

Minutes of a Regular Meeting  
of the Members of the  
Hawaii Community Development Authority  
State of Hawaii

Wednesday, May 2, 2018

**GENERAL BUSINESS**

**I. CALL TO ORDER/ROLL CALL**

A general business meeting of the Members of the Hawaii Community Development Authority (“Authority” or “HCDA”), a body corporate and a public instrumentality of the State of Hawaii, was called to order by John Whalen, Chair of the Authority, at 12:17 p.m., May 2, 2018, at Authority’s principal offices at 547 Queen Street in Honolulu, Hawaii, 96813, pursuant to Article IV, Section 1 of the Authority’s Bylaws.

Members Present:

1. John Whalen
2. Wei Fang
3. Beau Bassett
4. Mary Pat Waterhouse
5. Jason Okuhama
6. Maeda Timson
7. Shirley Swinney
8. Amy Luersen
9. JoAnn Leong
10. David Rodriguez (DOT Ex-officio)

Members Absent:

Donna Camvel  
Michael Golojuch  
William Oh  
Phillip Hasha  
Derek Kimura (DHHL non-voting)  
Mark Anderson (B&F Ex-officio)  
Kathy Sokugawa (DPP non-voting)

Others Present:

Garett Kamemoto, Interim Executive Director  
Deepak Neupane, Kakaako Planning and Development Director  
Lindsey Doi Leaverton, Asset Manager  
Francine Murray, HCDA Specialist  
Tommilyn Soares, Secretary  
Lori Sunakoda, Deputy Attorney General  
Max Levins, Deputy Attorney General

## II. APPROVAL OF MINUTES

The meeting minutes for April 4, 2018 were approved as presented.

### **Chair Whalen proposed the agenda items be rearranged in the following order:**

#### Action Items:

1. Shall the Authority Select a New Executive Director for the Hawaii Community Development Authority?
2. Close Construction, Inc. v. HCDA, et al; Civil No. 14-1-0599-03 (KTN), and DTRIC Insurance Company, Limited v. HCDA v. Mitsunaga and Associates, Inc.; Civil No. 14-1-1585-07 (KTN):

Shall the Authority Authorize the Interim Executive Director to Increase the Contract Amount for HCDA's Special Deputy Attorney General?  
Request by HCDA Special Deputy Attorney General for Board Direction and Approval Regarding Settlement Authority.

3. Information and Discussion:  
Update: Kalaeloa Heritage Park Stockpile
4. ED Report Update

Chair Whalen asked for a voice consent from board members to approve the reorder of the agenda items.

All unanimously approved.

There were no comments or public testimony.

## III. ACTION ITEMS:

### **Shall the Authority Select a New Executive Director for the Hawaii Community Development Authority?**

Chair Whalen explained that the board will be entering an executive meeting to interview the top two candidates, the board will then have a discussion and direct Chair Whalen who the board would like to offer the position to. Pending acceptance of the position, Chair Whalen explained the board will conduct a formal selection at the board's June meeting.

Member Leong asked Chair Whalen who made the selection of the top two candidates?

Chair Whalen responded there is a task force of the board's officers:

John Whalen, Chairperson;  
Mary Pat Waterhouse, Vice-Chairperson; and  
Shirley Swinney, Secretary

The task force screened the applications and conducted interviews with the assistance of DBEDT's personnel officer and also Bishop and Company (consultant that was used for the December 2016 hiring of former Executive Director Jesse Souki) Chair Whalen also noted that he would have a report for the board members in executive session.

Chair Whalen called for a motion to enter executive session pursuant to HRS § 92-5 (a)(2), for the purpose of evaluating the applicant finalists for the HCDA Executive Director position, and HRS § 92-5 (a)(4), to consult with the Board's attorneys on questions and issues pertaining to the Board's powers duties, privileges, immunities and liabilities relating to the above item.

There were no comments and no public testimony.

Member Waterhouse motioned for the board into executive session.

Member Swinney seconded.

All members unanimously approved, entering executive session at 12:20 p.m. Deputy Attorney General's Max Levins and Lori Sunakoda joined the board in executive session.

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Pursuant to Section 92-5 (a) (2) and 92-5 (a)(4) Hawaii Revised Statutes, the Authority convened in Executive Session at 12:20 p.m. till 3:15 p.m.

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Chair Whalen reconvened the meeting at 3:15 pm.

**Close Construction, Inc. v. Hawaii Community Development Authority, et al; Civil No. 14-1-0599-03 (KTN), and DTRIC Insurance Company, Limited v. Hawaii Community Development Authority v. Mitsunaga and Associates, Inc.; Civil No. 14-1-1585-07 (KTN):**

- a. Shall the Authority Authorize the Interim Executive Director to Increase the Contract Amount for the Hawaii Community Development Authority's Special Deputy Attorney General (Outside Counsel)?**
- b. Request by HCDA Special Deputy Attorney General for Board Direction and Approval Regarding Settlement Authority.**

Chair Whalen called for a motion to enter into executive session pursuant to HRS § 92-5 (a)(4), to consult with the Board's attorneys on questions and issues pertaining to the Board's powers duties, privileges, immunities and liabilities relating to the above item.

There were no comments or public testimony.

Member Luersen made a motion.

Member Leong seconded.

All members unanimously approved, entering executive session at 3:15 pm.

Deputy Attorney General’s Mr. Ken Fukunaga, Mr. Max Levins and Ms. Lori Sunakoda and HCDA staff Garrett Kamemoto, Deepak Neupane, and Tommilyn Soares joined the board in executive session.

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Pursuant to Section 92-5 (a) (2) and 92-5 (a)(4) Hawaii Revised Statutes, the Authority convened in Executive Session at 3:15 p.m. till 3:56 p.m.  
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Motion and votes were recorded in executive session.

Chair Whalen reconvened the meeting at 3:56 p.m.

**IV. INFORMATION AND DISCUSSION:**

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**Update: Kalaeloa Heritage Park Stockpile**

Chair Whalen called for a motion to enter into executive session pursuant to HRS § 92-5 (a)(4), to consult with the Board’s attorneys on questions and issues pertaining to the Board’s powers duties, privileges, immunities and liabilities relating to the above item.

There were no comments and no public testimony.

Member Waterhouse made a motion for the board to enter executive session.

Member Swinney seconded.

All members unanimously approved, entering execution session at 3:56 p.m.

Deputy Attorney General’s Mr. Max Levins and Ms. Lori Sunakoda and HCDA staff Garrett Kamemoto, Deepak Neupane, and Tommilyn Soares joined the board in executive session.

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Pursuant to Section 92-5 (a) (2), Hawaii Revised Statutes, the Authority convened in Executive Session at 3:56 till 5:01 p.m.  
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Chair Whalen reconvened the meeting at 5:01 p.m.

There were no further questions or discussion.

**V. REPORT OF THE EXECUTIVE DIRECTOR**

**Information: Monthly Financial Report for March 2018**

Chair Whalen referred members to the report provided in the board packet.

Mr. Kamemoto noted for the board that the bill to create a district in East Kapolei died. He also noted that in 2018 – 2019 legislative session HCDA will need to request an emergency appropriation to restore its staffing budget shortage.

There were no comments or questions and no public testimony.

**VI. ADJOURNMENT**

Chair Whalen adjourned the meeting at 5:03 p.m.

Approved and Submitted by,

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John P. Whalen, Chairperson

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Date Approved by the HCDA Board