoana Wong-Kalu, *Nominee for reappointment for Kona regional representative on the O'ahu Island Burial Council*
- Norman Kaimulua, *Nominee for reappointment for Kona regional representative on the Hawai'i Island Burial Council*
- Scott Haili Mahoney, *Nominee for reappointment for Ka'ū regional representative on the Hawai'i Island Burial Council*
- Nalei Pate-Kahakalau, *Nominee for reappointment for Hāmākua regional representative on the Hawai'i Island Burial Council*
- Sandra Quinsaas, *Nominee for reappointment for Kōloa regional representative on the Kaua'i/Ni'ihau Island Burial Council*

- **Kaheleonalani Dukelow, Nominee for reappointment for Honua‘ula regional representative on the Maui/Lāna‘i Island Burial Council**

Trustee Kalei Akaka seconds the motion.

Trustee John Waihe‘e IV moves to approve the following candidates as nominees for immediate appointment to the O‘ahu Island Burial Council, Kaua‘i & Ni‘ihau Island Burial Council, Maui & Lāna‘i Island Burial Council, and Hawai‘i Island Burial Council:						
<ul style="list-style-type: none"> • Kyle K. Nakanelua, <i>Nominee for Hāna regional representative on the Maui/Lāna‘i Island Burial Council</i> • Susan Talbot Herhold, <i>Nominee for Kohala regional representative on the Hawai‘i Island Burial Council</i> • Naki‘a Nae‘ole, <i>Nominee for Ko‘olauloa regional representative on the O‘ahu Island Burial Council</i> • Tatiana Kalaniopua Young, <i>Nominee for Wai‘anae regional representative on the O‘ahu Island Burial Council</i> • Hinaleimoana Wong-Kalu, <i>Nominee for reappointment for Kona regional representative on the O‘ahu Island Burial Council</i> • Norman Kaimulua, <i>Nominee for reappointment for Kona regional representative on the Hawai‘i Island Burial Council</i> • Scott Haili Mahoney, <i>Nominee for reappointment for Ka‘ū regional representative on the Hawai‘i Island Burial Council</i> • Nalei Pate-Kahakalau, <i>Nominee for reappointment for Hāmākua regional representative on the Hawai‘i Island Burial Council</i> • Sandra Quinsaas, <i>Nominee for reappointment for Kōloa regional representative on the Kaua‘i/Ni‘ihau Island Burial Council</i> • Kaheleonalani Dukelow, <i>Nominee for reappointment for Honua‘ula regional representative on the Maui/Lāna‘i Island Burial Council</i> 						
Trustee Kalei Akaka 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 KALEI AKAKA		x	X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE			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) excused.						

B. Action Item BOT #20-01: Approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws

Chair Colette Machado – Members we are now on V.B. Action Item BOT #20-01, I’ll call on Trustee Lee.

Trustee Brendon Kalei‘āina Lee moves to approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws.

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – It has been moved and seconded.

Trustee Keli‘i Akina – Madame Chair.

Chair Colette Machado – Trustee Akina.

Trustee Keli‘i Akina – Thank you. I would like to propose an amendment to the definition of Public Information. Shall I just read that. This is based on the conversation that we had and I believe we reached an agreement.

Trustee Keli‘i Akina moves that we add to the definition section the following definition for public information. Public information means Government records as defined by and consistent with Hawaii Revised Statutes Chapter 92F-3.

Chair Colette Machado – A-5 under Government Records means information maintained by OHA in written, auditory, and visual, electronic or other physical form. With the exception records excluded under HRS 92F-13. Is that what you are making reference to Trustee Akina.

Trustee Keli‘i Akina – Yes, I believe so.

Chair Colette Machado – We need to look at your comments and line it up.

Trustee Keli‘i Akina – We would just add this into that section. The language that I had given.

Chair Colette Machado – We are trying to look at the motion. There is no motion on the floor because you did not get a second.

Trustee Keli‘i Akina – I she can put it up on the board, thank you.

Chair Colette Machado – She is working on it; next time give us in advance please. So, you wanted to add after the 92F-13 public information? What are you trying to add on?

Trustee Carmen Hulu Lindsey – What page?

Chair Colette Machado - Page A5 of what was distributed.

Trustee Carmen Hulu Lindsey – No more nothing applicable.

Trustee Keli‘i Akina – I am looking at page A-4, and anywhere in there we can do it alphabetical, we can simply add this as a definition.

Chair Colette Machado – So you are not satisfied with the definition you want to include public information.

Carol Hoomanawanui – Madame Chair, I’m not sure if we have public information in the By-Laws.

Trustee Brendon Kalei‘āina Lee – The term is not listed anywhere? Madame Chair, before we continue this discussion, can we get a second or move on?

Trustee Keli‘i Akina – May I ask for a second simply for discussion purposes. I will read what I am moving. **I move that we add to the definition section the following definition for public information. Public Information means Government Records as defined by and consistent with Hawaii Revised Statutes Chapter 92F-3.**

Trustee John Waihe'e IV seconds the motion.

Chair Colette Machado – Discussion, Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey – You'll notice that our glossary is alphabetical. So, page A-4 is not proper, it probably should follow on A-10 under the word permitted if the board so chooses. But permitted public information would come under permitted. Its alphabetical is the point I am trying to make.

Trustee Brendon Kalei'aina Lee – Trustees I rise to speak against this motion at this time. No where in our By-Laws does the term “public information” appear. It is improper for the definition section to have a definition of a term that does not exist in our By-Laws. Thank you, Madame Chair.

Chair Colette Machado – Trustee Waihee.

Trustee John Waihe'e IV – I was going to make the same comment.

Trustee Keli'i Akina – I mistakenly used the text that had been handed out at the last Board meeting not realizing what we have before us has been changed since then. If you turn to page A-43 I can show you the reference.

Chair Colette Machado – A-43, under what category, confidentiality?

Trustee Keli'i Akina – That is right. On A-43 Article XVI. Confidentiality. I am reading from the first sentence now. All information, data, and documents that do not qualify as Government Records, that is the term I should use rather than public information.

Trustee Brendon Kalei'aina Lee – Point of order Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'aina Lee – The motion at this time specifically says public information.

Trustee Keli'i Akina – That is correct, so I am noting the mistake that I made.

Chair Colette Machado – You had a second for the discussion. I am going to move to take a vote fairly soon to go up or down.

Trustee Keli'i Akina – I can withdraw the first motion and restate it.

Chair Colette Machado – Will you withdraw your second Trustee Waihee.

Trustee John Waihe'e IV – Yes, I will withdraw my second.

Trustee Keli'i Akina – Just for explanation, I am looking at A-43, the term “Government Records”. That is the term I am referring to. I will restate my motion at this time and ask for a second.

Trustee Keli'i Akina moves that we add to the definition section the following definition for “Government Records”. Government Records as defined by and consistent with Hawaii Revised Statutes Chapter 92F-3.

Trustee Carmen Hulu Lindsey – Madame Chair it is already in the glossary.

Trustee Brendon Kalei'aina Lee – Well there is no discussion because there is no second.

Trustee John Waihe'e IV – Its already there.

Trustee Carmen Hulu Lindsey – Its on A-5 at the top.

Trustee Keli'i Akina – Then I withdraw this and I apologize.

Chair Colette Machado – There is a motion that has been moved and seconded.

Trustee Brendon Kalei'āina Lee – Not seconded.

Chair Colette Machado – No not his, he is withdrawing.

Trustee Carmen Hulu Lindsey – They withdrew the other motion.

Chair Colette Machado – So there is no discussion on this additional topic.

Trustee Keli'i Akina – Thank you for correcting my oversight.

Chair Colette Machado – Can you read the motion again that we moved and seconded?

Dayna Pa – Move to approve the Office of Hawaiian Affairs Board of Trustees' updated By-Laws as amended.
Moved by Trustee Lee.

Trustee Ahuna – Seconded by Trustee Carmen Hulu Lindsey.

Trustee Brendon Kalei'āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'āina Lee moves to amend the main motion, to remove all of the footnotes throughout the By-Laws that stipulate the exact quoting of an HRS.

Trustee Dan Ahuna seconds the motion.

Trustee Brendon Kalei'āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'āina Lee – The reason that I made the motion. This was a discussion taking place during the permitted interaction group so I am not sure why it ended up in our versions, because it is here, I need to make this motion. The reason for the motion to remove all of the actual quoting of HRS, if these HRS are amended in the future our entire By-Laws would so need to be amended. The fact that we referenced an HRS through out our By-Laws is perfectly fine if the reader wishes to see what that HRS they are free to reference them themselves. We do not need to reference them within our documents. Actually referencing a quote in our documents is a deterrent to the document because should it be changed at a latter date we would then have to come back and change our entire By-Laws, not to mention our staff would now have to track each and everyone of these HRS to be on top if there is a change. Whereas if we just reference it then its whatever the current HRS is. So, if the HRS changes it does not affect our By-Laws.

Chair Colette Machado – I will call on Robert G. Klein, Board Counsel to give some kind of opinion or comments relating to the removal of the HRS.

Robert G. Klein, Board Counsel – That was a comment I made while looking at the By-Laws. Because for all the time that we had By-Laws we never directly quoted any HRS sections for the reason that Trustee Lee stated. When the legislature changes then we have to go back into our process where we have to change our By-Laws to

reflect the statutory changes made by the Legislature and then we would in fact be back here fairly often to do that. It's kind of waste of time, as long as the By-Laws are consistent with State Law that's good enough.

Chair Colette Machado – Members there is an amended motion on the table it has been moved and seconded. Are we ready to take a vote on the amended motion before we go back to the original motion? Roll call vote please.

Trustee Brendon Kalei'āina Lee moves to amend the main motion, to remove all of the footnotes throughout the By-Laws that stipulate the exact quoting of an HRS.						
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 KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		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: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

Chair Colette Machado – Members we will go back to the main motion please. Can you please show the main motion on the board? Members that is the main motion. It has been moved and seconded. Roll call vote please.

Trustee Brendon Kalei‘āina Lee moves to approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws as amended. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY						x
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes with eight (8) yes votes and one (1) excused.						

Chair Colette Machado – Thank you everyone. Congratulations Sylvia as the manager of this. This is the first reading.

Sylvia Hussey – Can I just clarify that the amended motion would then eliminate all of these footnoted sections. In attachment A all these footnoted items. So, for the second reading we should return with that new document.

Chair Colette Machado – Yes, for the second reading. All cleaned up copies.

VI. EXECUTIVE SESSION

Trustee Brendon Kalei‘āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei‘āina Lee moves to recuse into executive session pursuant to HRS § 92-5(a)(4).

Trustee John Waihe‘e IV seconds the motion.

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

Trustee Brendon Kalei'āina Lee moves to recuse into executive session pursuant to HRS § 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			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		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) excused.						

Chair Colette Machado – We are in executive session, prepare the room.

Sylvia Hussey – May I ask Corp Counsel and Sterling to remain in Executive Session.

Chair Colette Machado – Yes that is fine.

The Board resolved into Executive Session at 10:34 am

- A. Consultation with Legal Counsel Shanlyn Park, Esq., Corporation Counsel Raina Gushiken, Esq., and Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to additional requests by the State Attorney General's office for OHA documents. 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 with respect to the Declaratory Relief action filed in Circuit Court. Pursuant to HRS § 92-5(a)(4).

The Board reconvenes in open session at 11:30am.

VII. COMMUNITY CONCERNS

Chair Colette Machado – Members we are now in open session. We are in community concerns and we have one individual that has signed up and it is Clare Apana. Aloha Clare.

Clare Apana – Aloha everyone. I just wanted to give you an update on what is happening with the iwi protectors on Maui. We continue with the monitoring of the digging at Phase 6 Mauilani. There are 193 anomalies that were picked up by the ground penetrating radar. Some of those anomalies are being identified as to what they are. It was not what we wanted to happen but this is what the Judge granted that they could go in. So withing four feet they have to go by hand. It's a funny kind of concession. The Burial Council however has already made a motion and this is two year that said this is a burial area, this is a known burial ground and you must stop. This is the place they needed to make a sewer line for the houses below. So, they decided they would go through the burial area where they found 188 burials in a small puu. So, they decided to go through it and when they were trying to find a way to get the plumbing lines in they disturbed 4 more burials. It's a very contentious thing with the burials and it shows so much about what needs to change. I hope to see that happening. We really support that administrative rules be rewritten so that we can be clear as to what the procedures are and what can be reinforced. Even if we find things its almost like you have to do a lawsuit to get any kind of enforcement.

Then on a good side there were three organizations, I don't know if you saw on the newspaper that became interveners. We were granted intervention status and one was Mālama Kanalua, the second was Pele Defense Fund and the third was Hooponopono o Makena. So, they are three groups that are primarily or almost exclusively made up of kanaka maoli, and each of the groups have people who are descendants of that area. Even to the time period of the artifacts that have been found with the burials. We seek to have that recognized as what it is. That hotel moved hundreds of burials and was put there and they continue to want to build and expand in that area where so many kupuna have been found. And they have disturbed in different projects that they have done since the building of the hotel. We are hoping to see that this kind of thing changes the whole framework. To see that when they do these things what message is sending to our lāhui, to our children, we can't even save our burials. We can't even make that a sacred place. But we know hundreds of bodies have been found and most of these have been found intact burials. Very unusually intact and with unusual burial goods. So, the story had never been told of these people or what has happened on this land. But it seems this whole ahupuaa seems to be disappearing. Its Paeahu and the history of it seems to be disappearing. OHA does have a burial preserve that is right in that area. Not burial preserve, OHA has a preserve, a land preserve in that area. Which is run by UH.

Chair Colette Machado – That is Palauea.

Clare Apana – Yes, it is right in that area. The ahupuaa of Paeahu is right next to it. So, it's right in that same general area. So, if you were counting what runs to the ocean all of those, Paeahu will run through there too. And the History, I noticed the Palauea preserve just did a CIA. It was quite an extensive CIA which I think is really good because its bringing out a lot the history there and there is a really rich history of who lived there. I just wanted to say thank you for the support from the compliance department and Administration. To help us to get information and to understand a little better what has happened and what has gone on with this property. In making this history we hope to change what happens with burials in the future. So, thank you very much.

Chair Colette Machado – Mahalo Clare.

VII. ANNOUNCEMENTS

Chair Colette Machado - Members we have one Trustee who would like to make an announcement. I'll call on Trustee Lee.

Trustee Brendon Kalei'āina Lee – Mahalo Madame Chair. Pursuant to HRS § 92-2.5e, I need to announce to the Board of Trustees that on February 11th in the House Labor and Public Employment Committee, very lengthy committee meeting. Myself, Trustee John Waihe'e IV and staff members from Trustee Carmen Hulu Lindsey and Trustee Kalei Akaka's office were present in support of the OHA Legislative Package Bill 2.

Chair Colette Machado – Thank you.

IX. ADJOURNMENT

Trustee Carmen Hulu Lindsey – Madame Chair.

Chair Colette Machado – Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting.

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 the meeting
 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			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1

MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED
 Motion passes with eight (8) yes votes and one (1) excused.

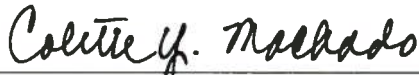
The meeting was adjourned at 11:39 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on March 5, 2020.



Colette Y. Machado, Chairperson
 Board of Trustees