

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**October 7, 2015 1:30 p.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Vice-Chairperson Peter Apo  
Trustee Lei Ahu Isa  
Trustee Haunani Apoliona  
Trustee Hulu Lindsey  
Trustee Robert Lindsey  
Trustee Colette Machado

**EXCUSED:**

Trustee Dan Ahuna  
Trustee Rowena Akana

**BOT STAFF:**

A. U'ilani Tanigawa  
Crayn Akina  
Dayna Pa  
Harold Nedd  
Kauikeaolani Wailehua  
Lady Elizabeth Garrett  
Lehua Itokazu  
Liana Pang  
Louise Yee Hoy  
Melissa Wennihan  
Reynold Freitas

**ADMINISTRATION STAFF:**

Kamana'opono Crabbe, Ph.D., Pouhana / CEO  
Lisa Victor, Pou Nui / COO  
Anuheia Patoc, PUBL  
Deja Ostrowski, PUBL  
Jim McMahan, ADV  
Jim Patterson, PROG  
Jocelyn Doane, PUBL  
Kamaile Maldonado, PUBL  
Kamoa Quitevis, CULTU  
Kawika Riley, ADV  
Kealoha Fox, DEMO  
Koalani Kaulukukui, CC  
Leona Kalima, CULTU  
Monica Morris, ADV  
Sterling Wong, PUBL  
Wayne Tanaka, ADV  
Zachary Smith, RES

**GUESTS:**

Katie Benioni  
Sherry Broder, Esq.  
Kanani Kapuniai  
Nancy Levenson  
Allyson Tamura  
Taffi Wise

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, October 7, 2015 to order at **1:30 p.m.**

**Chair Waihe'e** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	LEI	AHU ISA	PRESENT	Arrived at 1:33 p.m.
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	Arrived at 1:33 p.m.

At the Call to Order, **FIVE (5) Trustees are PRESENT**, thereby constituting a quorum.

**EXCUSED from the BAE Meeting are:**

MEMBERS			COMMENT
TRUSTEE	DAN	AHUNA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	ROWENA	AKANA	MEMO – REQUESTING TO BE EXCUSED

**II. APPROVAL OF MINUTES**

- A. August 13, 2015
- B. August 26, 2015

**Trustee Apo moves to approve the minutes of August 13 and August 26, 2015.**

**Trustee Machado seconds the motion.**

**Chair Waihe'e asks if there is any discussion. There is none.**

**Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.**

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:32 p.m.
LEI	AHU ISA						Arrived at 1:33 p.m.
DAN	AHUNA						<b>EXCUSED</b>
ROWENA	AKANA						<b>EXCUSED</b>
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY						Arrived at 1:33 p.m.
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>0</b>	<b>0</b>	<b>4</b>

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

**Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the MOTION CARRIES.**

**III. COMMUNITY CONCERNS\***

None

## IV. NEW BUSINESS

### A. 2016 Legislative Package Concepts Workshop

**Chair Waihe'e** turns it over to Ka Pouhana Kamana'opono Crabbe.

**Pouhana Crabbe:** Mahalo Chair Waihe'e and Trustees, good afternoon. I'd like to call upon our Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane to do the presentation of our conceptual package for next session and share some of the new proposals that they're considering.

**Public Policy Manager Wong:** Aloha mai kākou. It's that time again; we just finished Leg. Session and now we're right back. It's been one of the more busy types of off-seasons.

As we always do, we bring the conceptual package to the committee/board before we bring back the actual package. Just to give a sense of what's been going on in our package development, from July through August, we began the development of our package by doing internal outreach with our staff. We've met with each *paia*, sent out emails, and collected ideas. Externally we've met with key stakeholders and partners to also gather ideas. Through this process we've compiled about 70 legislative proposals. After vetting them, we have the 9 proposals in front of you today. These are just narratives that we want to share with you. Then we can get your feedback to see if we're going in the right direction. After this discussion, we'll come back before Thanksgiving with the actual bill language for the entire OHA legislative package.

OHA 2016  
CONCEPTUAL  
LEGISLATIVE PACKAGE

 BAE Committee October 7, 2015

**PACKAGE DEVELOPMENT**

- July–August
  - Internal outreach with OHA staff
  - External outreach with key stakeholders, experts and community leaders
- Compiled more than 70 legislative proposals during this outreach
- Nov. 18/Nov. 19 – BAE/BOT approval on Legislative Package language

Public Policy Manager Wong reviews the criteria as listed on slide 3.

Slide 3

## PACKAGE DEVELOPMENT

**Legislative Proposal Criteria:**

- What is the scope of the impact of the issue?
  - Statewide, county-specific, broader public or just Native Hawaiians?
- Can the issue be solved through legislation?
  - Does the best proposed legislation actually solve the problem without causing additional problems?
- Does the legislation have a chance of passing?
  - Is it a statement/discussion bill?
- Are there OHA or state funding implications?
- Is OHA the appropriate lead for the legislation?
  - Community or state better to lead?

Slide 4

## NEW PROPOSALS

### Define “commercial activities” for Mauna Kea lands

- UH’s historical failure to charge sufficient sublease rent for observatories
- “commercial activities” regulations should create transparent and accountable subleasing process
- Conform Mauna Kea administrative rules with Chapter 171, HRS

**Senior Public Policy Advocate Doane:** So the first proposal we will discuss is on Slide 4, related to Mauna Kea. This is a result of ongoing conversations that our staff has had with the Office of Mauna Kea Management. This is not the panacea that will address all of the concerns that trustees and beneficiaries have raised with regards to Mauna Kea. Depending on what happens with the ad-hoc committee, there may be other ideas from the ad-hoc to address some of the bigger concerns.

Basically, the University has historically charged insufficient rent or no rent at all, for the subleases on Mauna Kea. As you know, the last approved sublease for TMT does have a substantial amount compared to the other rents, which are nothing and would eventually be a million dollars. It has been historically unclear how they determine that figure and whether or not it’s sufficient to pay for the cost of TMT or the cost of the University to sustainably manage the mountain. The sublease rent determinations are done behind the scenes and we think it’s important that they be done in a transparent way. Right now, the DLNR rents out their lands; governed by a statutory framework. There are ways that they value land and an open process exists for how they determine that. Sometimes it goes to bid and in some instances it doesn’t, but the *University* doesn’t follow that model. We’ve made suggestions since 2011 that they need to do that through rule-making. They were authorized since 2009 to regulate the commercial activities that were happening on the mountain and as we know, they’re still in the process of drafting those rules. We’ve had a really difficult time trying to get them to understand that there should be an open process. These Mauna Kea lands that are held by the University are both *Ceded* and *Public Land Trust* lands. So we think it’s important for there to be some transparency. That’s the general idea behind this proposal and we’ll come back to the trustees with more specifics on how it will look in November. Basically, it will require them to regulate the subleases along with all the other commercial activities that they’re planning to regulate through rule-making.

**Trustee Apo:** *Do we have a long-term vision of what OHA’s role will be, in the long term, for Mauna Kea?* That’s something we should think about as part of this legislation.

**Trustee Machado:** *Is that something that’s coming out of the ad-hoc committee?*

**Pouhana Crabbe:** Yes

**Trustee Apo:** One of the things I thought that I heard, and would support is working towards, is OHA taking over Mauna Kea as a legacy property. I think the timing is right and frankly nobody wants to manage the mountain; they're all getting beat up and there's no money in it. So this might be a good window for us to take a look at that on a long-term-basis and then structure the legislation that might lead to that.

**Senior Public Policy Advocate Doane:** Absolutely Trustee. This idea is one that we've had for some time now. Now that we're having those bigger discussions as to what role OHA will play with regards to the mountain, this may become moot and our priority may become different.

**Trustee Machado:** Jocelyn you mentioned the statutory framework, *are you referring to Act 132 and Act 171?*

**Senior Public Policy Advocate Doane:** Act 132 specifically.

**Trustee Machado:** *You want to describe that a little bit more?*

**Senior Public Policy Advocate Doane:** So in 2009, the legislature gave the University of Hawai'i authority to regulate commercial and public activities on the mountain. It was unclear before that whether or not they had the ability to do that. There continues to be concerns that even after the rules are passed; they lack the adequate enforcement authority. Since 2009, the University has been working on drafts to regulate public access and commercial activities. We were consulted in 2011 as they are statutorily required to do. Those conversations stopped after the conservation district use permit litigation started and have only restarted this year once we found out they were reworking the rules. They are authorized to enact rules that regulate commercial activities, but they've gone out of their way to define commercial activities in a way that would specifically remove the subleasing activities from the regulation.

**Trustee Machado:** Give me an idea - *what the language would be in the bill?*

**Senior Public Policy Advocate Doane:** Actually, it would be pretty simple. Right now, there are lands that the DLNR manages that are adjacent to these commercial-activity-regulated parcels; so we're specifically looking at those. Anything in exchange for value would be considered a commercial activity and would be governed by rules that the University would come up with; obviously in consultation with OHA and the public. This does not allow us or the community to have power over how the subleasing happens. However, it does lay out a framework for how they can determine the rents.

## NEW PROPOSALS

### Grant OHA first right of refusal for remnant sales

- All sales of public land must go through the Act 176
- Exception: Remnants
- DLNR has used a broad interpretation of remnants to sell "ceded lands" containing cultural resources
- Alternatively, could re-introduce old bill

**Public Policy Manager Wong:** The next proposal addresses the longstanding issue we've had with land remnants. If you will recall, we've tried for several years to pass legislation to address this issue. All sales of lands must go through the Act 176 process which includes legislative approval. The one exception involves remnants and DLNR has sort of *broadly interpreted* the definition of remnants to include in the last couple of years some really disturbing properties. We're trying to look for other ways to fill this loophole and make sure that *remnants* get addressed; the last couple of years we got really close. We have a couple of options. We can try and reintroduce last year's legislation. Actually, because it's in Conference, it may actually have to be reintroduced. Or we can try a new option; we've been considering granting OHA the First-Right-of-Refusal for any remnant sale. The idea being, that if the State wants to sell a remnant, they have to offer it to us first. We do our due diligence and determine whether we want to buy it or not. Then we can purchase it and keep it within the trust system. Or, if we refuse, the State can sell it outside of the Act 176 process. *Do you have any thoughts or feedback for us?*

**Trustee Machado:** *How do you want to do this, one-by-one or all at the end?*

**Public Policy Manager Wong:** We can go as you see appropriate.

**Trustee Hulu Lindsey:** We should respond while it's fresh in our mind.

**Trustee Machado:** I'm for 1 and 2.

**Trustee Apoliona:** You're not hearing anything else, so those two are good.

**Public Policy Manager Wong:** Ok!

## New Proposals

### Place an interest cap on payday loans

- Native Hawaiians and Pacific Islanders are disproportionately unbanked or underbanked
- More likely rely upon costly credit alternatives, like payday loan services
- Auditor: payday loans can charge as much as 459% per annum
- 459% → trap customers in cycles of debt
- Proposal: 36% cap per annum

**Senior Public Policy Advocate Doane:** The next one is placing an interest cap on payday loans. We are interested in this is because with Native Hawaiians and Pacific Islanders, the data shows that we are disproportionately under-banked. This means that we may have a checking account, but we don't use any other services at the bank. Or it means we are completely *unbanked*, where we don't even have an account. Therefore, Hawaiians are more likely to rely upon more costly credit alternatives, and payday loan services are an example of that. Without any regulations, the State Auditor has identified that payday loan providers can charge as much as 459% annual interest rate in Hawai'i, and this doesn't even include the fees. So by charging such high rates, you're basically creating a cycle of debt.

We would like to propose a cap similar to what other states and the federal government use, which is 36%. Of course, the credit payday loan lobbyists will now say that they're not going to make any money. So we've trying to identify alternatives to counter that.

**Trustee Ahu Isa:** This is where OHA should come in. Beneficiaries always go to these places as a last resort; because their parents or friends won't lend them money.

**Senior Public Policy Advocate Doane:** Yes, we have spoken briefly with our CFO regarding whether that could being something that OHA could look at.

**Pouhana Crabbe:** Yes, we will be having a meeting with Commissioner Sparks from ANA who oversees our Native Hawaiian Revolving Loan Fund (NHRLF) program. The reason we're having that meeting is to have a dialogue with her to lessen the restrictions of the federal requirements to our loan program. The NHRLF Board feels that creativity is lacking in their loan products. The NHRLF Board of Directors is making recommendations that will move the loan programs going-forward. The improvements will then benefit our community.

**New Proposals**

---

**Posting signs for projects undergoing environmental review**

- The EA/EIS process is intended to gather information on the impacts of a project to guide decision making
- Often communities are left in the dark about projects in their areas
- Bill would require posting of signs at the sites of projects as part of the pre-consultation process

**Senior Public Policy Advocate Doane:** The next proposal is to require physical signage early-on for development projects. As you know, the environmental review process is intended to gather decision-making, early in the process. The process then actually informs of the decisions rather than slapping a cultural impact assessment at the back of an EIS. Early-on, you want to start talking to folks who are intimately familiar with the space, who use the space, or who would be impacted by development. With this approach, you can then understand what the issues are and plan accordingly.

As we know, that doesn't always happen. Sometimes when developers start a project it depends on the planners that they use, the developer themselves, and the kinds of community contacts they have or are willing to put in. This would be really simple. It would require posting a sign in compliance with county signage laws. This would give some sort of notice to folks that a project is being considered.

**Trustee Machado:** Absolutely.

**Senior Public Policy Advocate Doane:** Perfect. This might be our simplest bill, EVER.

## New Proposals

---

**Establish process to apply/approve new charter school authorizers**

- National standards recommend against relying on a single authorizer
  - 15 per authorizer is recommended
  - Hawaii Charter School Commission administers 34 schools
- BOE has statutory authority to establish process
- BOE has failed to adopt rules since 2012
- Bill would establish authorizer process in statute

**Public Policy Manager Wong:** The next two bills deal with some charter school issues we've been hearing about for the past couple of years. Trying to get a new authorizer is one issue that Taffi has been talking about for a while now. National standards recommend against having a single authorizer. I think the general standard is between 10 to 15 charters managed by a single authorizer. Right now, the Hawai'i Charter School Commission has 34; so that's twice as many than minimally recommended. So you get the sense that the commission is probably stretched-thin in managing too many charters.

One of Taffi's concerns over the years has been that in managing all of these authorizers, they're held to one standard. The process does not properly include or consider the cultural curriculum that the schools try to teach. In 2012, when the legislature overhauled the charter schools' law, it created the Charter School Commission. The legislature told the BOE that it can create a process to approve new authorizers, and it had to do it through administrative rules. The BOE has not moved on creating that rules-process. So without the rules it cannot accept applications or approve any applications for authorizers.

We can do this bill two ways. Either we can *actually* put the process in the statute. One of our interns has been looking across the country at how they deal with multiple authorizers. A bunch of states actually have the process spelled out specifically in the statute.

Or, because the legislature already authorized the BOE to do it, we could just have a bill that says BOE *do the rules by "X" date*. Putting it in statute gives OHA more control involving the process. If we do it by rule making, the BOE will pretty much take the lead on that. We've also been talking to Taffi about writing the rules already, and there's an administrative process where we can petition the BOE to consider rules. So that's what we're doing at the same time. There's so much going on with charter schools right now. We haven't able to specifically get to the rule making, but we are planning on drafting the petition and writing the rules for this process. We would then give it to the BOE and they would have 90 days to vote it up or down.

**Trustee Apoliona:** That's a Yes.

**Public Policy Manager Wong:** These two bills regarding the commission will have financial implications. Any new authorizer is going to require resources to pay for staff and to do its responsibilities as well; so that's a big consideration. I know Taffi has been asking if OHA, UH, and KS could be authorizers. Certainly we fit the criteria under existing statutes, and that's one of the issues with introducing this bill.

**New Proposals**

---

**Allow charter schools to retain own attorneys**

- All state agencies must use AG for legal representation
- Exceptions are made through statute for specific agencies, such as OHA
- Or waivers granted by the AG
- Charter schools have expressed concerns about the support from the AG, particularly with contract negotiations
- Bill would exempt charter schools and allow them to hire their own attorneys
- Cost could be an issue

**Public Policy Manager Wong:** The other bill we are trying to work on is getting the charter schools their own attorneys. They are a state entity and because of that, they are supposed to get legal representation through the Attorney General's office. There are exceptions spelt out in statute; for example, that OHA is exempt from that. The AG's can also grant waivers to allow state agencies their own private counsel, but this has not been granted for charter schools. The charter schools currently rely on the Deputy AG to give them legal advice. They're having particular challenges with the contract negotiations process and Taffi has talked about that with the Board. This bill would exempt them in statute, just like OHA, so they could get their own attorneys to help give them guidance. This issue specifically would have a big cost attached to it, because there are 34 charter schools who may all try to get their own attorneys.

**Trustee Machado:** *Why are we bringing this to OHA?* I'm not very happy about how this is being set up.

**Senior Public Policy Advocate Doane:** Right. We did talk about not including this issue along with the last proposal in our summary. However, because some of the trustees have been raising the issues that the charter schools have similarly raised, and with trustees having asked us to figure out on how we can help, we wanted the trustees to know that there are options. There would be potential financial requests, obligations, or burdens for OHA. So we wanted to make sure that we noted that there are ways that we can help on these things, but we may get requests for funding as a result.

**Trustee Ahu Isa:** Being a former member of the Board of Education, I would not recommend this. At one time the Board of Education was the authorizer, it was very expensive.

**Public Policy Manager Wong:** So, I'm hearing a *No* to the attorney bill. *Is the authorizer bill a No as well?*

**Trustee Hulu Lindsey:** I think we can back it up and support them, but not be the lead on it.

**Trustee Machado:** In all fairness, you should provide us with a better understanding of what the cost factor would be.

**Public Policy Manager Wong:** Ok, so for both the *Authorizers* bill and the *Attorneys* bill, we will work with KALO on drafting it and make sure that someone else introduces it.

## New Proposals

**Require DOE identify/develop plan for one all immersion school in each county**

- Demand for immersion education is increasing
- Benefits of all immersion campuses
- Anuenue on Oahu and Ehunuikaimalino on Hawaii Island are only all K-12 immersion schools
- Maui community has been seeking an all immersion campus

**Public Policy Manager Wong:** The next idea deals with the immersion schools in the DOE; they have been increasing substantially. Most of the immersions schools in Hawai'i, are Hawaiian immersion schools within an English-speaking school. Most of the all-immersions campuses are charter schools. There are only two immersion schools within the DOE, they are: Ke Kula Kaiapuni 'O Ānuenuē in Pālolo and Ke Kula O Ehunuikaimalino in Kona. A lot of the immersion advocates talk about having all-immersion campuses. Two counties currently do not have all-immersion campuses and those are Maui and Kaua'i. Maui has been trying to get a campus in Paia.

**Trustee Machado:** They (Paia) deserve it. They have leadership from the parents, community support, and a good track record.

**Public Policy Manager Wong:** So this idea is to require the DOE to identify a site and develop a plan for implementing an all-immersion school campus in each county. That would essentially be Kaua'i and Maui, since O'ahu and Hawai'i already have campuses. This idea stemmed from Trustee Hulu Lindsey.

**Trustee Hulu Lindsey:** Yes, as I've shared with you folks in Waimea, there is a developer in Central Maui that's building a new town and is required to contribute a school and a site, as part of his project. He has offered 12 acres for the school. We had a meeting in Maui with: Kau'i Sang from the DOE, the immersion program, and the developer. It was a very fruitful meeting because they were all able to share what they were willing to do.

## New Proposals

### Grant pa'ahao nearing release and reentry the right to vote in state elections

- Civic engagement through voting increases pro-social behavior and facilitates rehabilitation and reduction of recidivism
- Convicted felons cannot vote in state elections until their release or if placed on probation
- Timeline consistent with re-entry

**Senior Public Policy Advocate Doane:** Our next proposal is another really simple idea. Currently, convicted felons are not able to vote in state elections until they're released or if they're placed on probation instead of being sentenced to prison time. General data shows that civic engagement through voting actually facilitates rehabilitation and may potentially reduce recidivism. So this is a really simple idea, where two years before they are set to be released, incarcerated individuals would have the right to vote. The timeline is consistent with when re-entry programs start; two years before they are released. This was introduced with Lingle as the Governor. It went pretty far; there was a lot of support for it.

## New Proposals

### Enforce/regulate vacation rentals

- Conversion of residential housing to profit maximizing TVUs, rather than profitable L/T rentals → contributes to reduction in housing supply
- TVUs **MAY** disproportionately impact Native Hawaiians
  - > 50% NH renters, live in homes struggling to afford
  - NHs earn significantly less per capita
  - Most Housing Insecure NHs = 5 + individuals
  - Decrease in rentals
  - HTA: explosion of advertised rentals
- Bill would:
  - promote enforcement of county regulations and
  - amend statutory definitions and prohibitions to:
    - restrict or limit TVUs in certain state land use districts,
    - require permitting for all TVUs throughout the state,
    - require counties to limit the number of permitted TVUs, and/or
    - require counties to limit the number of days a TVU can be rented out each year.

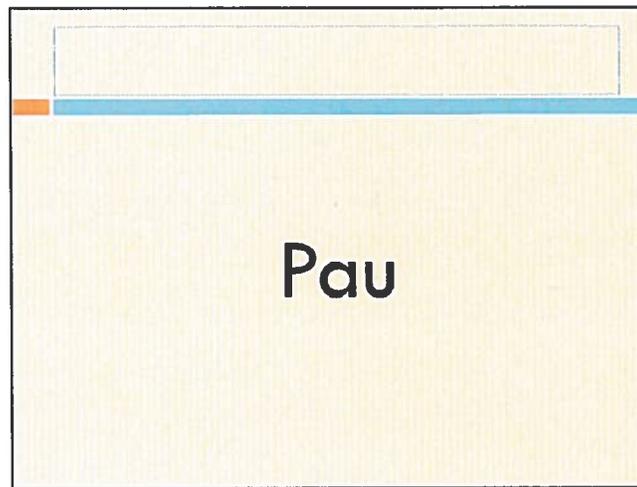
**Senior Public Policy Advocate Doane:** Our final proposal is to address the proliferation of transient vacation rentals or vacation rentals that are rented out for less than 30 days; these may be affecting the housing market. Right now, there is an increasing conversion of residential housing to profit-maximizing vacation rentals; a run away from already profitable long-term rentals. That contributes to the reduction in the housing supply. So we do not have information that shows that transient vacation rentals definitely disproportionately affect Native Hawaiians, but what we do know is that over half of the Native Hawaiian renters live in homes that they're struggling to afford. This means that they pay more than 30% of their income in housing expenses. We also know that even though Native Hawaiians participate in the job market, with higher job rates than the state average, we actually continue to earn significantly less per capita. So in other words, we get paid less, but we work just as much.

**Trustee Apo:** When you look at the big picture of the impact of tourism in our neighborhoods, vacation rentals are a bad idea in most residential areas. The trick is that they're so easy to market via a website, or to post on craigslist. I don't know what to say about this bill, but the more we allow the encroachment of tourism in our neighborhoods, it's not going to stop.

**Trustee Machado:** This is a good bill.

**Trustee Hulu Lindsey:** I agree; the industry is increasing the rent for our local people.

**Public Policy Manager Wong:** So based on the *mana'o* we have received, we'll continue to work on the ones that you have agreed to.



**Pouhana Crabbe:** Before we move forward, let's recognize Taffi Wise, President and Executive Director of KALO. We had a discussion regarding the Authorizers. We're still exploring it and what the implications are. As you know the OHA Board is very supportive of charter schools.

**Taffi Wise:** If I could just say *Thank you so much*; it's been a battle. Your staff has been amazing and so helpful. When they come in with their expertise and help us figure out the next move, we're just so appreciative. It gives us a little bit of hope.

## V. UNFINISHED BUSINESS

None

**VI. EXECUTIVE SESSION\*\***

- A. Approval of Executive Session Minutes for January 7, 2015
- B. Approval of Executive Session Minutes for February 11, 2015
- C. Approval of Executive Session Minutes for April 2, 2015
- D. Consultation with OHA Counsel Sherry Broder, Esq., Koa Kaulukukui Esq., and Jim McMahon, Esq., regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding public land trust revenues. Pursuant to section 92-5(a)(4), Hawai'i Revised Statutes.

Chair Waihe'e asks for a motion to resolve into Executive Session pursuant to HRS § 92-5(a)(4).

Trustee Hulu Lindsey moves to resolve into Executive Session.

Trustee Machado seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:50 p.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA						EXCUSED
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>0</b>	<b>0</b>	<b>2</b>

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

The committee resolved into Executive Session at 2:50 p.m. to discuss:

**VI. EXECUTIVE SESSION\*\***

- A. Approval of Executive Session Minutes for January 7, 2015
- B. Approval of Executive Session Minutes for February 11, 2015
- C. Approval of Executive Session Minutes for April 2, 2015
- D. Consultation with OHA Counsel Sherry Broder, Esq., Koa Kaulukukui Esq., and Jim McMahon, Esq., regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding public land trust revenues. Pursuant to section 92-5(a)(4), Hawai'i Revised Statutes.

The committee returned to Open Session at 4:30 p.m.

**VII. BENEFICIARY COMMENTS\***

None

**VIII. ANNOUNCEMENTS**

None

**IX. ADJOURNMENT**

**Trustee Apoliona moves to adjourn the BAE meeting.**

**Trustee Robert Lindsey seconds the motion.**

**Chair Waihe'e asks if there is any discussion. There is none.**

**Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.**

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	4:31 p.m. <b>EXCUSED</b>
LEI	AHU ISA			X			
DAN	AHUNA						<b>EXCUSED</b>
ROWENA	AKANA						<b>EXCUSED</b>
VICE- CHAIR PETER	APO						Departed at 4:02 p.m.
HAUNANI	APOLIONA	1		X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY		2	X			
COLETTE	MACHADO						Departed at 3:09 p.m.
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>0</b>	<b>0</b>	<b>4</b>

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

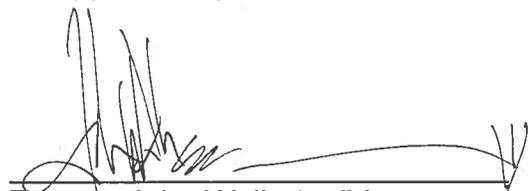
**Chair Waihe'e adjourns the BAE meeting at 4:31 p.m.**

Respectfully submitted,



Melissa Wennihan  
Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on October 21, 2015.



Trustee John Waihe'e, IV  
Chair  
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Notice of Excused Absence (2)