

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, January 31, 2018
9:30 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 JOHN WAIHE‘E IV

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

EXCUSED:

TRUSTEE ROBERT LINDSEY

ADMINISTRATION STAFF:

KAMANA‘OPONO CRABBE, CEO
LISA VICTOR, COO
ALBERT TIBERI, CC
KAWIKA RILEY, ADV
JOCELYN DOANE, PP
STERLING WONG, PR
RAINA GUSHIKEN, CC

BOT STAFF:

CAROL HOOMANAWANUI
LÖPAKA BAPTISTE
LAURENE KALUAU-KEALOHA
DAYNA PA
LEHUA ITOKAZU
MAX MUKAI
ALVIN AKEE
LADY GARRETT
LIANA PANG
CLAUDINE CALPITO
DAVIS PRICE
PAUL HARLEMAN
MARIA CALDERON
NATHAN TAKEUCHI
KAY WATANABE
KAUIKEAOLANI WAILEHUA
CRAYN AKINA
MELISSA WENNIHAN

GUESTS:

GERMAINE MEYERS

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:30 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akana, Akina, Carmen Hulu Lindsey and Machado are present; constituting a quorum of six (6) trustees. Trustee Peter Apo and Trustee John Waihe‘e IV are expected to arrive shortly. An excuse memo was received from Trustee Robert Lindsey.

Before we proceed to the agenda that we filed with the Lt. Governor’s office I will be deferring II. which is the approval of the minutes. I will also be deferring the Executive Session minutes for December 21, 2017. We will go right into public testimony.

II. APPROVAL OF MINUTES

A. December 21, 2017 – Item Deferred

III. PUBLIC TESTIMONY

Chair Colette Machado – Our first individual that signed up is Germaine Meyers. Please come forward with your public testimony.

Ms. Germaine Meyers – Aloha Chair, my name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. Today I would like to share with you my data views and arguments regarding today's executive session action item IV. A. consultation with Judge Robert Klein regarding State Auditor's Draft Audit Report.

The last State Audit Reports were done in 2009 and 2013. 2013 referenced some of the discrepancies that were still outstanding in 2009. Some of the recommendations that were given in 2013 which I am not sure is going to show up again in the 2017 Audit Report which is on today's agenda item. That is left over that has not been remedied is:

1. Admin creating a complaint log for beneficiaries. Instead Admin stated in the Audit of 2013 that it was sufficient that if a beneficiary had complaints that they could come to a board meeting and voice their complaints in public testimony as well as in community concerns.

I would hope that the Board of Trustees would take into consideration that in the era when we have email and all kinds of other media that it would be beneficial if Administration created a system and a process that would include a complaint log for beneficiaries instead of us having to come to board meeting. It would be at our discretion if we wanted to come to the board meeting to voice the concern. But it would be a great documentation to have a beneficiary complaint log as part of the process for OHA.

The second thing that was outstanding from the 2013 Audit report which was outstanding from the 2009 Audit report:

2. The whistle blower policy. The recommendation by the State Auditor of 2013 was that OHA would create an anonymous whistle blower policy.

Back in February and March when I had provided testimony to the Trustees I stated that as a Human Resource Specialist I understand that the State and the Federal protects whistle blower's employees. But what the State Auditor of 2013 was suggesting, recommending to OHA was that OHA would create a whistle blower policy for vendors and beneficiaries. I do recall back then Ka Pouhana saying that, that was in the works.

Kamana'opono Crabbe – Actually we've updated the Employee Handbook and I believe it includes vendors as well.

Ms. Meyers – Vendors and beneficiaries?

Kamana'opono Crabbe – I would have to check with our legal counsel regarding beneficiary.

10:34 am Trustee John Waihe'e IV arrives.

Ms. Meyers – Thank you but those were the recommendations that beneficiaries be afforded the opportunity to anonymity similar to the State Employees and Federal Employees. That we would be protected with anonymity if we provided a whistle blower, you know there was a whistle blower policy for that. I look forward to an update regarding that.

The last thing I wanted to share with the remainder of my time was that when we were outside during executive session DeMont was talking about how he didn't want the State to get involved in auditing OHA. I appreciate and

I told him he has a right to have his opinion and I will never diminish any native Hawaiian or Hawaiian’s opinion. I am not going to diminish my own personal opinion as a native Hawaiian myself and regarding the State Audit, I feel that because his explanation to me was that he felt that the State was putting a wedge between Native Hawaiians. But my rebuttal to that was Hawaiians already putting wedges between Hawaiians.

10:35 am Trustee Peter Apo Arrives.

Ms. Meyers - We see that with the LLCs, the Administration putting a wedge with the Trustees and then we see that with CNHA and the SCHHA putting a wedge in Homestead communities. So we already have plenty wedgies so I was hoping that the OHA Trustees could look at the fact that we need to pull out these wedges, that if want Federal Recognition and we saying we want the Federal Government to be in our business then we have to be the ones that check on ourselves. We have to self-check, checks and balances. That is the governance that I was subscribing to when I looked at my Hawaiian leaders in 2018. E hana kakou.

Chair Colette Machado – Thank you Germaine. With that said I would like to move on to IV. Executive Session.

IV. EXECUTIVE SESSION

Chair Colette Machado – Members I would like a motion to recuse ourselves into Executive Session pursuant to 92-5 (a)(4). Before we do that on the agenda we’ve listed IV.A. and IV.B. I will be taking item IV.B. first followed by IV.A. after.

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

Trustee John Waihe’e IV seconds the motion.

Chair Colette Machado – Roll call vote please

Trustee Dan Ahuna motions to move into Executive Session Pursuant to HRS§92-5(a)(4). Trustee John Waihee 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						Excused
TRUSTEE JOHN WAIHE‘E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with eight (8) YES votes, and one (1) excused.						

The Board resolved into Executive Session at 10:37 am.

- A. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities regarding the State Auditor’s Draft Audit Report. Pursuant to HRS § 92-5(a)(4).**

B. Consultation with 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. December 21, 2017 – Item Deferred

The Board reconvenes into Open Session at 12:10 pm.

12:11 pm Trustee Leina'ala Ahu Isa leaves.

VI. COMMUNITY CONCERNS

Chair Colette Machado – There is no one signed up for community concerns.

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

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

Trustee John Waihe'e IV moves to adjourn.

Trustee Dan Ahuna seconds the motion.

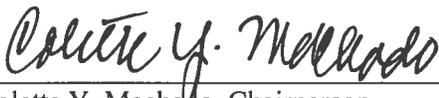
The meeting was adjourned at 12:13 pm.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on February 27, 2018.



Colette Y. Machado, Chairperson
Board of Trustees

Attachments:

1. Excuse Memo from Trustee Robert Lindsey



OFFICE OF
HAWAIIAN AFFAIRS
STATE OF HAWAII
RECEIVED-BOT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
HONOLULU, HAWAII 96817

2018 JAN 29 P 3:42

January 29, 2018

TO: Colette Y Machado
Chair, Board of Trustees

Dan Ahuna, IV
Vice-Chair, Board of Trustees

Members of the Board

FROM: Trustee Robert K. Lindsey, Jr.

SUBJECT: Excused Absence

Aloha Chair Machado:

I regret to inform you that I am unable to attend the Board of Trustees Committee meeting on Wednesday, January 31, 2018 at 9:30 am.

With sincere aloha,


Trustee Robert K. Lindsey, Jr. Hawai'i Island