

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

October 12, 2016 1:30 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Peter Apo
Trustee Lei Ahu Isa
Trustee Rowena Akana
Trustee Haunani Apoliona
Trustee Robert Lindsey

EXCUSED:

Trustee Dan Ahuna
Trustee Carmen Hulu Lindsey
Trustee Colette Machado

BOT STAFF:

A. U'ilani Tanigawa
Crayn Akina
Dayna Pa
Harold Nedd
Lady Elizabeth Garrett
Lehua Itokazu
Liana Pang
Melissa Wennihan

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Anuhepa Patoc, PUBL
Derek Kauano'e, ADV-GOV
Hawley Iona, CFO
Jim McMahon, ADV
Jonathan L. Ching, PUBL
Kawika Riley, ADV
Lindsay Kukona, ADV-GOV
Monica Morris, ADV
Sterling Wong, PUBL
Thomas Atou, NHRLF
Wayne Tanaka, ADV

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, October 12, 2016 to order at **1:31 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:31 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	LEI	AHU ISA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	Arrived at 1:39 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	CARMEN HULU	LINDSEY	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. September 21, 2016

Trustee Apoliona moves to approve the minutes of September 21, 2016.

Trustee Ahu Isa 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.

							1:32 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA		2	X			
DAN	AHUNA						EXCUSED
ROWENA	AKANA						Arrived at 1:39 p.m.
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA	1		X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				5	0	0	4

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. ACTION ITEM BAE 16-03: 2017 OHA Legislative Package

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

Pouhana Crabbe: Mahalo Chair Waihe'e and Good Afternoon Trustees. I'd like to call upon our Public Policy Manager Sterling Wong to present OHA's Legislative Package.

Public Policy Manager Wong: Aloha Chair, Vice-Chair, and Members of the Committee. It's just me today; Jocelyn is at the CNHA conference. We're presenting an action item on our package that includes the three measures that we had presented to the BAE Committee on September 21st.

The first is the Budget Bill which we already mentioned is going to be controversial; we're asking for 3.5 million dollars in general funds per fiscal year, which has historically gone towards personnel, operations, and our provisos. I do want to note that there is an increase in the ask per year of 400,000 dollars to help cover the fringe benefits, the calculation for that amount came from the number of positions that we already fund through general funds. The provisos cover our historic three provisos; Social Services, Education Improvement, and Legal Services and the proviso we got last year for Health, Housing, and Income Improvement is in there as well and we are also asking for an increase of 130,000 dollars. It won't be a surprise to anyone that our Legal Services contract proviso will probably be controversial, but we did want to leave it in.

OHA-2; is the Charter School bill. The bill that's actually in the package is different from what we proposed in the *Conceptual Package Workshop*. In the Conceptual Package Workshop we had floated the idea of a bill that would get an appropriation basically to fund what we were calling the integral hallmarks of education; school, lunches, and transportation. Figuring out the DOE's budget and the Charter Schools' budget is a challenge; it is super complex. We were focusing on the non-facilities per-pupil funding and trying to figure out how charter schools get transportation and lunch funding. Taffi and her group have shared that those monies had stopped coming to them and as we dug deeper we realized it was really complicated. What we figured out was that, the actual per-pupil calculation that the State has in statute right now, says that the non-facilities per-pupil funding calculation includes lunches and transportation. What changed is that charter schools were getting a subsidy for free and reduced lunches from the Feds for using a USDA-certified kitchen. So prior to 2011, the DOE and the Charter Schools contracted with each other to get charter schools to get their lunches from DOE-certified kitchens. So the charter schools were getting that subsidy. They were getting the per-pupil funding for lunches and in addition to that, also the subsidy. After 2011, the DOE made an administrative decision to stop that contract with the charter schools, for whatever reason. So what happened was that most of the charter schools stopped receiving the subsidy, but other schools were able to continue using certified kitchens. More clarity is needed and I want to be clear that there will be more attempts at efforts outside of our package that we'll support to get either CIP or general funds for facilities which we know is the biggest issue. We want to partner-up and keep pushing for that.

OHA-3; Resolution on Konohiki Fishing Rights - the main issue of this resolution is to draw awareness to the evolution of what's happened to our traditional management. So we try to highlight the Konohiki rights and the Konohiki system that occurred prior to the Organic Act and how traditional management was really community-focused and community-based. As a result of the Organic Act extinguishing these rights, we saw a substantial diminishment of our ability to manage our resources, as well as government not managing from a community-perspective anymore. All of this led to a deterioration of our natural resources.

Those are the three package bills that we're asking for approval on at this time.

Vice-Chair Apo moves to support the following new legislative proposals and approve their inclusion in the 2017 OHA Legislative Package (See referenced attachments for text of the proposals):

- **OHA-1 OHA Budget:**

**Provides for OHA's General Fund Biennium Budget FY2017-2018/FY2018-2019.
(Attachment A)**

- **OHA-2 Per-Pupil Funding System Study For Public Charter Schools:**

**Requires the Legislative Reference Bureau to conduct a study, with the support of the Department of Education, Department of Budget and Finance, the Hawai'i State Public Charter School Commission, and other stakeholder agencies, to determine whether the non-facility general fund per-pupil funding system for public charter schools ensures equal operational per-pupil funding between Department of Education schools and public charter schools, as required under statute.
(Attachment B)**

- **OHA-3 Konohiki Fishing Rights Resolution:**

**Recognizes the historic success of the traditional, ahupua'a-based konohiki fishing rights system, which used communities' intimate knowledge of and connection to their nearshore area to ensure abundant resources and sustain a thriving Hawaiian population and culture prior to documented Western contact; chronicles the erosion and eventual abolishment of the konohiki fishing rights system and laws, as well as the resulting impacts to nearshore fisheries and the associated cultural lifestyles, traditions, and values of ahupua'a tenants; and urges the Department of Land and Natural Resources to support culturally-grounded and community-driven fisheries management proposals, to enable kīpuka communities to once again steward, restore, and perpetuate their nearshore resources and to protect and maintain the cultural traditions and values that rely upon them.
(Attachment C)**

Trustee Apoliona seconds the motion.

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

Chair Waihe'e calls for a Roll Call Vote.

						1:59 p.m.	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA				X			
DAN AHUNA							EXCUSED
ROWENA AKANA				X			
VICE-CHAIR PETER APO	1			X			
HAUNANI APOLIONA		2		X			
CARMEN HULU LINDSEY							EXCUSED
ROBERT LINDSEY				X			
COLETTE MACHADO							EXCUSED
CHAIR JOHN WAIHE'E				X			
TOTAL VOTE COUNT				6	0	0	3

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

IV. NEW BUSINESS

B. ACTION ITEM BAE 16-04: Approval of Nominee(s) for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors

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

Pouhana Crabbe: Mahalo Chair Waihe'e, I'll call on our CFO Hawley Iona to present.

CFO Iona: Thank you. Scott Kaulukukui has been serving on our NHRLF Board for one term, and his current term expires on October 31, 2016. Hopefully you've been able to meet him. He is the Senior Vice-President for Community Outreach and Marketing at the Hawai'i USA Federal Credit Union and has served there for many years. He's also either the past president and current director for Na Koa which is the booster for University of Hawai'i Football. He's been a tremendous asset to the NHRLF Board. The ANA is the final approver for all members, however they do require BOT approval before any recommendation goes to them.

Vice-Chair Apo moves to approve Mr. Scott Kaulukukui to serve a second and final term on the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors.

Trustee Apoliona seconds the motion.

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

Chair Waihe'e calls for a Roll Call Vote.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:01 p.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA						EXCUSED
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

IV. NEW BUSINESS

- C. ACTION ITEM BAE 16-05: Approval of a Resolution supporting the Standing Rock Sioux Tribe in its efforts to protect its sacred sites and natural and cultural resources

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

Pouhana Crabbe: Thank you Chair Waihe'e, I'll call on Chief Advocate Kawika Riley and our Governance Manager Derek Kauano'e to present this resolution.

Chief Advocate Riley: Aloha and Thank you. The resolution before you is pretty straight forward and what it would do if approved by you, would express the agency's SUPPORT for and in solidarity with the Standing Rock Sioux Tribal Nation. Where this comes from is that we had beneficiaries and others who contacted OHA and asked if we could look into this issue. They asked if we'd be willing to take a position, and that's consistent with what is being asked for broadly by the Chairman and Tribal leadership for Standing Rock. Some time ago, the tribe asked that other indigenous people pass resolutions showing solidarity and support. To date, if you go to their government website, you can see over 188 indigenous government resolutions that have been passed showing support as well as more than one hundred other letters or other types of expressions of support that have come from indigenous and non-indigenous organizations. Derek will talk a little about how we structured the resolution and provide any additional background.

Governance Manager Kauanoe: Thank you. The first six **WHEREAS** clauses are very descriptive of the Office of Hawaiian Affairs; we're mindful that the Standing Rock Sioux Tribe and others who might view this resolution may not be familiar with OHA and the statutory obligations of our organization.

In the **WHEREAS** clauses that follow, really the emphasis is on OHA's recognition of indigenous rights and the importance of protecting sacred sites and natural resources. It's really general; we made sure not to get too involved in the legal issues because they can be very complicated. You'll see as we start in the **RESOLVED** clauses, the first clause states that the Office of Hawaiian Affairs stands in solidarity with the Standing Rock Sioux Tribe. Then it acknowledges the Obama Administration for its actions in trying to help out in this situation. However, it then also recognizes that there may be ways where the process for consulting with indigenous groups can be improved.

Trustee Akana: We need to fully SUPPORT this, because we've asked the American Indians to support us so many times with the Akaka bill, DOI hearings, and so on. They've supported us in all of our efforts and this is a small thing that we could do for them.

Vice-Chair Apo moves to approve a Resolution supporting the Standing Rock Sioux Tribe in its efforts to protect its sacred sites and natural and cultural resources.

Trustee Apoliona seconds the motion.

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

Chair Waihe'e calls for a Roll Call Vote.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:13 p.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA						EXCUSED
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting.

Vice-Chair Apo 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.

						2:14 p.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA			X			
DAN AHUNA						EXCUSED
ROWENA AKANA			X			
VICE-CHAIR PETER APO		2	X			
HAUNANI APOLIONA	1		X			
CARMEN HULU LINDSEY						EXCUSED
ROBERT LINDSEY			X			
COLETTE MACHADO						EXCUSED
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			6	0	0	3

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

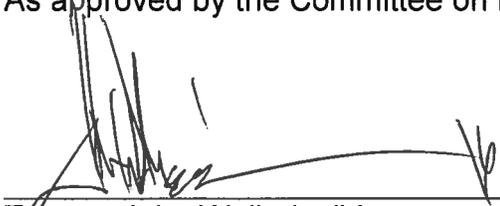
Chair Waihe'e adjourns the BAE meeting at 2:14 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on February 1, 2017.



Trustee John Waihe'e, IV
Chair at the 10/12/16 BAE Meeting
Committee on Beneficiary Advocacy and Empowerment



Trustee Rowena Akana
Acting Chair at the 02/01/17 BAE Meeting
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Notice of Excused Absence (3)