

STATE OF HAWAII  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
He`eia Community Development District  
Honolulu, Hawaii, 96813

October 4, 2017

Chairperson and Members  
Hawaii Community Development Authority  
State of Hawaii  
Honolulu, Hawaii

HCDA Board Members:

**SUBJECT:** Shall the Authority Add an Additional Member to the Existing Heeia Permitted Interaction Group that was Created to Investigate and Provide Findings and Recommendations to the Board Pursuant to Hawaii Revised Statutes § 92-2.5(b), Regarding the Development of the Heeia Community Development District Plan and Rules?

**SUMMARY:**

On August 28, 2017, Governor David Ige appointed Dr. Jo-Ann C. Leong to the Heeia Authority. Dr. Jo-Ann C. Leong has asked to be added to the existing Heeia Permitted Interaction Group.

**AUTHORITIES:**

Hawaii Revised Statutes (“HRS”) Chapter 206E-5, *designation of community development districts, community development plans*. The Authority shall develop a community development plan for the designated district. The plan shall include but not be limited to community development guidance policies, district-wide improvement program and community development rules.

HRS §92-2.5, which allows for the creation for Permitted Interactions Groups as follows:

- (a) Two members of a board may communicate or interact privately between themselves to gather information from each other about official board matters to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought.
- (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:
  - (1) Investigate a matter relating to the official business of their board; provided that:

(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and

(C) Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or

(2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion or negotiation.

### **BACKGROUND:**

On November 4, 2015, the Authority approved the establishment of a Heeia Permitted Interaction Group consisting of not more than four Heeia Authority members to oversee the development of a community-based Heeia Community Development District (CDD) Plan and Rules. Chairperson John Whalen designated Heeia Authority members Amy Luersen, Beau Bassett, and Donna Camvel to serve on the Heeia Permitted Interaction Group.

At its meeting of June 7, 2017, the Authority authorized the Executive Director to expend Heeia Community Development Revolving Funds to retain a consultant to develop Plan and Rules for the Heeia CDD. Townscape, Inc. has been retained as the consultant to develop Plan and Rules for the Heeia CDD.

### **ANALYSIS:**

Dr. Jo-Ann C. Leong is filling the third Community Member seat on the Heeia Authority. Based on her experience as the director emeritus of the Hawaii Institute of Marine Biology, Kaneohe, Hawaii, Dr. Jo-Ann C. Leong will bring much knowledge and understanding of the broader issues relating to the Heeia CDD.

### **RECOMMENDATION:**

Staff recommends that Heeia Authority Member Dr. Jo-Ann C. Leong be added as an additional member to the existing Heeia Permitted Interaction Group that was created to provide findings and recommendations to the Board pursuant to Hawaii Revised Statutes § 92-2.5(b), regarding the Heeia Community Development District (CDD) plan and rules.

Respectfully submitted,

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Deepak Neupane,  
Director of Planning and Development

APPROVED FOR SUBMITTAL:

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Jesse K. Souki, Executive Director  
Hawaii Community Development Authority