

**State of Hawai'i  
Office of Hawaiian Affairs  
560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, January 8, 2015, 12:30 pm**

**I. CALL TO ORDER**

The meeting of the Office of Hawaiian Affairs Board of Trustees was called to order by Chair Robert K. Lindsey, Jr. at 12:31 pm. Those present were as follows:

**Attendance**

Trustee Robert K. Lindsey, Jr., Chair  
Trustee Dan Ahuna, Vice Chair  
Trustee Lei Ahu Isa  
(departed 2:55 pm)  
Trustee Rowena Akana  
(arrived 12:36 pm)  
Trustee Peter Apo  
(departed 3:48 pm)  
Trustee S. Haunani Apoliona

Trustee Carmen Hulu Lindsey  
Trustee Colette Machado  
(departed 2:34 pm)  
Trustee John Waihe'e IV  
(departed 2:36 pm)

Kamana'opono Crabbe, Ka Pouhana/CEO  
Robert G. Klein, Esq., Board Counsel  
(arrived 12:45 pm, departed 2:44 pm)

**Excused**

-None-

**Staff Present**

Harold Nedd, Chief of Staff  
Capsun M. Poe, Board Secretary  
Jeremy Kama Hopkins, Trustee Aide  
Kauikeaolani Wailehua, Trustee Aide  
Claudine Calpito, Trustee Aide  
Davis Price, Trustee Aide  
Lady Garrett, Trustee Aide  
Alvin Akee, Trustee Secretary  
Liana Pang, Trustee Aide  
Lehua Itokazu, Trustee Aide  
Kathy Owara-Takeo, Trustee Aide  
Kawika Burgess, COO  
Kehau Abad, CE Director  
Kawika Riley, Chief Advocate  
Lisa Watkins-Victorino, Research Director  
Miles Nishijima, RM-LAD Director  
Ernest Kimoto, Corporate Counsel

Momilani Lazo, EO  
Alice Silbanuz, MRM  
Deirdra Alo, EO  
Derek Kauano'e, GOV  
Grant Manikis, EO  
Jim McMahan, ADV  
Joseph Lewis, OUTR  
Kalani Akana, EO  
Kamoa Quitevis, CULT  
Kealoha Fox, EO  
Keopulaulani Reelitz, GOV  
Mehana Hind, EO  
Myrle Johnson, DEMO  
Natashja Wahine Tong, CULT  
Pili'alo'ha Wong, CE  
Ryan Gonzalez, DM  
Sterling Wong, PP

**Others Present**

Kalei Ka'eo  
Dan Purcell  
Stephany Sofos  
Rich Miano  
Ilima Long

Andre Perez  
Louis Agard  
Lesley Agard  
Pauline Namuo  
Gerry Miyamoto

Terri Keko‘olani  
 Malia Smith  
 Kaiolani Martinez  
 Keala Kelly  
 Kaiulani Milham  
 Stanton Enomoto

Kealoha Ballesteros  
 Kuhio Asam  
 Bill Meheula  
 Jimmy Wong  
 Keoni Agard

**II. APPROVAL OF MINUTES**

Motion

Vice Chair Ahuna moved, seconded by Trustee Hulu Lindsey, to approve the minutes of October 2, 2014; October 14, 2014; and October 16, 2014.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA					X	
TRUSTEE DAN AHUNA	1		X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY		2	X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			7	0	1	1
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passed with seven (7) YES votes, zero (0) NO votes, one (1) abstention, and one (1) excused.						

**III. DISCUSSION ON KULEANA**

Chair Lindsey asked each of the Trustees and Dr. Crabbe to share their answers to the question, "As we launch forward into a new year, what do we seek to be our kuleana to the Office of Hawaiian Affairs and to our beneficiaries?"

Chair Lindsey promised to his colleagues and the OHA staff to make the Board table and our hale at Na Lama Kukui, to be a pu'uhonua, a safe place, where we can come to work to be a safe and joyful place. He wants us as servant leaders to open our hearts and our minds and to do our very best every day to serve our people. He stated that, "What you see is what you get. I mean what I say and I say what I mean."

Vice Chair Ahuna sees his kuleana to our people and working toward unifying our people and also being in line with OHA's strategic plan, to malama and protect. After learning about sovereignty and how it deals with land issues, it is important to him and to our people. He stated, "As the Vice Chair, I want to help serve, keep things moving, and help make sure things are in alignment."

Trustee Waihe'e asked that Chair Lindsey's words be written into the record as his own.

Trustee Machado noted that it is a broad question, then stated that she has always been a strong advocate for native rights and cultural practitioners, having led many charges to preserve those rights, and working with kupuna to lay the foundation for access from mauka to makai. Tremendous work has been done to

keep that alive, such as water rights issues like Na Wai 'Ehā, and with filling the vacancies on the Island Burial Councils. With those principal approaches, OHA has continued to advocate for our community. But for OHA's involvement, many legal cases, like Waiāhole, which allowed them to demand for their fair share would not be. She believes we must continue that high regard to assure that beneficiaries obtain what is due to them as the native people. As far as governance, she supports a government within a government model, and Federal recognition, which she will continue to work towards. Even if there are differences, she wants to still allow others to give their input. As a grassroots woman born and raised on Moloka'i, she knows her sense of direction. George Helm taught her about wahi pana, when you take a land that has been abused and used as a bombing target, and are then able to raise the expectation of a generation that came forward to malama Kaho'olawe. She believesur task is to malama those things that others may have forgotten to take on and we have the resources and capacity to do that.

Trustee Apoliona shared her mana'o that our vision must stay clear and that we should be reviewing it daily. Our mission statement about protecting people, environmental resources, assets and our strategic plan is critical for us to have measures and focus on what we want to accomplish. Our advocacy, research, asset management, and community engagement continues to be critical. That all said, all for the betterment of Native Hawaiians, that's our focus, Native Hawaiians, first and foremost. Within the larger context, we also must keep in mind the context in which the Trustees have authority and responsibility. They have all taken an oath of office, and it should matter, because they are not just words. They also have expectations of their duties of loyalty, care, and prudence, all of which are critical to the decisions every time they take action. Prudence is important and vital to the things that are going to be coming up at the Board table. OHA is a well-established entity moving into new waters; we must carry with us what have been strengths, correct what we need to from that past, and stand strong as we move forward. The context and framework in which we must do our work toward the betterment of Native Hawaiians is very important. We all have our own thoughts on how to do that. Finally, she stated that she wants to reinforce of our reach to Native Hawaiians, both here and away from Hawai'i. She ended her remarks by quoting several lines from Nā 'Ōiwi 'Ōlino:

E o e nā 'ōiwi 'ōlino 'eā  
Nā pulapula a Hāloa 'eā  
Mai Hawai'i a Ni'ihau 'eā  
A puni ke ao mālamalama 'eā ē  
E hana kākou me ke ahonui 'eā

Trustee Hulu Lindsey noted that she takes her service as a Trustee very seriously, because she has a family that she loves dearly, and if she can't do a good job here, she'd rather be home with them. She has enjoyed the last three years of moving forward and was grateful for the confidence of her colleagues to chair the Land and Property Committee, an important assignment, that allows her to help OHA realize the importance of our land assets, both legacy and commercial. She feels it is an exciting time for OHA as we move into the development of Kaka'ako Makai so that we can see the benefits it can provide our people from both its use and revenues, which help neighbor islands who don't have the daily benefits of Kaka'ako Makai. She anxiously looks forward to reviewing OHA's 20% share of the Public Land Trust; it is important because she feels we are not getting our fair share right now. We are setting forth with nation-building, but it is very important to her that the voices of all people are heard, that all people are treated equally, not only those on one list. Lastly, on Maui, Na Wai 'Ehā is a critical problem, and she hopes to continue working in that direction to help local people get fairness in the distribution of water. She thanked everyone for the confidence they placed in her by reelecting her as Maui Trustee.

Trustee Lei Ahu Isa shared that growing up as a child, she witnessed firsthand the wrongdoings against our Native Hawaiian people. She was raised by her grandmother, a strong Ka'ahumanu member, who had land behind Kaumakapili Church, which was taken from her and her family because they had no paper. They lived in the basement in a horrible place, where they had nothing to say and no voice like OHA to go to. She is humbled, proud, and honored to serve, she comes because of the great kuleana she feels

being elected. She offers a new, different perspective, knowing that sometimes others are too near the source and may not know what is going on out there.

Trustee Apo shared that the first thing on his mind is to support the Chair, in the same way he supported the previous Chair, to be loyal to the organization and its leadership. Second, he will try to do a better job and focus more on community engagement and communications, not just with Hawaiians, but with the broader community. He thinks it's important that OHA decisions are carried directly to our constituents. He will do this by familiarizing with his staff on what the various media platforms and portals of communication, to begin to gear our messaging and carrying out that mission. He is also creating a speaker's bureau, which he began by posting on his website about, "What does OHA do?" a question that after all these years, people still ask. He also wants to carry out a longheld initiative to get together with the four Ali'i Trusts and DHHL and begin to produce data on the impact of Hawaiian spending on the Hawai'i economy, which he believes is a vital piece of information that addresses how relevant Native Hawaiians are to the future of the state and to the economics of how it works. He will add more initiatives later. Essentially, he is trying to step up the idea of "Thought Leadership" throughout the community. He also wants to engage on issues that may not seem directly relevant to OHA or Native Hawaiians, such as the pending sale of HECO, an important decision that will affect Native Hawaiians as much as it affects others. His goal is to do all of this so that people can make informed decisions.

Trustee Akana started by thanking everyone who allowed her to come back as a Trustee and Chair Lindsey for giving her the opportunity to head the Asset and Resource Management Committee. Her focus will be on fiscal responsibility, continuing the idea she has always had that we should have a trust set for many, many future generations. In order to do that, we have to be mindful of our spending and long-term plans, like economic development. Our Kaka'ako Makai development, with those hired to help us build it, is one way we can perpetuate our trust for future generations of Native Hawaiians. As ARM Chair, one of her responsibilities is to ensure proper management, planning, evaluation, and investment of OHA's trust funds, review and approve all acquisition expenditures that have a multi-year impact on OHA's investments or future spending policies. She wants to improve our spending policies and work on establishing policies which strengthens OHA's fiscal controls and management, oversee the use of OHA's real estate, developing a policy on issues and land and native rights, and natural and cultural resources, to review and approve grants that support OHA and its overall mission, to evaluate OHA programs to determine their effectiveness, develop training and orientation programs for Trustees and staff on roles, responsibilities, and ethics. With the BAE Chair, she will carryout the recruitment and selection of the Administrator and provide oversight over permanent social councils or commissions assigned by the BOT. She will focus on all these things over the next year. Her hope for the future of OHA is that it can be a place where not just the people of Hawai'i, but also the people of the world, can come to for all things of knowledge and all things Hawaiian. She also wants to see OHA do more on economic development, to provide jobs for our people and bring income into the organization. The \$15.1 million from the State is not enough.

Dr. Crabbe shared that when he first came to OHA, he wanted to improve the conditions of our people, after 25 years of working in the Native Hawaiian health community, where he saw the desperate conditions of our people. He wanted to bring greater focus in utilizing the resources that we have and making great strides, which he still believes today. His time as Ka Pouhana/CEO has had some highlights and challenges. First and foremost, he wants to improve his relationship with the Board leadership; he supports Chair Lindsey and the Committee Chairs. He will improve communication regarding administration and operations, implementation of Board policy, and reporting that in a timely manner. He will meet with Trustees individually on a monthly basis about their own concerns and priorities that Administration should consider. By doing so, he hopes we can all strive for organizational alignment between the Board and the Administration, to be done by all of us, working together. He supports many of Trustee Akana's comments, especially regarding fiscal responsibility and understanding fiduciary duties, for Trustees and officers of OHA. A guiding principle for him has been to be pono, to be fair,

which was reflected in the Investiture theme; this goes beyond fairness and what is right, but to strive for justice, something OHA was formed on. We may have different plans on how we can get there, but that is why we need dialog and discussion with our people, to listen, and to make right decisions, not just for our community of today, but the unborn generation of tomorrow.

#### IV. COMMUNITY CONCERNS

Vice Chair Ahuna introduced Mr. Rich Miano to speak about the Polynesian Football Hall of Fame. Mr. Miano has tried to dedicate his life since he became a professional football player to get scholarships and other educational opportunities for young people. He sees sports as a way to get socioeconomic opportunities for people who may not otherwise have them. All of the PFHOF board members want some of the proceeds from their upcoming fundraising dinner, which will have over 600 paid attendees, to go back to the Hawaiian community. They will do this by funding projects on Moloka'i, Lāna'i, and Kaua'i.

Mr. Kaleikoa Ka'eo spoke to the Board about his concern that OHA continues to ignore the voices of the people. On January 16, UH Maui College will have a real community meeting, and he invited everyone there to attend. During the DOI hearings, the voices of the people came out overwhelmingly to say what they did and did not want. Yet OHA's policies ignore those voices. This is all part of the process, but what happened to Ka Mau A Ea? He thinks it's been put on the side because those people aren't following up with Federal recognition, which he believes exposes OHA's inability and unwillingness to follow their own commitment. If OHA is still confused about the will of the people, his challenge is to hold OHA's own hearings, and listen to what they have to say. He stated that any motion that comes forward to further support this process, whether Act 195 or Kana'iolowalu, or anything else, it will be met on the field of battle, right here. Civil disobedience will happen right here and our people will come here. He is not here to support the interests of the State of Hawai'i or the United States military; he's here to fight for those Hawaiians who live under the blue tarps on the beaches, who are still being miseducated in the education system. He's come before, but has been ignored; ignorance comes from the fear or lack of education from the situation. If OHA makes a move to fund just one portion of the Hawaiian community, then the rest of the Hawaiian community has a kuleana to come forward. He doesn't want to go forward, but it's OHA's decision; if they come, it's because of what OHA has done to support the State of Hawai'i's plans. During Ka Mau A Ea, the talk was about OHA being open to everybody, but that was a lie. Quickly, the talk became about Federal recognition; independence talk was allowed, but only within the Federal recognition discussion of Act 195. He reminded everyone that Act 195 is part of the Provisional Government's plan. The question is, "Are you a continuation of the Provisional Government or are you going to be part of the rebirth and restoration of a true, representative body?" He believes OHA's role should be to help establish a body that represents everybody, not just those who succumb and support the wishes of the State of Hawai'i. Either we are all in, or we are not; either we are lahui kanaka, or we are not. The dominators, our oppressors, the State of Hawai'i, will never have the same agenda as our people. He feels sorry for anyone who believes that they do and that he has to come here to engage.

Mr. Dan Purcell expressed his pleasure to follow the agenda item on *kuleana*, his favorite Hawaiian word, which he believes would translate well to cultures around the world. He congratulated Chair Lindsey on his election and noted the photos of the Investiture were beautiful. He enjoyed the meeting this morning on Kaka'ako Makai. Finally, he spoke about Sunshine, and was somewhat concerned about the decision to appeal the Office of Information Practices opinion. He asks, "What is wrong with the public testifying in advance of an executive session? What harm does it have to listen?" It is the Trustees' decision, but he is a big fan of Sunshine; it's not onerous, it's something that helps you to be open, honest, and accountable. He encourages the Board to continue to maintain openness and honesty.

Ms. Ilima Long spoke to the Board, supporting Mr. Ka'eo's sentiments. Her organization is committed to organize for civil disobedience if the process that marginalizes so many that are passionate about governance and are not allowed to participate because it's exclusive to the roll. She thanked Trustee Hulu

Lindsey for her commitment to be critical of the Roll and its exclusivity. Act 195 is the center of their problems, which exposes the untruth of OHA's commitment to neutrality. OHA's infographics on nation-building presents the process as if there are choices at the end of the line. Yet in Act 195, it states that those on the Roll will be recognized by the State of Hawai'i as well as their descendants. This is not a choice that we can all think about and decide on, it's already in place, and it's exclusive to those who consent to this process. She was disturbed to hear Trustee Apoliona emphasize everybody's commitment to the State of Hawai'i and the State Constitution, which she thinks shows a disconnect of consciousness. The State is the entity that compels all of us to be here fighting for the betterment of our people, the entity that wants our lands, the entity that wants our resources, and that wants to make profits off those things. She emphasized that governance is not just for those who sign up on the roll; those who do not sign up or haven't signed up, do this as an active choice. She is still bothered that OHA never responded to the DOI hearings and allowed a narrative to build about those who went to the meetings as angry, violent, mean people, while the silent majority stayed at home because they didn't want to go out there. She encourages OHA to hold their own hearings and tell the so-called silent majority to show up. She believes it wasn't a threatening place to be; those who are passionate about this issue and about governance came. The results were overwhelmingly in opposition.

Trustee Apoliona clarified that every single Trustee takes the oath of office. Along the lines of self-determination, she says that rests with this effort for a convention, and move into a process for Native Hawaiian self-determination. She believes as long as we are a State entity and as long as we take an oath of office, we are what we are, but that doesn't mean that's where we should stay. To her, the best way to handle what might not be viewed as satisfactory, while they still have to fulfill their fiduciary duties, and where they can go in the future, is up to us now. How we get there is we have to move in a way that will shape and design a convention process, with involvement and engagement by Native Hawaiians. Until that happens, we are stuck in the middle.

Ms. Long responded that the convention stems from Act 195, which predetermines certain things, and that's what they've been critical of. What about everyone else who hasn't signed up?

Trustee Apoliona stated that we need to move the process so we can get beyond and can get to a next step, some sort of self-determination entity.

Mr. Andre Perez addressed the Board to raise concerns and issues with the lāhui, OHA, nation-building, and self-determination. He hopes with new leadership, OHA may rethink how it is proceeding with Kana'iowalu. He was at a recent meeting with Daviana McGregor, Anelle Amaral, Mahealani Wendt, and Lei Kihoi, who all support Federal recognition. He is concerned because these proponents have no critiques of the process and don't question the legal and political implications of being on a roll. He has raised these and other issues with Act 195. At a recent OHA international symposium, the presenters shared information that was inaccurate or incorrect; they are experts in international law, but didn't know our political history. He wanted to ask how does the Federal recognition framework impact the potential for independence, but couldn't ask that because US Code 25 Section 371 that basically says no native tribes shall seek independence. We should leave no stones unturned for future generations. He likes Trustee Ahu Isa's idea to repeal Act 195. In an email with Esther Kia'aina, she stated that she is disturbed by the statement of two Kana'iowalu commissioners saying it is not a real roll. He noted that they will continue to kū'e against a forced agenda; he expects as the convention nears, their activism, resistance, and actions will be heightened. He is willing to occupy OHA, start a revolving door occupation, and get arrested, but he's not excited about it. He implores Chair Lindsey to address these issues and concerns, which they have come in and brought up over and over. He concluded by saying we will never be successful in moving forward with a political agenda of Hawaiian self-determination if we don't move in a way that acknowledges both sides.

Trustee Ahu Isa noted that she ran on a platform of repealing Act 195 and knows there are Representatives and Senators who will be working on a bill to do that.

Trustee Akana stated that she agrees with Esther and considers Kana'iolowalu a roll. She asked Mr. Perez how they get independence their way, without identifying who is Hawaiian and who isn't. She thinks there would have to have a consensus of Hawaiians who make up 20% of the population and those who live here. If we were independent, it would leave us to be conquered by someone else. Questions of economic and protection remain.

Mr. Perez responded that the plan, which is deoccupation, is already in the law. He had two points in response. First, we should be thinking about not jeopardizing future potential. And two, how do we get a majority to participate. He believes we shouldn't lock ourselves into a political agenda that hasn't been thought out and analyzed. In the past, HSEC, HSAC, Ha Hawai'i, have been attempts at discussion, but every time they get into independence, the effort is shut down; most recently, that happened with the Native Hawaiian Coalition. While he doesn't have all the answers, he thinks we need to figure it out together and explore the possibilities.

Trustee Akana responded that OHA does not have all the answers either and believes a convention and a roll will help with that process. She has been told by Interior and Justice that the convention will determine what kind of entity is wanted. She thinks that anyone who is concerned would want to be there. Whatever we want, we will never get to that point unless there is a convention, where she thinks the independence voices have to be heard. In Australia, New Zealand, and Canada, they provide a number of seats for natives, so that they have a voice. But in the end, no matter what someone believes, we have to abide by the majority.

Dr. Crabbe reported that the Board has voted and committed funding to support a Native Hawaiian Consortium comprised of benevolent societies and Ali'i Trusts, which they will present. They are an independent entity that will make decisions. He believes the Board needs to consider rights under domestic law and international law, which do conflict. In the future, OHA will look at the Consortium to sort out the many issues involved with the convention.

Mr. Perez asked if consideration would be made for funding a maka'ainana consortium, to allow other voices. He didn't know about Act 195 until it came out.

Dr. Crabbe explained that the UC Berkley training for OHA employees helped identify three overarching organizational goals: integrity, collaboration, and innovation. Executive leadership has set four additional goals: improving communication internally and within the community; improving on our vision and mission; improving efficiency and processes within OHA; and change management. All of these combine to transform OHA into a Hawaiian institution, not just a State agency. These have been expressed as core values that should guide everyone in the organization on how we should behave, which will be part of performance evaluations for staff and set a foundation of living our philosophy.

Chair Lindsey called on Dr. Kalani Akana to speak on the core value of aloha. Dr. Akana shared several handouts with the Board and began with Pilahi Paki's aloha chant and noted that aloha is codified in State statute. He reported that a Core Values Working Group has been formed to talk about what it will take for OHA to become an organization where aloha is more basic. He offered to p

Trustee Akana asked if new hires are introduced to the Hawaiianess of OHA from a cultural perspective. Ka Pouhana/CEO Crabbe responded that the new employee orientation was updated about a year and a half ago to include a series of trainings over one week, including the history of OHA, the Kukulu Hou philosophy, and core values. Dr. Akana offered to be available if the Board would like to explore these values in the future.

Trustee Apo noted that the challenge is translating it in such a way that the cultural values have real use to employees. He has seen it done successfully by including it in performance reviews, as an opportunity to reinforce, but not penalize. He believes it is a legitimate concern for people to want OHA to be inclusive. The word "Hawaiian" does not refer to an ethnic Hawaiian; at the time of the Kingdom, it was a reference to a place-based people, and who the citizens were: a multi-racial society at the time of the Overthrow. The challenge is in trying to be recognized by other nations, we are going to have to show a continuum of the nation and who the citizens were. He asks if we should include the ancestors of those non-ethnic Hawaiian citizens of the Kingdom; it is something he believes needs to be addressed.

Trustee Hulu Lindsey shared that from her reading of history, the non-Native Hawaiians were not given all of the same privileges of citizens. She believes the 'aha should decide what privileges should be granted and to whom.

Trustee Akana noted that when the question was posed to Departments of Interior and Justice, they both said it was absolutely critical because they are talking about a blood-based race attached to the land. According to them, after the nation is formed, you can include others if you wish, but the formation must be with natives.

**VI. NEW BUSINESS**

Chair Lindsey noted that he would take up New Business before Unfinished Business.

A. Committee on Beneficiary Advocacy and Empowerment

Motion

Trustee Waihe'e moved, seconded by Vice Chair Ahuna, to waive the 72-hour materials distribution policy for Item IV. A. 1., BAE 15-01, Revisions to the 2015 OHA Legislative Package.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0

MOTION:  UNANIMOUS  PASSED  DEFERRED  FAILED

Motion passed with nine (9) YES votes, zero (0) NO votes, zero (0) abstentions, and zero (0) excused.

Trustee Waihe'e reported that the Committee on Beneficiary Advocacy and Empowerment, having met on January 7, 2015, and after full and free discussion, recommends approval of BAE 15-01, Revisions to the 2015 OHA Legislative Package to:



- Replace the contents of OHA-6, which is a short form bill relating to incarcerated parents and their children, with new language;
- Replace the contents of OHA-7, which is a short form bill relating to the Public Land Trust revenues, with a resolution relating to the same;
- Amend the provisions of OHA-1, which is a bill relating to the budget of the Office of Hawaiian Affairs; and
- Amend the provisions of OHA-5, which is a bill relating to Hawaiian plants in public landscaping.

Motion

Trustee Waihe'e moved, seconded by Vice Chair Ahuna, to approve BAE 15-01, Revisions to the 2015 OHA Legislative Package.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with nine (9) YES votes, zero (0) NO votes, zero (0) abstentions, and zero (0) excused.						

Trustee Ahu Isa noted that OHA-6 would result in OHA being asked to come up with a budget because it would require a position to input the data and money to fund the position. Dr. Crabbe noted that OHA is not currently asking for funding, but would be responsible for providing estimates.

**V. UNFINISHED BUSINESS**

A. 2) New OHA Website

Dr. Crabbe noted that he would cover the new OHA website and multimedia displays first, followed by nation-building and the Consortium presentation. He called on Digital Media Manager Ryan Gonzalez, Executive Manager Kealoha Fox, and Performance-Based Management Specialist Grant Manikis to present updates to the Board. Mr. Gonzalez has been integral in developing the new OHA website over the past year and a half; Ms. Fox has been integral in implementing the Socrata dashboard, and Mr. Manikis has been part of implementing change management at OHA.

Dr. Crabbe asked Community Engagement Director Kehau Abad and Mr. Gonzalez to share about the new OHA website. Dr. Abad reported that this effort is part of a larger plan to kukulu hou and that it is an iterative process. The team was charged with: providing a website with more, better, and richer content; to utilize the best technology available to share more effectively; to organize this information in a user-friendly way so that beneficiaries would find seamless; and to embody and reflect the vibrancy that is covered in kukulu hou. All of this has been an across-OHA effort.

Mr. Gonzalez reported that beginning next week, the new OHA.org will replace the current one and it will take a more visual and vibrant approach to presenting information. The new website will provide information on-demand, both on mobile and desktop. It also does a better job of answering the question, "What does OHA do?" in a variety of ways. For users who want to dive down into the information, that is available. But for those who are more interested in multimedia, there is a box on the front page that can show videos of what OHA is doing. Videos include community voices telling the story, in addition to articles and text. It is also efficient and easier to navigate. Stories show concrete examples of OHA impacting our community. The website integrates with Socrata that helps provide transparency and accountability.

Dr. Crabbe explained that OHA is now able to report out data that we have collected. OHA is one of four agencies using Socrata, which is open-source and has been customized to the strategic plan, results, and priorities. In the future, he expects the data will help show how OHA is impacting the community in terms of dollars. He recognized Dr. Malia Smith of Hawai'i Pacific University and Sustain Hawai'i., who was a partner in this initiative.

Ms. Fox provided background and information about open data, noting that at the Federal level, open and machine-readable data is the new default for government information. Act 263 in 2013 requires that all state data should be open. According to the Federal open data directive, "Transparency, participation, and collaboration form the cornerstone of an open government." Act 263 states in part, "To increase public awareness and access to data and information created by and available from state departments and agencies." Based on these, she believes OHA is leading the State in aligning our open data efforts with these guidelines. OHA is collaborating on this Socrata project through the Office of Information Management and Technology with the Departments of Agriculture; Budget and Finance; Business, Economic Development, and Tourism; Education; Human Services; and Public Safety. OHA is being held up as the pillar for the State because the State goal is 17 pages and OHA alone has 14. Socrata allows OHA to measure our work and report results for all of our strategic priorities. She distributed a handout with detailed information about Socrata. Socrata allows the data to be downloaded, exported, and even shared on Facebook. Socrata is able to track baselines, and using an equation, it can predict whether a strategic result will be achieved by 2018. Because it is able to track and interpret a great deal of data, which reduces the need to print and mail detailed information to people across the world. Instead, staff now refer people to this dashboard to view and manipulate data on their own. This data provides a great deal of information to decision makers when evaluating and planning. Dr. Crabbe stated that Administration will schedule trainings with Trustee Aides to familiarize them with using Socrata.

Trustee Ahu Isa commended the staff for this work, noting it is exactly what she meant when she wrote her Letter to the Editor about OHA needing to come into the 21<sup>st</sup> century. She thinks this is what universities and banks are already using, and this is a welcome addition to OHA. Dr. Crabbe noted that one big improvement as part of this system is that OHA's grants program has gone online, so applicants can submit it online. He added that it is currently in beta testing, additional improvements will be made along the way over the next year, but that the redesigned website will be launched publicly in the next week.

Trustee Apoliona shared that she thought this technology was terrific and very forward-looking. She did ask that staff continue to look out for those who may not be as tech savvy, encouraging Administration to keep that in mind for balance.

#### A. 3) Multimedia Displays

Dr. Crabbe called on Mr. Manikis to present on the multimedia displays throughout the OHA offices. Mr. Manikis noted there is a strong need for timely and consistent communication, both internally and externally. The display project is coordinated by the Executive Office and is used by many organizations to disseminate information to a large amount of people in a short amount of time. It is versatile, which

brings several benefits: can lead to highly productive and collaborative environments, promotes commitment to the organization, creates a sense of cohesiveness, and promotes transparency within the organization and externally. The displays use a digital sign technology and have been placed strategically in Reception and work areas throughout the building. They will be deployed to our neighbor island offices during Phase II. Information that will be shared will include: vision, mission, core values, inspirational quotes, 'ōlelo no'ēau, and executive communications. It also has the ability to broadcast livestream events, HR workshops, and paia updates. External-facing updates such as the vision, mission, what OHA is doing, strategic priorities and results, notices of meetings, job openings, and the BOT page will display in the main reception area. Internal-facing updates will display in work areas. It is still in beta, but content is being displayed on monitors. Mr. Manikis then demonstrated each of the templates and pages available as part of the multimedia displays.

Dr. Crabbe assured the Board that Trustee Apo's comments about OHA's messaging and image have not gone unheard, but this is their attempt to pull in all of the different strands of communication, standardizing it, controlling it, and managing it. This allows OHA to get to the core of what we do, but make it easy for beneficiaries to navigate it, so they will know what OHA has been doing for them. He believes this is a major way for OHA to use technology to help us communicate, but staff will continue to go out into the community as well.

#### A. 1) Nation Building

Dr. Crabbe called on Governance Manager Derek Kauanoē to provide a brief update on nation-building and introduce the Board to the Consortium.

#### Recess

Chair Lindsey called a recess at 3:00 pm and called the meeting back to order at 3:05 pm.

Mr. Kauanoē thanked Chair Lindsey for emphasizing the importance of making the Board table a safe space for our community to discuss important issues. He noted in the audience are members of the Consortium, now calling themselves Na'i Aupuni. On March 6, 2014, the Board approved a statement of commitment, which included pursuing partnerships with Ali'i Trusts, benevolent societies, and other Native Hawaiian Organizations, with the goal of having a nation-building process that OHA would co-facilitate in partnership with those groups. More importantly, these entities have a link to a time of our undisputed sovereignty. The Consortium merely facilitates the process, meaning it does not conduct the election, does not facilitate the convention, and does not conduct the referendum. The convention will develop the governing documents, including the form, scope, and guiding principles of the Native Hawaiian Government. In the referendum, the Native Hawaiian people will decide whether they support that or not. The Consortium is responsible for hiring the vendors that will carry out the election, convention, and referendum. Additionally, they will provide independent monitoring of the delegate election, convention, and referendum vote. This means that other organizations can submit proposals for each of those. While the Consortium facilitates, it also invites participation by the larger Native Hawaiian community, who will elect convention delegates, and decide if they support what those delegates create. The Consortium is an autonomous and independent only, with OHA providing funding and sitting as an *ex officio* member. Since August, a group has been meeting weekly and has hired an attorney. They have identified an urgent need to go forward with nation building, while also ensuring the process has integrity and is transparent. Three entities have emerged to lead it: King William Charles Lunalilo Trust, 'Ahahui Ka'ahumanu, and Hale O Na Ali'i. He then called on Dr. J. Kuhio Asam, Executive Director of Lunalilo Trust and Home, to present on behalf of the Consortium.

Dr. Asam introduced himself as the president of the newly-created Na'i Aupuni. He thanked all those who have preceded us, who have given us their knowledge and set the structure to advance ourselves as Native Hawaiians. He introduced Na'i Aupuni leaders who accompanied him: Pauline Namuo and Gerry Miyamoto of 'Ahahui Ka'ahumanu, Kealoha Ballesteros of Hale O Na Ali'i, and their legal counsel,

William Meheula. He reported that at the December 8, 2014 meeting of the group, 'Ahahui Ka'ahumanu, Hale O Na Ali'i, and Lunalilo Trust agreed to incorporate. After submitting required paperwork to DCCA, they are now incorporated as Na'i Aupuni, a reference to King Kamehameha and his call to Ka Na'i Aupuni. Officers include him as president, Ms. Namuo as vice president, and Ms. Ballesteros as secretary-treasurer.

Na'i Aupuni is excited about the arduous process that is being undertaken and advancing their co-facilitation with OHA for the benefit of the Native Hawaiian community, which will have tremendous impact on their lives. They are committed to transparency, solid relationships with all involved, and their neutrality as to the eventual form of government through this process. They will obtain a fiscal sponsor relationship with another entity to administer funds and oversee contracts with vendors. They are also considering retaining a public relations firm to speak with one voice. The agreement they will have with OHA will separate OHA from the decision-making regarding process; they will be made independently by Na'i Aupuni. They do intend to involve and engage anyone interested in getting involved in this process.

Na'i Aupuni has established a timeframe to accomplish their goals, with expected completion in spring 2016. They have also reviewed the budget projections from March 2014, which solely covered contracts with vendors to cover the process, but did not cover the costs of operating the Consortium itself. They will be submitting revised estimates to reflect costs related to insurance, legal representation, public relations, and fiscal sponsor fees. Their draft is about \$400,000 above the initial \$1.9 million allocated for the Consortium. They look forward to next steps including: establishing a formal relationship with OHA, obtain insurance coverage, ensure sufficient finances to complete their tasks, form and institute a communications plan, identify a fiscal sponsor to administer their finances, formulate RFPs for each of the tasks, and assure adherence to the timelines to complete their kuleana by early 2016.

Chair Lindsey thanked Dr. Asam for appearing on behalf of the Consortium and apologized for making them wait so long in the meeting to present.

Trustee Akana asked why Na'i Aupuni thought it was necessary to hire an attorney. Dr. Asam responded that as a separate entity, they wanted to ensure their endeavors were within legal boundaries and were defensible. The attorney has filed their legal paperwork and will draft the contract with OHA. Mr. Kauanoë added that because the Consortium will need to award contracts, it is important for them to ensure that they are legally sound, defensible, and enforceable.

Trustee Akana asked if this means OHA will not have to pay additional monies and that it will come out of the budget that was originally allocated. Dr. Asam responded that the \$1.9 million initially allocated will not cover the costs of operations from now until next year, which they estimate will be an additional \$400,000. Dr. Crabbe explained that when Administration originally proposed the budget, it was based on estimates for contracting out the services and that OHA Community Engagement would provide much of the assistance needed. Since that time and the Consortium formed, all funding and activities internally have stopped. The funds for the PR firm internally will be cancelled and those funds transferred to the Consortium.

Trustee Akana stated that she recalled there was \$3 million allocated, with a portion being held internally by Administration. She asked if that money will now go to the Consortium, which should take care of their expenses. With a \$3 million total budget, of which \$1.9 million is for the Consortium to contract, and the additional \$400,000 they are requesting, she believes they will have more than enough to cover their expenses without additional funds. Dr. Crabbe stated he believes that is correct but he will have to follow-up with the Chief Financial Officer on the amounts because approximately \$600,000 has already been spent on media and other expenses. Trustee Akana reiterated that there should be a lot more than

their \$400,000 request available and that she will expect detailed answers during ARM Committee meetings.

Trustee Hulu Lindsey noted that the Royal Order of Kamehameha I was originally going to be part of the Consortium and asked for an explanation on why they were not. Dr. Asam responded that the initial call from OHA went out over 6-9 months ago, with most of the Ali'i Trusts represented, as well as the benevolent societies, and the Civic Clubs. Through discussions by each of the organizations, a decision was made not to participate. He was unaware of the exact nature of why an organization withdrew or otherwise decided not to participate.

Trustee Hulu Lindsey asked who made the budget for the entity. Dr. Asam responded that the budget for Na'i Aupuni was formulated by OHA, with only the costs of the contracted services. He calculated that at \$1,870,000. Trustee Hulu Lindsey stated that the Trustees should be privy to the budget if they will be asked to consider additional monies for this effort. She expressed that a total figure is not enough and that she would want to see more detailed information. Mr. Kauanoë explained that the Ad Hoc Governance Planning Committee determined the budget, which was passed on March 6, 2014; he committed to provide a copy of that budget to Trustee Hulu Lindsey.

Trustee Hulu Lindsey wanted to confirm that all Hawaiians will be considered for election to the convention. She believes the Consortium needs to find a way to include Hawaiians who have not signed up for Kana'iolo'owalu. Dr. Asam clarified that Na'i Aupuni will work with OHA to get funds and to have independence on decision-making. He added that decisions regarding delegates and participation in the aha will not necessarily be made by Na'i Aupuni. They anticipate that when they put out the RFP, the contractors doing apportionment and election will be asked to involve the broadest participation possible. He understands that the credibility and legitimacy of the end product will depend on participation, so it is their goal to get the widest possible participation, which will be included in the evaluations of the RFPs.

Chair Lindsey asked Mr. Kauanoë that when the \$400,000 budget detail is available, it be sent to his office, who will be responsible for distributing that information to Trustees. Dr. Crabbe noted they will also provide the original budget, so that it is easy to see where the adjustments have been made.

Trustee Apo noted that he still has a lot of concerns with the relationship trails between OHA, the Consortium, and the third party vendors. He believes all roads will lead to the money, which comes from OHA. He does not know what to do about it, but he fears that there will be a challenge when we speak to the notion of neutrality and the commitment by OHA to remain neutral. He thought it was easier for OHA to express interest in having a third-party directly come forward with a proposal that OHA had no input in and then ask for a grant. It would eliminate the need for doing the current two-step process and seems like a clean way to do it. Dr. Asam confirmed that it would be the kuleana of Na'i Aupuni to draft the RFPs, judge them, and award them.

Trustee Apo noted that as controversial as the roll has been, the issue of who will have access to it will continue. He stated that you have to know who the citizens are before you can have a convention. It allows anyone who is interested in being in the driver seat to go around OHA and directly access it. Dr. Crabbe responded that some of these discussions have taken place with the Consortium and deferred to Mr. Meheula regarding how Na'i Aupuni will direct third parties to carry out their work.

Trustee Apoliona stated that she believes approving or providing a grant to someone directly from OHA would cause major trouble according to what she understands from the legal side. So that is not an option and she knows that is what staff is trying to figure out. That would lock OHA in poorly and things could go down the tubes.

Trustee Akana stated that her understanding is that the people on the roll are the ones that will participate in the convention; therefore Na'i Aupuni is not charged with finding an alternative to the roll, their charge is to find the people to do apportionment, election, and convention. From her meetings in Washington, DC, she believes access to the roll by anyone else would invalidate it; the alternative route would come after the convention. She asked for confirmation or clarification from Mr. Meheula because she does not want people to think something else is happening. Mr. Meheula responded that one of the challenges is that it takes a lot of money to hold an election, an aha, and then have a ratification vote. Because the money is coming from OHA, a state entity, the entire process can be challenged under the US or state constitution. Native Hawaiians who do not feel it is a fair process could also challenge. That is why they have to look at creating an independent process; they will propose in their contract with OHA that the Consortium members will pledge that they will not have anything to do with the outcome of what happens at the aha and that all of their consultants and vendors make the same pledge. They will ask OHA to agree not to play any part in controlling what they do, once the funds are given through the fiscal sponsor. Philosophically, it goes against what they are trying to do when he is asked to answer a question or commit to doing something one way. The Consortium members have not done enough work with vendors to be able to answer detailed questions yet. Once they have their contract with OHA, they will be able to get everyone on the same page when they hire vendors.

Trustee Akana stated that the Feds have told them that if you infuse something into the roll, it invalidates it. She does not want anyone to confuse the Consortium into thinking they can go out and do another process. It would mess things up because it would lead them down the wrong path.

Trustee Hulu Lindsey shared that from her conversation with the Indian attorney who was given the responsibility to write the DOI statement for OHA, when she mentioned being concerned about those who did not want to sign onto Kana'iolowalu, the DOI attorney was open to doing that. It did not have to be limited to just one roll, something she spoke to Trustee Lindsey about in depth. She asked what the status was of Kana'iolowalu verifications.

Corporate Counsel Kimoto advised the Board that they must be very careful and not step over the line by directing Na'i Aupuni to do or desist from certain activities. They will have total discretion on how they will manage their task, as will be sounded in their contract. He brought it up because it may subject us to a state action attack should those that feel contrary to OHA's work regarding Na'i Aupuni choose to bring litigation. He advises against discussions that direct Na'i Aupuni, which should be within their total discretion.

Dr. Crabbe explained that they originally started with a number of organizations and have received feedback about being more inclusive of Hawaiian organizations. He asked Dr. Asam to explain how the Consortium will move forward and how they will receive community input. Dr. Asam responded that they are cognizant of the many different voices that are in our community and are committed to including as many voices as possible.

Trustee Apoliona asked if there is any additional mana'o that Na'i Aupuni needs to share. Mr. Meheula responded that they have talked about having non-voting organizations be a part of them to listen to and putting a lot of the information up on a website so people can participate that way.

In response to Dr. Crabbe, Mr. Meheula estimated that a contract between OHA and Na'i Aupuni could be ready in as soon as two weeks.

Trustee Apoliona believes the individuals from Na'i Aupuni who have stepped forward to help these next steps move forward are doing a great service for us as Native Hawaiians. She applauded their willingness to step forward and commit to helping this process move forward because OHA has its limitations legally and politically. She knows they have witnessed what the Board has been trying to work and engage with,

having been at it for a while; she sees this as an opportunity to move OHA to a place that is arms-length because of the state actor issue. This is a major commitment and she thanked them for giving of themselves. At the end of the day, this opportunity for self-determination, with a Hawaiian convention, is where it needs to go. Once we get into the delegate process, that moves into the convention activity, and that is where we need to go or we will just move in circles. She noted it is unfortunate that the Consortium was moved to such a late part of the agenda.

Chair Lindsey apologized again to Na'i Aupuni representatives for the delay and asked Dr. Asam and the Consortium to report to the Board again when they felt it was warranted.

**VII. BENEFICIARY COMMENTS**

There were no Beneficiary Comments.

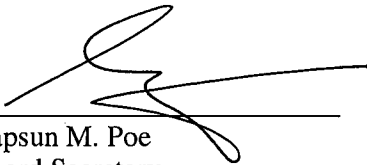
**VIII. ANNOUNCEMENTS**

There were no Announcements.

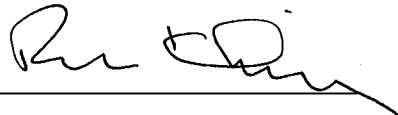
**IX. ANNOUNCEMENTS**

Trustee Akana moved, seconded by Trustee Apoliona, to adjourn. With no opposition, Chair Lindsey adjourned the meeting at 3:54 pm.

Respectfully Submitted,

  
\_\_\_\_\_  
Capsun M. Poe  
Board Secretary

As approved by the Board of Trustees on February 12, 2015.

  
\_\_\_\_\_  
Robert K. Lindsey, Jr.  
Chair, Board of Trustees