

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 No. Nimitz Highway, Suite 200
Honolulu, HI 96817

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, April 27, 2017
10:00 am

ATTENDANCE:

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

ROERT G. KLEIN, ESQ. BOARD COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
ALBERT TIBERI, CC
CANDICE ANCHETA, HR
KAI MARKELL, COMP
STERLING WONG, MEDIA
CHARMAINE MATSUURA, AS
KIMBERLY VANORAY, HR
MEHANA HIND, CE
BLAINE FERGUSTROM, COMM
JOE PANG, ISRM
WAYNE TANAKA, PP
DANIEL SANTOS III., ISRM
DYLAN ZHENG, INVST
JOANNE MEDEIROS, AS
JOCELYN DOANE, PP
RAYMOND MATSUURA, INVST
EDNA JOHNSON, AS
GWEN VALBUENA, AS
JACEE-LYNN SMITH, TAPS
JIM MCMAHON, ADV
JOHN ROSA, OUTR
JOSEPH KUHIO LEWIS, OUTR
KAHEALANI PELERAS, CE
KARLEN ONEHA, INVST
KEITH YABUSAKI, TAPS
MICHELLE KOHOLUA, OUTR
NANCY KING, TAPS

ADMINISTRATION STAFF:

NELSON GASPAR, COMM
PHYLLIS ONO-EVANGELISTA, AS
NOLA OTA, ISRM
SARAH ANTONE, TAPS
SARAH ELEFANTE, TS
SCOTT WATANABE, ISRM
TIGER LI, ISRM
TREENA, MIYAMOTO, COMM
TIANE MCNEIL, OUTR

BOT STAFF:

CAROL HOOMANAWANUI
LADY GARRETT
LOPAKA BAPTISTE
DAVIS PRICE
ALVIN AKEE
DAYNA PA
PAUL HARLEMANN
ANI PANG
CLAUDINE CALPITO
MARIA CALDERON
LEHUA ITOKAZU
MAKANA CHAI
KAUIKEAOLANI WAILEHUA

GUESTS:

GERMAINE MEYERS
KEALI'I MAKEKAU
KA'IULANI MILHAM
HEALANI SONODA-PALE
KAPUA KELI'IKOA-KAMAI
DEMONT CONNER
DR. CHRIS K. CAMARILLO
LAULANI TEAL

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:05 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Apo, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present; constituting a quorum of eight (8) trustees. Trustee Rowena Akana is expected to arrive shortly.

Chair Colette Machado - No 72 Hour waiver today. We will be amending the agenda today, just the order. Under executive session VI. , VI.A will become C., VI. B. will become A and VI. C. will become B. We also would like to table item V.A.2. as there is no referral from the BAE committee, so we won't be taking any action. With that said, we want to move forward with the approval of the minutes.

II. APPROVAL OF MINUTES

A. Meeting of the Board of Trustees

1. April 6, 2017

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes for April 6, 2017.

Trustee Peter Apo Seconds the motion.

Chair Colette Machado – Roll call vote.

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes for April 6, 2017. Trustee Peter Apo 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						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO		X	X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR 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 passed with eight (8) YES votes, and one (1) excused.						

III. PUBLIC TESTIMONY

Chair Colette Machado – I wanted to begin a discussion. I know that many of you are here because you folks have received notification, or an action alert, that I am preventing your constitutional right to address the Board of Trustees. Let me begin with this statement:

Consistent with the Sunshine Law, our discussions and decisions must be limited to items identified on a properly noticed agenda, which allows the public to know what will be discussed and gives an opportunity to provide testimony. While this requirement aids public involvement, it also limits our ability to respond to matters not on our meeting agenda.

With that in mind, here are some reminders regarding public testimony:

1. Individuals interested in providing testimony or comments before the Board need to complete the “Public Testimony, and Community Concerns Form” located on the credenza.
2. Testimony is limited to five minutes. The timer is on the screen located to the right of where individuals will sit to testify.

3. If you have a handout that covers your testimony, please refrain from reading it aloud. We will accept your written testimony and ask you to summarize your thoughts.
4. The opportunity to testify should not be misinterpreted as an opportunity to question BOT members; questions/requests for information will be referred to administration for follow-up.
5. Individuals who will provide testimony on matters on the agenda will have an opportunity under item numeral III - Public Testimony.
6. Matters or concerns NOT related to the agenda are allowable subject to the Chair's discretion. As we have done in the past, we will allow individuals to comment on matters not on the agenda. However, Trustees cannot discuss or make decisions on matters NOT on the agenda. Individuals who wish to address matters not listed on the agenda will have an opportunity to do so under item numeral VII – Community Concerns.

Let me begin by saying how we agendized the agenda. On your agenda, that was filed appropriately, to comply with the Sunshine Law under Section III, it is identified as "Public Testimony". Public testimony will be limited to items that have been listed for decision making on our agenda which will be from V.A.1 and 2. We will then recuse into Executive Session, then reconvene after that, and under Section VII. to discuss Community Concerns. This will allow an opportunity for those that came to address the board in addition to testifying on items that we have listed for action and then extended to other issues you may want to talk about. I had a conversation with DeMont Conner and he wants to talk about the status of the artifacts with the French auction. I told him if he could hang around and be present when we come back under Community Concerns, he will be welcome to address the Board. These are the procedures I'd like to adhere to at the BOT level. And this is something to allow us to conduct our business and then come back again to have a free and full discussion with the community that has other issues not related to any decision that we need to make.

Trustee Peter Apo – I wanted to make sure that we are clear, that in Community Concerns, people are not limited to what they can talk about. And it can include items that are not on the agenda, as often happens. What is not clear to them is that we as Trustees cannot respond to concerns that are raised unless it is on the agenda. So certainly, under Public Testimony as you go through things that are on the agenda there can be an engagement. But when we get to Community Concerns and what you want to talk about, and often people want to ask Trustees questions, we are not allowed to comment because it's not on the agenda and that's in violation of the law. It's kind of a piggy back of the Sunshine Law when no more than two of us can get together to talk about anything. It's consistent in that package.

Board Counsel Robert Klein – I think it adequately states what the law is.

Trustee Keli'i Akina – I appreciate you explaining the Sunshine Law, and I'd like to point out to our beneficiaries that we're not limiting the opportunity for beneficiaries to come to the table. As you point out, they have that opportunity during Community Concerns time. What we are limiting is our role as Trustees. Because if any item is raised, as Trustee Apo pointed out, that is not on the agenda, we would be violating the Sunshine Law if we interacted on it. So I wanted to commend you on this policy. And I think that if we embrace it, we give our beneficiaries the opportunity to come here. I have one question. If a beneficiary thinks that we should talk about an item on our agenda, is there a process so they can suggest that in advance an agenda item? Can a beneficiary suggest an agenda item for future meetings?

Chair Colette Machado – I believe that we've engaged in that discussion already with Germaine with her previous concerns. Those things will be addressed appropriately through Admin, either to the two standing committees or directly to the BOT.

Trustee Keli'i Akina – I just wanted to make sure that we are assuring our beneficiaries that they do have access to us.

Chair Colette Machado – They can go directly to the individual Trustees that chair these committees, and also to me as the Chair of the BOT. We are now on Public Testimony. The first speaker will be Kai'ulani Milham.

Ms. Kai‘ulani Milham – Aloha Chair. My testimony is regarding agenda item VII which is Community Concerns. In my testimony at your Board meeting on April 6th, I expressed concerns that Chair Machado was using Hawai‘i’s Sunshine Law to validate restrictions on beneficiary’s comments and concerns contrary to the Sunshine Law’s actual purpose. I will now read you the preamble of Hawai‘i Sunshine Law.

“In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy – the discussions, deliberations, decisions, and action of governmental agencies – shall be conducted as openly as possible.”

Now given the fact that Community Concerns are listed as an agenda item on today’s agenda, I am going to express my uncensored opposition to the clearly unconstitutional restrictions you purpose to place on freedom of speech. According to OIP formal opinion letter 07-10 posted in June 2007 on the *Right to Present Testimony*.

(10:17 am Trustee Akana arrives)

“A board can require that testimony be related to the agenda item, but it must interpret the agenda item broadly for the purpose of determining whether testimony is related to the agenda item. A board may not restrict the public from testifying on issues that fall within the general subject matter of an agenda item, and the scope of an agenda item is determined by the language used on the filed agenda, not the board’s intent as to the meaning of the agenda item.”

Furthermore according to OIP formal opinion letter 02-02 the rules you proposed requiring testifiers to sign up and state the agenda item they want to address before testifying are also contrary to Hawai‘i Sunshine Law. I am quoting from this law, this is the opinion letter,

“Requiring persons wishing to testify to sign up by a certain time, the OIP found that oral testimony must be allowed even if a person wishing to testify did not sign up. The Sunshine Law requires that boards shall afford all interested persons an opportunity to present oral testimony on any agenda item; and that boards may provide for reasonable administration of oral testimony by rule. Haw. Rev. Stat. § 92-3.

In light of the fact that the law allows “all interested persons” to present oral testimony, the OIP does not believe it is reasonable under section 92-3, Hawai‘i Revised Statutes, to require testifiers to sign up by a certain time. Such a requirement would preclude all latecomers from testifying orally...”

Now I am going to read to you from the First Amendment Coalition website section on restriction of free speech in public meetings. The First Amendment guarantees the public’s right to free speech. This is quoting from the First Amendment Coalition:

“Generally, in a limited public forum, reasonable time, place, and manner regulations are permissible, but restrictions must be “content neutral” (as opposed to “content based”) and narrowly tailored to serve a significant government interest. Any restrictions on speech in a public forum must be justified without reference to the protected speech’s content.

“Content neutral restrictions are those that are both viewpoint end subject matter neutral. That is they do not contain any restrictions based on either the ideology of the message or the topic of the speech whereas content based restrictions are those that endeavor to restrict or prohibit speech based on either viewpoint or subject matter. Where content based restrictions are involved a very high standard must be met before government can restrict such speech. Regulations related to public comment therefore must be neutrally administered. These are all from the United State Supreme Court cases.”

This is the words of Brian Cave, who is the general counsel for the First Amendment Coalition. In other words Chair Machado, although you have stated your intention to propose these rules to better manage meetings, you suggested at the April 6th Board meeting that my earlier comments regarding sexual misconduct allegations against Trustee Apo were out of order. The First Amendment of the United States Constitution says otherwise. In fact, it says you were out of order because threatening to rule someone out of order and precluding speech topics that you disapprove of is a prior restraint of freedom of speech. And as the United States noted in *Nebraska Press Association v. Stewart*, prior restraints on speech and publication are the most serious and the least tolerable infringement of First Amendment rights. Furthermore, Chair Machado, in pronouncing these rules for beneficiary comments and concerns without having actually placed them on the April 6, 2017 meeting agenda, you also violated Hawai'i Sunshine Law requirements for public meeting agendas. As noted in OIP Opinion Letter 05-02 the same letter you cited in the attempt to validate your new rules. The Board members themselves may not discuss or deliberate matters that are not on the agenda.

Chair Colette Machado – I will ask you to wind up. I want to get your position, do you support Community Concerns as stated in item VII or do you not?

Ms. Milham – I am expressing my community concerns. Finally, I have to say with all the lawyers you folks have on your payroll one would hope that there would be at least one amongst them who would understand the First Amendment and recognize the fact that safe guarding the right of freedom of speech was so vital to democracy that when America's founding father's drafted the constitution they placed freedom of speech at the very top. Mahalo.

Trustee Peter Apo – If I might, I think there is a total misunderstanding. There are no restrictions on anyone's speech. The restrictions are on the Trustees and what they can and cannot do. I think that by posting as an agenda item Public Testimony, those who have come and spent time preparing to address agenda items, we are trying to offer them the courtesy to go first then under Community Concerns. People can either continue to address the agenda items or say anything they want. There is no restriction that I am aware of on anybody's speech here. It is a matter of when you talk about content, whether it is agenda related or not agenda related, either way you can say whatever you want. But we cannot under Community Concerns respond to comments that are not posted.

Ms. Milham - But Chair Machado did say that she would have ruled me out of order for speaking something that wasn't on the agenda. And she didn't even specify that she said that she would rule me out of order for my comments about Peter Apo's sexual misconduct allegation. And she said, repeated and emphasized that it is up to her discretion to decide whether something can be spoken about or not.

Chair Colette Machado – I used the word attacked to the other Trustees. And I asked you to come back under Community Concerns. I asked if you would you like to address the Board on other issues, I asked you twice and you said no.

Ms. Milham – That is not the issue that we are talking about, we are talking about whether you said that speaking on that topic was something that you would've ruled out of order and you were emphasized that it is your discretion to decide.

Chair Colette Machado – In the future.

Ms. Milham - What is or what is not allowed to be said in Public Testimony. And that we have that on a video and I noticed that OHA's video of that meeting apparently only the last 6 minute of that meeting went on your website. All of that speech of yours is not on the website.

Chair Colette Machado – Mahalo for your comments. Germaine Meyers is our next speaker.

Ms. Germaine Meyers - (please see attached testimony from Germaine Meyers)

I would like to share that in my conversation with her she did tell me the agenda items did change to what Chair Machado did today which is number III. Public Testimony, therefore I would have had to give it under number V. and VI. However regarding Community Concerns, I still can voice my concerns as a community member and not the way that Chair Machado has interpreted it. In regards to the new instructions that we were given based on my conversation with the OIP attorney number three is an error. If you have a handout that covers your testimony please refrain from reading it aloud as I just done. That is a violation as it says in number two of opinion letter 07-3. But it cannot otherwise restrict or censure a person's testimony. E hana kākou.

Chair Colette Machado – The next speaker is Keali'i Makekai.

Mr. Keali'i Makekai – Good Morning, my testimony is about item three, which we are currently on. I just would like to make a quick note, this change in this format is rather precarious if not should be scrutinized even further for many reasons. At the beginning of this year, OHA undertook a new leadership under Trustee Akana. She was heavily scrutinized herself at her attempt at organization and procedural restrictions that she wanted to impose as her tenure as the Chair. And the lāhui and as well was the members of the Board criticized and gave testimony to that point.

I don't see the reorganization of this as any other doubt, this is another Chair's attempt at getting business done so to speak. I just am very curious to the fact that all my years of coming here at OHA and seeing agenda items being place in front of you I have never seen this done in the history. This is for the countless Chairs that go back. I am however, the sentiments that were made at the former Chair, many a times when things have gone lightly over the people have gotten the chance to weigh in and what not. Now it seems we are following that same course of action, but the sentiments that we made at that time by members of that Board, but now seems that the voices have seem to gone quiet.

I have no reason why, but this seems to fall under the same light here. I just find that quite ironic. Instead of hearing about transparency, accountability, it's more silence in here, and now instead, what we are getting from the lāhui is, I need, as beneficiary, to lawyer up just to find out what number three is all about, and how to conduct myself in front of you folks. At least in committees, I can speak to the committee chair she still runs her committee in the old fashion way. I would just make a note whether this goes anywhere or stays anywhere, I am just stating this for the public record, given the volatility this year it would appear we are right back where we started from. That's all my testimony.

Chair Colette Machado – My understating of your testimony right now. You are addressing us under Community Concerns. I wanted to ask if you have any position on our legislative package because we will be rendering decision making on that momentarily.

Mr. Makekai – No.

Chair Colette Machado – Okay thank you. I will now call Healani Sonoda-Pale.

Ms. Healani Sonoda-Pale – (Please see attached testimony)

I don't understand the new changes but I those are my concerns. Mahalo.

Chair Colette Machado – Our next speaker is Kapua Keli'ikoa-Kamai.

Ms. Kapua Keli'ikoa-Kamai – Aloha Kākou. 'O wau Kapua Keli'ikoa-Kamai. Kēia palapala i 'Ōlelo Hawai'i maika'i loa. Wai kēia mahalo nui. I'm so glad when I pulled this up online the first one that I saw was in 'Ōlelo Hawai'i. And I didn't happen to see the English one so I thought OHA was making a statement, if you want to get involved you better learn 'Ōlelo Hawai'i. This is what you are providing us. We are still fortunate that it is in English as well but I highly encourage you to continue in using 'Ōlelo Hawai'i, especially

for those of you, and I say you because I am not one of them, that can ‘ōlelo Hawai‘i maika‘i. Please, especially at the Legislature, especially at City Council i nā wahi a pau, i nā wa a pau ‘ōlelo Hawai‘i ke ‘olu‘olu. Trustee Ahuna, ‘o oe pū.

I’m coming to speak regarding item III, Public Testimony new business item V and item VII, Community Concerns. I truly understand the reason for this Public Testimony, it allows a more timely and efficient meeting. Inability to respond is the appropriate reaction because you haven’t had a chance to digest what was just stated. If it’s not on the agenda, you are not ready for that. So I don’t find a challenge with that. But I do find it limiting as far as allowing the public to testify. So I welcome and appreciate item VII, Community Concerns, where it does give us that opportunity to engage with you on the matters that we choose to engage to. The matters that we have come here for from where ever we came from. In my case it would be Wai‘anae, and many of my friends from Wai‘anae.

I request that you folks move item number VII, Community Concerns, as item number VI. Unless you intend to give us the outcome of your Executive Session.

Chair Colette Machado – That is a good a good suggestion.

Ms. Keli‘ikoa – Kamai – I don’t see why you would want to hold us here to wait for that. Mahalo. So that allows us to get on to our other businesses as well as you not being rushed to come back to us. Mahalo for your reception. Going to item number V, at the Legislature, I imagine that many of you, more so than I, have been noticing how the State and its agents have been much more aggressive on nā mea Hawai‘i, especially our lands and our waters. 1537 was out yesterday, in conference committee, so while we cannot testify, we need to make sure to the extent possible that we are there, that our faces are there for them to see that they are accountable to us. Because while we are a separate class of so called citizens, we are also part of the larger group. We need to be there as much as possible. I ask you OHA to be more assertive, more aggressive when it comes to protecting our assets, our ‘āina, our wai, our culture. Nā mea Hawai‘i mālama pēlā, kū kia‘i a pau. ‘A‘ole mākou wale nō – kākou i na kia‘i. No Leila, e ho‘ohui mākou. Pēlā wale nō, mahalo.

Kamana‘opono Crabbe – Kē lā pila1537?

Ms. Keli‘ikoa-Kamai – Relating to irrigation and that bill was pertaining to allowing water is a natural resource currently it’s a public trust. What they are trying to do is separate the usages of water from human consumption to non-potable. So that some entities, individuals, corporations then commodify that non portable water for their financial purposes. ‘A‘ole pono pēlā. Pēlā makou wai. Inā wai mākou wawai no Leila, mālama pela.

So we need to let them know that that bill as it was currently, the language that they had as of yesterday we don’t want no separation water is water regardless of who consumes it. No entity, corporation should be able to have access to our water while our cultural farmer, our kanaka are being kept from it. Why would we let people from other places come here, commodify our assets when our people continue to suffer. ‘A‘ole pono pēlā. It’s our duty each and every one of us to mālama that in whatever capacity that we have. You have titles, you have positions, you are the ones that were elected, we hold each and every one of you accountable to us personally, for my family, my babies, and all of my mo‘opuna to come, not just today, seven generations plus. Mahalo

Chair Colette Machado – Calls on DeMont Conner.

Trustee Rowena Akana – I’d like to ask Administration if this bill is one of the bills that our lobbying staff is looking at.

Kamana‘opono Crabbe – Yes, could we have Wayne come to the table, he is just going to comment on ka pila1537.

Wayne Tanaka – The bill I believe is HB 1536, I talked about it yesterday at BAE. As it is written right now, it could be interpreted to prevent any purveyor of non-potable water, irrigation water purveyor, from regulation under the public utilities commission. We've been raising concerns that doing so would, the Public Utilities Commission doesn't regulate every purveyor of non-potable water but when they do, their oversight ensures that rates are reasonable, that service is consistent and so forth. We have been raising concerns that blanket exemptions from PUC regulations from all purveyors of non-potable water could result in a further commodification of water resources and impact farmers and so forth. We've been, it's not clear that the Legislature intended for the bill to do this. I know that the Senate conferees have made it clear that they only want this exemption to apply to irrigation projects that are already regulated under a separate chapter in the HRS. So I think we are watching the conference committees and they met yesterday and they are going to meet again this afternoon.

Chair Colette Machado – What is OHA's position?

Mr. Tanaka – Our position is comment. We have been pointing out that the PUC has been providing a layer of protection to the public and our water resources. We understand from the committee reports that they just want to reduce redundancy in oversight. If that is the case, we provided them with language that specifically says that it will only apply to water projects under 167.

Trustee Rowena Akana – Perhaps you can you add a line in your testimony that says these are our recommendations, however if the outcome is different, we are going vehemently oppose.

Chair Colette Machado – Thank you Wayne. Thank you DeMont for being patient.

Mr. DeMont Conner – Aloha kākou, my name is DeMont Conner co-manager of Hoomana Pono LLC, Native Hawaiian advocacy corporation operating out of the Wai'anae Coast. I want to speak on the agenda item III, Public Testimony. For me personally, I've been for the last three years, myself and my wife, we've been attending a lot of community meetings, neighborhood board meetings, Ahupua'a Nānākuli meetings, we go to the Legislature, we attend a lot of the hearings there. We go to city hall and we scrap them guys over there, too.

In my humble opinion, I talked to Colette earlier when I seen her, what is this business you trying to shut us down in communication? So she gave me her explanation and when I looked at the format, I noticed that even in the Wai'anae Neighborhood Board, the Chair would like, switch items and put, like if this was the neighborhood board, he would put community concerns last and they would just try modify everything because they want to get the best meeting that they can possibly have. We have a lot of problems with that. Like for example the Legislators would come there, or their aides, and they would put them last on the agenda when these guys actually just pau work all day fighting for us at the Legislature – or not fighting for us. And so they was grumbling about that, so they switched the order of things, so what I see over here is, know me I going tell you right now if you doing something bogus, I am going to tell you straight that you doing something bogus. For me I no more one problem with the order of things the way you do it, because it is your meeting.

Just the fact that we can participate, I think we should be understanding of that you got to get your business out of the way first before anything else can happen. I like Kapua's recommendation to move VII to VI, I glad you guys amiable to that. That shows that you guys are hearing us. As far as the Community Concerns, get stuff that we can go and make our presentation about whatever issues we get. Nobody going tell me what I can and cannot say. I also give full disclosure, I don't know about everybody else in this room, but me and my wife and our corporation, we no get one single dime or penny from any of you guys. No State, no Federal, no City and County, we no ask you guys for nothing. Because I am never going to be beholden to you guys. I have the freedom to be able to speak and move about as I see fit. I am a Hawaiian nationalist, but I choose to go in the arena of your guys den, den of thieves, to be able to make a difference now.

The point being is that I feel that if something is really wrong I'll speak up about it. I was concerned from what I reading on social media that you might be trying to curtail us. But, I don't always agree with Uncle Peter Apo, but what he said says true because under the Public Testimony, the purpose of the Public Testimony is to specifically deal with the issues on the agenda like committee Beneficiary Advocacy and Empowerment 2017 OHA Legislative Positioning. We was there at the Legislature, we heard all this stuff over there. And I saw the work that was done by your people over there and you guys was over there scraping for issues and you guys was getting attacked by the Legislature. I was attacking you guys at the Legislature.

Once I was able to work out the bugs with you guys and we on sort of the same page. Here is the bottom line, the order of the way in which you put things except for Community Concerns, Executive Session, we have nothing to do with that, you should take care of that at another time. I'm glad you guys are amiable to that, I don't have a problem. The Public Testimony supposed to specifically relate to the issues on the agenda. That is what we are supposed to be talking about and as far as Community Concerns, that is where we can bring up anything under the sun you want to talk about. I would rather you guys get rid of your business first, talking about the legislative stuff, get it out of the way, because I know we can take a long time to explain my point. The Community Concerns should be later because that is when all the other stuff will come up because we can take a little bit longer on that. That is my testimony, I would love to see move of our lāhui come out and sacrifice the time to come out to all these other meetings. We just need to understand the process that you guys get, that is your American process.

Chair Colette Machado – Our next speaker presenter is Laulani Teale.

Ms. Laulani Teale – Aloha, good morning everyone. I'd like to first of all thank Wayne, I been down at the Legislature and it's not an easy place to be. He has been down there working really hard, and other staff too have been down there, and that's really appreciated. Mahalo to them.

In addition to that, I want to emphasize on the legislative side, the importance of OHA really, really taking a strong stand, and especially right now. We're at a point where right now, where several major areas we're about to get whacked. For myself as a gatherer, and somebody who practices culture in the forest areas, and for all those others who do that, we're about to encounter some really, really serious problems. Some of these OHA does not have a position on, such as SB 717 which is going to conference right now. That one creates a sheriff posse to patrol those lands, and it's in the name of cleaning up after houseless people, but one thing I need to emphasize is wherever there is an effort to oppress houseless people, to get rid of them, Hawaiian rights are almost always impacted. You can imagine just the simple presence of sheriffs in these areas if we're practicing our culture their presence, even if they didn't harass us, their presence interferes with our spiritual practices.

There's 717, 895, there is 1032 or something like that. There are a whole number of them and none of them are designed to limit Hawaiian rights and they all do limit Hawaiian rights and limit our practices. This ties in with a number of other things that are happening – the Coca Cola fence that is being proposed. That is not in this package but I think because it ties in its very important for this Board to be aware. These kinds of things affect our practices. We are being shut out of the places where we do our culture. We cannot do that culture unless the State is halted in its actions because right now it is closing us out of these areas and of doing that.

I won't be able to come back at the end so I also want to slip in a plug for Kaua'i. The situation on Kaua'i is very, very important and I think that it ties into maybe some of these legislative stuff. The people in Wainiha and Wailua, I went and did a field visit there a couple of weeks ago and let me tell you it's awesome. Mahalo to Dan, I know you went down there and that's so important. These are young people who are practicing the kind of culture on the ground that we need to survive and to thrive. Where they are just doing it regardless of what anyone tells them. They are going to their ancestral lands and they are doing this awesome work taking care of the keiki in those areas, taking care of the birds and the endangered species in those areas. I was part of helping of building a hale in Wainiha out of bamboo. These are the kinds of community revitalizations, the kinds of cultural continuance that we need to support. I ask OHA to take a stand in support of those things that are needed because this is what can turn around the kinds of statistics, the kinds of problems that we have. If

there is an answer for the desolation and the desperation that causes all of those things like houselessness, jail, abuse, drug addiction all of those things, there is one answer that can actually get us out of that and that is what is being done on Kaua'i right now. I ask this Board to take a strong stance in support of our people there. Mahalo.

Chair Colette Machado – Our next speaker is Dr. Chris Keliwaihoikeoni Camarillo.

Dr. Chris Camarillo – Aloha, I feel like in the Legislature the only thing that you guys stand really strong for is getting more funding for Federal rec to send us down the road. And I feel that reiterating what Laulani and others have said, yes there are other issues, there are issues about how come we don't have another plan to put together a better situation a pu'uhonua or something like that. It was in 2010 that you guys put together the Justice study, I think it was brought up again throughout, not only on this island but throughout, that we need to have a system that addresses that here before they come up with some situation. Further you guys seem ready to jump on Fed rec but other things are passing by. Even though this is at City Council, they are trying to build billboards on our rail and public parks and spaces. Many of which fall loosely or are attached to OHA responsibilities. Something that a lot of people forget is that these sands that have made these towers and these rails are the sands that come from Maui that have our iwi in them. I don't think that my kūpuna would like to be promoting whatever corporation that wants to buy a \$50,000 billboard on our iwi. I think that is something that you folks are hopefully not late to come and speak about or against because I think that is disgusting. Mahalo.

Trustee Rowena Akana – Can you tell us more about that?

Dr. Camarillo – Along the rail and at other venues, that through the Enterprise Services, like Thomas Square, McDonald's want to pay \$50,000, buy our hamburgers on a big sign that not only blocks the view, but that is Thomas Square specifically, that is historically important. The rail and these buildings are made out of our iwi and that is another thing that you guys haven't come forward to really stress, because the State's experts were like, no there is none of us buried over there.

Chair Colette Machado – One of the discussions that this would warrant for a follow-up with our public policy department. I still see Wayne, maybe you can have a conversation.

Kamana'opono Crabbe – You may not see us at the Legislature but every development that applies for a permit we comment on. In terms of the State, the County, as well as the private developers compliance with all of the laws. We're not visually out in the Legislature but we usually deal with it agency-to-agency through the reports or consultations.

This other one we've recently tasked the staff to the City and County Council. I heard about it but I am not as aware about that so we would have to provide an update to the Board and to you in terms of where that bill is moving.

Chair Colette Machado – Thank you for bringing that to your attention and we will try to address it under the Beneficiary Advocacy and Empowerment Committee.

Trustee Carmen Hulu Lindsey – I think it affects the sign ordinance of the City and County of Honolulu that is the amendment that is being proposed.

Mr. Camarillo – Yes they voted on it yesterday. They are trying to promote selling advertising space.

Chair Colette Machado – Our next speaker is Momi, Ho'omana Pono LLC.

Momi Conner – Aloha my name is Rachel Leimomi Kailianu Conner I am a partner with DeMont Conner for Ho'omana Pono LLC. The reason why I decided to talk is braddah just talked about City and County. City and County touches our lands as well. The bill he is talking about is Bill 78. I was there yesterday. Thanks to

the Outdoor Circle, this group out of Hawai'i Kai, they made sure that the people thought that the bill had everything to do with billboards. In that bill, if they really read the bill and understood, it talked about us being able to sponsor places that we live to help instead of waiting for the government, always complaining no more this, no more that, no more money, we would raise our own money. I come from Nānākuli homestead, Kalaniana'ole Beach park belongs in Nānākuli ahupua'a. The man that started DHHL – if not for him, no more State. In our constitution says, that is where they get the betterment of the Hawaiian people, its defined by the Hawaiian Homes Commission Act. That is why we got this.

What the Outdoor Circle did was that if they pass this bill it was going to open up the windows to have billboards all over the place. But if they went read it, it says they cannot over step the State Law which prohibits billboards. They even put the State Law HR 44 something. And what made us back that bill, it says if you do not agree, we all talk about the Sunshine Law, but 91 is the one that they put in there that says if we disagree in which way or form about taking out one contract with them, to say you know we willing to raise money for our beach park, and if they use it any place else we have the right to sue them. The haoles went out of their way to make sure that this is about billboards. That is not what says over here. The Outdoor Circle, they have a nice size big plaque in Kalama Valley over our heiau that says thanks to them in 1984-85 for refurbish that place. The Hawaiians wasn't taking care of it, they forgot that was Kalama Valley, they kicked out all the Hawaiians out for better people to live there. So of course no one is going to take place of our place there. Because they part of Waikīkī, they got nothing but the best there. A lot of people live in Hawai'i Kai, they didn't know it even existed. They put a plaque with their name on it, Friends of Hawai'i Kai Outdoor Circle. They got recognition, it wasn't a billboard, and we wouldn't like it over here.

A lot of our fisherman that go Waimānalo, they went to their park, they no more permission, but they went get one ahu that represents our 'āina and they went put one plaque acknowledging all the fisherman from that area that have passed. The pōhaku is 7 feet by 5 feet, its tasteful, it blends into the 'āina. I just had to correct the thing, and it passed and we are able now to, all our community people can go fight for something that they believe. If somebody work hard in our community and the family said, well you know our bus stops need benches, we not going put a bill sign say Uncle. Lot of times there is a little plaque or put it in the wood, 'in remembrance of'. This is Hawai'i, we not mainland, we are very tasteful in what we do because if the thing no match you going hear um, we going grumble. That is why I wanted to testify, it was not a billboard bill. It was where we could tactfully sponsor our own areas to get something done and for us we want to sponsor our park we have to raise the money selling kalua pig, laulau whatever it is going to take so our kūpuna can use the bathrooms.

Chair Colette Machado – Okay members that concludes the Public Testimony portion. I have two people that want to address the Board under Community Concerns. They are Keali'i Makekau and Germaine Meyers. With that said, we can now go to IV. and I will call on Kamana'opono. We would like to acknowledge our outstanding employees for the quarter.

IV. UNFINISHED BUSINESS

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

Chair Colette Machado - Calls on Kamana'opono Crabbe.

Kamana'opono Crabbe – Mahalo Chair and Trustees. For the past year 2016 we were quite busy closing out the calendar year, but we did want to acknowledge the Limahana o ka Hapahā, Employee of the Quarter for the past two quarters of the ending of the year. This first individual is new to the Office of Hawaiian Affairs, probably about a year, or a couple months thereafter. This individual currently assists the IT, Investments as well as the Grants Program with their logistics, administrative coordination as well. The criteria for the employee of the quarter is not only about their value and responsibilities to each program. But really focuses more on their attitude and their behavior in terms of embodying our core values and principles. This young woman I would like to congratulate her for displaying a very aloha 'ano about herself and her contribution to

the Office of Hawaiian Affairs. No laila eia Ka Limahana o ka Hapahā, employee of the quarter for July through September 2016, Trustees and everyone please acknowledge and congratulate Karlen Oneha.

Karlen Oneha – I just would like to thank my multiple teams, investments, grants, IT, records management. I feel like I have learned so much in this short year I have been here but I can't wait to see what the future holds.

Chair Colette Machado – Calls on Ray.

Ray Matsuura – Karlen has been here a little before me, a little over a year and a half now. I've learned from her as much as she has learned from us. She is a hard worker and very dedicated. Thank you.

Kamana'opono Crabbe – Trustees, Staff and public this next individual is well deserved of this recognition. It is bittersweet because she joined OHA years ago and recently left us for a number of reasons. Personally I have known, not just her as an individual but a great kupuna. Our years go back to Alu Like back in the 90s. But when you come to OHA and we hear beneficiaries talking about the work we do and the challenges that we meet what I remember about this individual when people come to OHA the first face that they see if this woman. As she is not only the embodiment of our core values but really a great example of a kanaka Makua a very noble and esteemed Hawaiian individual that really lives, breathes aloha. No laila, eia nō Ka Limahana o Ka Hapahā, the employee of the quarter for the months of October to December 2016 the lovely, the beautiful the great Miss. Lovey Slater.

Lovey Slater – Aloha. When baby Edwina called me the other day to be present here I had to ask her twice, what this for? She explained it, auē! When I first came to OHA, Ke Akua has a mean sense of humor. Oh maika'i, I am going to learn what OHA is all about. I don't have to look from outside, I can look from inside. After a month's time, there were a lot of the young ones didn't know who I was. I saw all these young beautiful people with their palapala. Ke Akua, what can I give to them, what can I pass on to them. They already smart. They need something else. Then I realized I was here to help them stay grounded. Palapala is good but you cannot forget who you, who you working for, and also your 'ohana, that is so important. I ask sister Colette for favor, and I am asking you. There is a young lady here I believe, aunty gone already, I not here no more, that a recognition should be done for those who still everyday come give of themselves. There is a young lady that I would like to ask you, because she is one I have seen everyday give of herself. She doesn't have kanaka koko, but she has it here. She is the only one that I know any of our OHA members are ma'i in the hospital, whether they haven't something procedure or they are passing, she is there to give them hope, she pule for them. I would like to give that recognition to her. I love you guys so much. You have filled my chapter that I have closed. Like Aunty said, like bad news she keeps coming back. So you guys better watch out. So please this young lady is Anita. Mālama one another that is all I ask. Mahalo for the recognition that you have brought upon me.

Trustee Peter Apo – That was really touching what Aunty Lovey did, maybe Admin can look at establishing an Aunty Lovey award for employees that practice Hawaiian values.

(11:24 am Ahu Isa leaves the meeting)

V. NEW BUSINESS

A. Committee on Beneficiary Advocacy and Empowerment

1. 2017 OHA Legislative Positioning – Matrix 1, April 12, 2017

Chair Colette Machado Calls on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (Items 1-9) and BILL POSITIONS FOR RECONSIDERATION (Item 10) on the OHA Legislative Positioning Matrix dated April 12, 2017, as amended.

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
New Bills				
1	GM679		Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial Nominee, CHRISTOPHER BAKER, for a term to expire 06-30-2021.	SUPPORT
2	GM727		Submitting for consideration and confirmation to the Early Learning Advisory Board, Gubernatorial Nominee, MAUREEN RAWLINS, for a term to expire 06-30-2018.	SUPPORT
3	GM762		Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial Nominee, HOKULANI HOLT-PADILLA, for a term to expire 06-30-2020.	SUPPORT
4	GM775		Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, CHRISTINE NAMAU'U, for a term to expire 06-30-2020.	SUPPORT
5	GM785		Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, FRED CACHOLA, JR., for a term to expire 06-30-2021.	SUPPORT
6	GM786		Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lana'i, Gubernatorial Nominee, SUSAN ANTONIO, for a term to expire 06-30-2020.	SUPPORT
7	GM787		Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, Gubernatorial Nominee, EVALINA WATANABE, for a term to expire 06-30-2021.	SUPPORT
8	GM809		Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, LEIANA ROBINSON, for a term to expire 06-30-2021.	SUPPORT
9	GM813		Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, HINALEIMOANA WONG-KALU, for a term to expire 06-30-2020.	SUPPORT
Bill Positions for Reconsideration				
10	SB1150	RELATING TO PRESERVING CORAL REEFS.	Requires the University of Hawaii to conduct a study on the effects of sunscreen on Hawaii's coral reefs and report to the Legislature. Appropriates funds. (SB1150 HD3)	SUPPORT > MONITOR

Trustee Dan Ahuna Seconds the motion.

Chair Colette Machado – Are there any questions, hearing none, roll call vote.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (Items 1-9) and BILL POSITIONS FOR RECONSIDERATION (Item 10) on the OHA Legislative Positioning Matrix dated April 12, 2017, as amended.						
Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA					Not present at time of vote.	
TRUSTEE DAN AHUNA		x	x			
TRUSTEE ROWENA AKANA			x			
TRUSTEE KELI'I AKINA			x			
TRUSTEE PETER APO			x			
TRUSTEE CARMEN HULU LINDSEY			x			
TRUSTEE ROBERT LINDSEY	x		x			
TRUSTEE JOHN WAIHE'E			x			
CHAIR COLETTE MACHADO			x			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with six (6) YES votes, one (1) NO vote and two (2) excused.						

Chair Colette Machado – Members that concludes our business for today except for Executive Session. I would like to entertain a motion to recuse ourselves into Executive Session.

2. 2017 OHA Legislative Positioning – Matrix 1. April 26, 2017

(Item tabled as there was no referral from the BAE Committee)

VI. EXECUTIVE SESSION

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

Trustee Carmen Hulu Lindsey Seconds the motion.

Chair Colette Machado Calls for the vote.

Trustee Peter Apo Moves to resolve into Executive Session Pursuant to HRS§92-5(a)(4).						
Trustee Carmen Hulu Lindsey Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA					Not present at time of vote	
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO	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 passed unanimously with eight (8) YES votes, and one (1) excused.						

The Board dissolved into Executive Session at 11:27 am.

A. Approval of Executive Session Minutes

1. Meeting of the Board of Trustees

- a) January 26, 2017
- b) March 9, 2017

2. Special Meeting of the Board of Trustees

- a) January 24, 2017 continued to February 8, 2017

B. Consultation with Attorney Paul Alston, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding *Civil Number 17-1-0231-02 ECN Abigail K. Kawananakoa v. Robert K. Lindsay[sic], Kamana'opono Crabbe, Office of Hawaiian Affairs. Pursuant to HRS § 92-5(a)(4).*

C. Consultation with Attorney Paul Alston, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding *Akana v. Machado et. al. Civil No. ICC13-1-002482. Pursuant to HRS § 92-5(a)(4).*

The Board reconvenes into Open Session at 1:09 pm

VII. COMMUNITY COMMENTS

Chair Colette Machado – We are now on VIII, Community Concerns and our first speaker is Keali'i Makekau.

Mr. Keali'i Makekau – Good afternoon. My comments in general to focus around the vetting, or the vending process that Nā Lama Kukui has. I had an interest from a second party that know me and they had shown interest in possibly coming here to take part of being a vendor here. This all started in the fact the individuals that I know, they actually were friends with your realtor Kathy. So she actually initiated the thing, oh you having to move and so forth you should come check out OHA properties, I believe they are looking for vendors. They called me up and asked who would be the liaison to speak to because that was under Kathy's guidelines. So I got some initial contacts in which to pursue. I went to these individuals here and expressed my concerns and what not. I did get a hold of the individual and the individual was aware that the realtor had spoken to the individual, so numbers exchanged but nothing came about it. I spoke to my friend and they were saying that even though the messages were conveyed they are more behooved then I was as to how does someone get a cubicle here or become a vendor here. One of my concerns is that you are missing opportunities here to fill your space here and generate revenue. I hope that you guys can look into that matter.

My second concern is the process for the selection of the CFO thing. I have a similar gripe, my friend did attend a couple of meetings speculating of applying for the position. I came and helped her get an application form and delivered it for her. She was probably the second to apply for the position. She has never been called back until today. I have been attending the meeting, and I hear that the CFO position is in its final stages, if not you guys possibly have a candidate. I came to check if her form was actually on file, and then I got the whim of try to find out who in HR actually over saw this process. Once I managed to get to somebody it was a confirmation but it was kind of like national security, you are not the candidate. Is there any way you can follow up with this person is asking me to ask you to call back this person and let them know. She was never notified that the position has been filled or anything.

Trustee Rowena Akana – It's unfortunate but this is not the first complaint we've had about HR. It is unprofessional, that division. Not just from people applying for jobs, qualified people, but from our own employees. This is what I tried to bring to the board back in January, that there is a problem with our HR department. This Board better be looking at it, because we will be getting a lawsuit soon or later. A simple courtesy of writing a letter to all applicants should not be a problem.

Trustee Peter Apo – I've heard the same complaints.

Corp Counsel Albert Tiberi – I will follow up on the property if you give me the name of the person. I will raise the issue with HR as well. Thank you.

Chair Colette Machado – Calls on Germaine Meyers.

Ms. Germaine Meyers – Aloha for the record my name is Germaine Meyers, I am a beneficiary of OHA as well as a Nānākuli Homestead lessee. Thank you for the opportunity to come up and I can speak again. First I would like to speak about the biennium budget fiscal year 2018-2019. There seems to be discrepancy in the presentation we received yesterday compared to the audit report 216. The discrepancy that I am discussing, the reason why I wanted to bring it to your attention is that I am hoping that during the biennium budget workshop number 2 on May 3rd, that this will be addressed. In number one slide number 20 there were two budget items, core budget and noncore budget, of course the presentation yesterday was only on core budget. But if we are going to look at our budget we have to look at both so what I am hoping that the noncore budget will be addressed.

The discrepancy I am talking about in this slide it talks about \$35 million would be core for fiscal year 2016 as compared to noncore was at \$14.8 for a total of \$49.8. However on the audit report, report number 16-10 December 2016 the auditor specifically stated that OHA funds and account totals came to a grand total expenses and transfers of \$61.6 million. The ones that I circled. So based upon that, if the core remains at \$35

million, the noncore actually was \$26.6 million not \$14.8 million like this presentation. I am concerned about that discrepancy because that is an additional \$11.8 million of expenses and transfers that are not being accounted for on the slide number 20. But it is actually being accounted for in the State Audit report.

Then number two, I wanted to talk about the audit PIG format number three which is what I talked about yesterday that I wanted to bring to your attention. OIP it is called *Who Board members can talk to and when part 3 August 8, 2013* which talks about establishing a PIG and all the rules regarding it. So my main thing about bringing it up is that I am concerned that inadvertently or deliberately the audit would be sabotages by members of the Board that may inadvertently or deliberately break the rules of the PIG format. So please mālama the rules of sunshine law.

(see attached handout provided by Germaine)

The next thing that I wanted to address is regarding the testimony I provided earlier, OIP letter number 04-10, I provided everyone with copies attached to my testimony. I wanted to discuss what Kai'ulani talked about regarding the Hawai'i Constitution and the U.S. Constitution. I want to read to you regarding Chapter 92 Hawai'i Revised Statutes Sunshine Law and freedom of speech, Equal Protection Causes of the constitution of the United States and Hawai'i. The OIP does not have the authority to issue an opinion on the constitution. Therefore the OIP will not address the question of whether the Board violates either the Hawai'i Constitution or the United States Constitution this opinion is limited to the effect of the sunshine law. Because Kai'ulani brought it up, I wanted to bring that up, and so it was summarized on page number four, as well regarding restricting, freedom of speech. But what it did state in the summary is that because the OIP doesn't have any jurisdiction over it, it is suggesting that we recommend that you consult with your corporate counsel or your personal attorney on those questions. This opinion is limited to the effects of Sunshine Law. What I am stating to that effect that she did provide evidence that the supreme court has ruled on that. As far as public testimony.

Now I want to revert to my next item I would like to talk about. Lawsuits, my conversation with the OIP attorney, she said that I have two options. Number one, I can within 60 days from April 6, I can file a complaint for an OIP investigation and opinion. Number two, I can file a lawsuit and if I prevail OHA has to pay for my legal fees and damages. I chose to first come to OHA to correct it. So I ask myself why would OHA not correct it. Because they know as Trustee Ahuna keeps stating the money will have to come from the lāhui. So what I would like for you to consider if you don't correct it then lāhui will also be have mistrust against you. So if you are saying that we have to take it to the courts to prove to you that either the constitution was violated or sunshine law that is fine. But you are giving us the message that if we prevail, you will give extra damages to us which will end up coming from our trust. So these kind of decisions need to be really considered. So when I see a budget yesterday of legal fees I'm like well settle with everyone \$50,000 each you can settle 20, you come up to \$1 million instead of taking it to the court. I am questioning the type of, if we come over here and we give you evidence that the rules state you should do this I'm hoping that you would follow that. I just wanted to say that again Chair Machado earlier told me that I needed to summarize, I choose to practice verbally reading what I have written to stay on the course that's my kuleana. As well as I understand that it's not actually included in the records, and so if the video gets corrected I would like as a training material for the lāhui who we know the scores are low and that is the reality that we have to deal with. So if I choose to make a moment that I'm advocating for my community, if I wanted to make training material to see the process and how to go about it, I'm advocating for beneficiary and empowerment. So I found that very, very offensive when I was told you can't do that you need to summarize so I was grateful that the OIP attorney did tell me you don't have to summarize. Now if the Chair says sue me I find that troubling. It really bothers me when I hear that kind of attitude or when there is not ho'oponopono.

Chair Colette Machado – DeMont Conner is next.

Mr. DeMont Conner – DeMont Conner, co-manager of Hoomana Pono LLC. My first concern, I was talking with Kamana'o outside about the artifacts. I really feel that instead of spending money on bogus nation building or whatever we need to focus on stuff that matters to our people. When the cape came home,

Kalani'ōpu'u's cape came home it was an awesome time for us. A lot of our people was just blown away by that. Thank Kamana'o for a lot of the hard work and be willing to do that. You can see that, that is a galvanizing thing for our lāhui. It's time we just put away all the petty stuff and we just start focusing on things that really matter. Not just to you guys, talking in your own echo chamber but to our lāhui in general. I ask that you guys really consider trying to see about acquiring that whatever it takes.

The other things I'd like to talk about, so we was there yesterday for Bill 78 and for me whether you support it or you against it, that is you own business. But we went support that bill because we like tired of waiting for the City to come and fix our park. That is why I held that press conference with Moanikeala on Channel 4 to show what our park looks like. Every year, the State celebrates Prince Kūhiō's birthday, they have a big parade, all you guys over there waving to all the tourist. But the namesake for that park is deplorable. Our kūpuna cannot even use the bathroom. It was on the TV, the toilet paper holder is a Clorox bottle, the other stall get one big fat chain holding a toilet paper roll. What I like ask you guys if you guys can consider is that the bill went pass and it is going to the Mayor for signature. The purpose we fought for that was so that we can sponsor our park. Get one family from Wai'anae they like sponsor Waikomo to turn it into a place where people with horses and stuff like that can take their horses there. We need help on the Westside. Next year they are talking about making the year of the Hawaiian, would be nice if this organization would consider coming down to the Westside and say what is it that we could help you guys with. My main primary goal is to work to get in the ahupua'a o Nānākuli back to being a true ahupua'a from the mountain to the ocean. I want our people to wake up and understand that they can take back our community and make it the jewel of the Westside. I asking you guys if you guys can consider if we can start doing stuff down there that can help support us to sponsor the park, or sponsor the gym or all of those things and how we can make that a reality.

Chair Colette Machado – Our next speaker is Kapua Keli'ikoa-Kamai.

Trustee Rowena Akana – We do have the sponsorship money that the Administration controls maybe that is something you would consider.

Ms. Kapua Keli'ikoa-Kamai – I am a Hui Kāko'o member and you folks have seen some of us not necessarily the most positive light, but when we do have disagreements, I think we ought to put it on the table. What we are doing next week Friday to Sunday from May 5th-7th, we are hosting our second annual Aloha 'Āina Cultural Education. Instead of being on the beach under the tent, we are fortunate we are going to be at our Lady of Kea'au. We do have a variety of guest speakers that will come and share their mana'o, their 'ike with us. We do invite the general public to come. The fear that I have is the kāhea we are sending out through social media might be so strong it might overwhelm. I welcome not only the Board members, staff, employees and family but also the general public. I do have to acknowledge that there have been monies that have come from OHA because I am a Hawaiian beneficiary that will ask this entity for money because it's not OHA's money; OHA is the administrators of the money that belongs to the lāhui. I welcome you folks to come that is my aloha 'āina invitation.

The other thing I would like to ask again and I've mentioned this before that OHA if you have not completed the lands inventory, the 5F lands that if you folks complete that and that whatever means it takes you get back to the negotiation tables to get back all of our due. We should not have no cap and be returning money that belongs to us. Get back to the table with the fake State or sue them on our behalf, less we sue you for you not doing what we hold you accountable for. We shouldn't let them hold us back. Please do what you can in your capacity.

I notice this is our OHA building, I notice the absence of an OHA community board of Hawaiian activities. So like when things go on, let us come and post it. By posting a community board like they have at other community places. I also suggest that you folks have a monthly or quarterly Aloha Friday where you folks can feature new entertainers, new hālau, more on the amateur side. Let's promote our people, perhaps bring them here. And again maintaining our legislative positioning to mālama our 'āina whether it be at City Hall, whether it be at the Legislature and at the BLNR. I am always glad when I see Jocelyn folks there and they are

prepared and ready to testify. I am so appreciative of it, I'd like us to be more aggressive and more assertive because it is our we want make sure that they know it's ours. Mahalo.

Chair Colette Machado – Is Healani Sonoda-Pale here? Laulani Teale? Dr Camarillo? That ends our meeting today may I get a motion to adjourn.

VIII. ANNOUNCEMENTS

NONE

IX. ADJOURNMENT

Trustee Carmen Hulu Lindsey Moves to adjourn the meeting

Trustee John Waihee Seconds the motion.

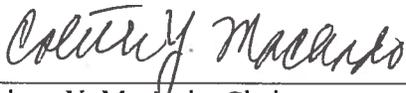
The meeting was adjourned at 1:40 pm.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on May 11, 2017.



Colette Y. Machado, Chairperson
Board of Trustees

Attachment:
Testimony of Germaine Meyers
Testimony of Healani Sonoda-Pale