

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

October 19, 2017 9:30 a.m.

ATTENDANCE:

Vice-Chairperson Dan Ahuna
Trustee Rowena Akana
Trustee Keli'i Akina
Trustee Peter Apo
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e, IV

Robert Klein, Esq. BOARD COUNSEL

EXCUSED:

Chairperson Robert K. Lindsey, Jr.
Trustee Leina'ala Ahu Isa

BOT STAFF:

Max Mukai
Lehua Itokazu
Lopaka Baptiste
Claudine Calpito
Davis Price
Paul Harleman
Liana Pang
Makana Pang
Alvin Akee
Lady Garrett

ADMINISTRATION STAFF:

Lisa Victor, Pou Nui / COO
David Laeha, CFO
Keith Yabusaki, TAP
Mehana Hind

GUESTS:

Kupono Ana
Michelle Kauhane
Cheryl Burghardt
Healani Sonoda-Pale
Kapua Keliikoa-Kamai
Germaine Meyers

I. CALL TO ORDER

Vice Chair Ahuna (VC Ahuna) calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, October 19, 2017 to order at **9:32 a.m.**

VC Ahuna notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (9:32 am)	EXCUSED ABSENCE	TIME ARRIVED
CHAIR	ROBERT	LINDSEY, JR.		X	
VICE-CHAIR	DAN	AHUNA	X		
TRUSTEE	LEI	AHU ISA		X	
TRUSTEE	ROWENA	AKANA	X		9:55
TRUSTEE	KELI'I	AKINA	X		
TRUSTEE	PETER	APO	X		
TRUSTEE	HULU	LINDSEY	X		
TRUSTEE	COLETTE	MACHADO	X		
TRUSTEE	JOHN	WAIHE'E	X		9:46

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

Trustee John Waihee arrives at 9:46 am.

Trustee Rowena Akana arrives at 9:55 am.

VC Ahuna briefly explains why we are having today's meeting. At the Hawaii Island Community meeting in Kona, many beneficiaries shared their concerns regarding the Council for Native Hawaiian Advancement (CNHA) grant award funding to the Hawaiian Focused Charter Schools (HFCS) and not KALO as in previous years. It was decided at that meeting the grant award issue would be brought before the BAE Committee to be discussed further with community members to hear their concerns. The BAE meeting was held on Sept. 27th and Trustee Ahuna chaired it. At that meeting it was decided that the grant award issue should be properly heard at a joint RM-BAE Committee meeting. The Oct. 11th meeting was agendized as a RM Committee meeting, so there was a technicality. Oct. 11th was the date of the joint RM-BAE committee meeting; however BAE Chair Robert Lindsey (recused) and Vice Chair Trustee Ahuna (off-island) were unavailable for that meeting. Trustee Ahuna advised both Chair Machado and Trustee Hulu Lindsey that he would be unavailable on Oct. 11th and therefore no BAE committee representation.

VC Ahuna asked Board Counsel Robert Klein if he would like to give a legal comment.

Robert Klein (RK) commented that this would be giving legal advice publicly; this is normally given in Executive Session, asked all Trustees present that they would need to waive their attorney client privilege if he spoke about the matter in public and all members present agreed to waive it.

Trustee Kelii Akina asks for clarification.

VC Ahuna wanted RK to give the reasons why we are conducting this BAE meeting.

Trustee Kelii Akina so you're calling on board counsel to explain why this meeting is convened.

VC Ahuna said yes.

Chair Colette Machado comments on enabling legislation that describes the funding that OHA got from the legislature, we really don't need a board attorney to opine.

Trustee Kelii Akina thanked Chair Machado, and would like to hear from board attorney.

Chair Colette Machado wants to make sure it's clear why we are having the meeting.

RK asks again if all Trustees present are considering waiving the privilege. All Trustees present said yes.

Chair Colette Machado asks if we want to do a motion on that.

RK states that if the record reflects that there was a consensus that the client waived the privilege, then he will be happy to give you the legal information, which he gave in a memo. This whole charter school issue falls within the purview of 2 committees- RM & BAE, under the bylaws the RM committee has general authority over grants. The BAE committee has specific authority over certain types of grants and advocacy having to do with legislative action and related matters. A joint meeting(RM-BAE) should have been held, that would have been the right thing to do, but the joint meeting was not held. A joint meeting under the bylaws, is not mandatory, but in this situation where you have a grant that was affected, falls under the purview of 2 committees, it probably would've been a better idea to have a joint meeting. We did not have a joint committee meeting; we had an RM committee meeting. The RM committee looked at the action item, amended it, made a recommendation to the full committee which voted in favor of the amended recommendation. That's a necessary step and not a sufficient step. The sufficient step would have had the BAE weighing in on that. The BAE which has specific jurisdiction over this particular grant. As Chair correctly stated that under the legislation, \$615,000 was appropriated by legislature and by and is part of the budgeted amount by the charter schools. Further explanation on why BAE meeting is being held. It should have been a joint committee meeting, then we would not have had this issue today.

VC Ahuna thanks RK.

VC Ahuna requests a motion:

To waive the OHA Board of Trustees Operations Manual practice at which materials will be distributed at least 72-hours prior to the meeting where said materials will be reviewed, discussed, or acted upon regarding items:

IV. NEW BUSINESS

- A. Action Item BAE 17-09: 2018-2019 Charter School Funding Administration Grant Recommendation.

Trustee Colette Machado moved.

Trustee Peter Apo second.
 VC Ahuna asks for any discussion. Hearing none.

VC Ahuna asks for a roll call vote:

			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
MEMBERS									
TRUSTEE	LEI	AHU ISA							EXCUSED
VICE-CHAIR	DAN	AHUNA			X				
TRUSTEE	ROWENA	AKANA							X
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO		X	X				
TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO	X		X				
TRUSTEE	JOHN	WAIHE'E							X
CHAIR	ROBERT	LINDSEY, JR.							EXCUSED

Motion passes.

Trustee Colette Machado asks that before we proceed to public testimony because we already received legal opinion from RK, is item III. Executive Session still necessary.

RK recommends waiting until after hearing public testimony to waive it from the agenda.

VC Ahuna agrees.

II. PUBLIC TESTIMONY*

VC Ahuna calls for Germaine Meyers, followed by Michelle Kauhane.

Germaine Meyers **see attached testimony**

VC Ahuna thanked Germaine, calls for Michelle Kauhane.

Michelle Kauhane **see attached testimony**

VC Ahuna thanked Michelle, asked if anyone has questions.

Trustee Rowena Akana addressed some comments from Michelle. This is not about CNHA, it's about the keiki, this is not about you or your organization and this is why the board did what they did. Secondly, it is not the first time OHA has administered the 17 grants for the schools. We have done it before and we can do it again. In the long term it is cheaper for OHA to do it in house. Third, the DOE is a state sponsored school. It was again another error by our administration to go out for solicitation, we didn't have to, and there was no need for a letter. We can do contracts between state

agencies. This is another reason why it makes more sense for us to go directly to the schools and cut out the middle man. Lastly, to put us through this again, by having a staff member call for another meeting to put the Trustees and the staff and the beneficiaries through this process again is absolutely ludicrous. If it was my staff, that staff would be fired. There is no need to go through this bs again. Dan I know it's not your fault; I'm not speaking directly to you.

Trustee Colette Machado says you missed the beginning comments of the meeting Rowena. This is enabling legislation.

Trustee Rowena Akana said I have the floor.

Trustee Colette Machado said to come early next time.

VC Ahuna said thank you for your comments, asked Michelle if she wanted to comment.

Michelle Kauhane said yes this is not about CNHA, it's about the keiki. Which is why what you are taking in house is exactly the same as what you would have CNHA do. I understand that you have done this in house before. But you put out a letter of interest; a decision has been made to procure that and I responded. So punishing me for something that you wish you didn't do is after the fact. It does feel like punishment Trustee Akana, because you have had a middle man before. Except you don't want to use this middle man, the middle man that won this contract. Mahalo.

VC Ahuna calls for Healani Sonoda-Pale.

Healani Sonoda-Pale states she understood what Trustee Ahuna shared. Wants to mahalo each of the Trustees present for their decision at last RM meeting and acting in the best interest of the keiki. This is what it's all about. Member of Halau Ku Mana, we had the biggest meeting we have ever had, vote was unanimous to support Trustees decision. Mahalo to Kamanao for work that will be done. Shocked at Michelle's testimony, for being angry about something you did in the best interest of the keiki, the winners are the keiki, the charter schools. Thanked Trustee Apo for his support at the last meeting. Mahalo to Trustees for listening to the keiki and all involved to hear our side of the story. Wanted to remind you that we did have hundreds of testimonies from Makua, po'o kumu, from kumu across the islands to support finding another way. The keiki are going to win in this, mahalo.

VC Ahuna thanked Healani, calls for Kapua Keliikoa-Kamai.

Kapua Keliikoa-Kamai Olelo Hawai'i, stated mahalo for opportunity to speak and for rectifying this matter. Additional discussion on comments made by Michelle. CNHA is a great organization, they have record of success and accomplishments. They also have an intent on being a controlling organization, via grant and monies management, which caused me to have concerns and to speak today. Regarding statements of the fake state, I continue to declare, to those that don't understand go look it up, all of the history. I know I am co-existing, I know my kingdom exists; I am a victim of identity theft that was perpetuated against me and my Kupuna again over 120 years ago. Additional comments on CNHA.

VC Ahuna thanked Kapua.

III. EXECUTIVE SESSION

- A. BAE 17-09: 2018-2019 Charter School Funding Administration Grant Recommendation. Board Anticipates going into executive session pursuant to section 92-5(a)(4), to discuss with Board’s attorney the Board’s powers, duties, privileges, immunities and liabilities related to BAE 17-09: Charter School Funding Administration Grant Recommendation.

VC Ahuna commented no Executive Session needed, since RK already commented publicly.

VC Ahuna asked for a motion to approve:

IV. NEW BUSINESS

- A. Action Item BAE 17-09: 2018-2019 Charter School Funding Administration Grant Recommendation.

Trustee Keli Akina moved to approve and authorize the disbursement of \$1,500,000 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$1,500,000 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530), as approved on June 8, 2017, to be administered by the Office of Hawaiian Affairs via its CEO and staff to seventeen (17) Hawaiian-Focused Charter Schools.

Trustee Peter Apo second.

VC Ahuna asked for discussion. Hearing none, calls for a roll call vote:

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEI	AHU ISA							EXCUSED
VICE-CHAIR	DAN	AHUNA			X				
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA	X		X				
TRUSTEE	PETER	APO		X	X				
TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO			X				
TRUSTEE	JOHN	WAIHE'E			X				
CHAIR	ROBERT	LINDSEY, JR.							EXCUSED

Motion passes.

V. COMMUNITY CONCERNS*

VC Ahuna calls Germaine Meyers.

Germaine Meyers said she will speak at BOT meeting instead.

VC Ahuna thanked Germaine.

VC Ahuna called Kapua Keliikoa-Kamai to speak since she had to leave.

Kapua Keliikoa-Kamai reiterated her invitation to have BOT come to Waianae before the years end.

Trustee Colette Machado mentioned we will be having the BOT Community meeting on Nov. 14, 2017 in Maili, we are still confirming the details.

Kapua Keliikoa-Kamai said mahalo.

VC Ahuna thanked Kapua.

VI. ANNOUNCEMENTS

None.

VI. ADJOURNMENT

VC Ahuna seeks motion to adjourn BAE meeting.

Trustee Hulu Lindsey moved.

Trustee John Waihee second

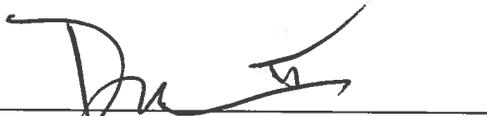
VC Ahuna adjourns the BAE meeting at 10:19 am.

Respectfully submitted,



Claudine Calpito
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 12/6/2017.



Trustee Dan Ahuna
Vice Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Excused Absence Memo – Trustee Leinaala Ahu Isa
- Excused Absence Memo – Trustee Robert K. Lindsey, Jr.
- Germaine Meyers testimony
- Michelle Kauhane testimony
- BAE #17-09