

**STATE OF HAWAII
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
AT-LARGE MEETING
(Kakaako, Kalaeloa, and Heeia Business)**

Wednesday, August 05, 2020

MINUTES

I. CALL TO ORDER/ROLL CALL

The Hawaii Community Development Authority (“Authority” or “Board”), a body corporate and a public instrumentality of the State of Hawaii met virtually (utilizing the state-supported Zoom platform) for a special meeting on August 5, 2020.

Board Chairperson, John Whalen, called the meeting to order at 10:37 a.m. Those present and excused were as follows:

Members Present:

John Whalen, Chairperson
Amy Luersen, Vice Chairperson
Shirley Swinney, Secretary
Wei Fang
Daniel Ikaika Ito
Chason Ishii
David Rodriguez, DOT (Ex Officio)
Kevin Sakoda
Jason Okuhama
Mitchell Tynanes
Jo-Ann Leong
Kathy Sokugawa (DPP, non-voting)

Members Absent:

Donna Camvel
Phillip Hasha
Maeda Timson
Robert Yu, B&F (Ex Officio)
Jobie Masagatani (DHHL, non-voting)

HCDA Staff Present:

Garett Kamemoto, Interim Executive Director
Lindsey Doi Leaverton, Asset Manager
Francine Murray, Program Specialist
Garet Sasaki, Administrative Services Officer
Tommilyn Soares, Secretary to the Executive Director

Legal Counsel:

Lori Sunakoda, Deputy Attorney General
Kelly Suzuka, Deputy Attorney General

A quorum was present.

Acknowledgement that the Meeting is Being Convened Virtually

Chair Whalen reiterated the wording contained in the Meeting Agenda regarding the state's COVID-19 Pandemic and Social Distancing guidance and the necessity to convene the meeting virtually.

With regard to the foregoing, Chair Whalen reiterated the wording contained in the Meeting Agenda noting that the public may observe the meeting virtually in real time and, in addition to written testimony, the public may provide oral testimony via the Zoom Meeting Link and information posted in the Meeting Agenda Notice.

Chair Whalen stated the Board will now proceed with the action items set forth on the Meeting Agenda.

II. ACTION ITEMS

- a. During Any Emergency Period in Which the Governor of the State of Hawaii Has Issued A Proclamation Affecting Chapter 92, Hawaii Revised Statutes, Shall the Authority Delegate to the Interim Executive Director the Authority to the Following Actions:
 - a. The Extension of any Right of Entry Previously Approved by the Authority for the Period of Twelve (12) Months;
 - b. The Approval of any Contract for Services Previously Approved by the Authority Provided the Contract was Procured in Accordance with All Applicable Laws;
 - c. Granting of Any Utility Easement Solely in a Right of Way Where No Other Use Is Allowable; and
 - d. Accepting an Environmental Assessment or Environmental Impact Statement Where an Anticipated Findings of No Significant Impact Has Been Previously Issued, the Authority Has Not As A Body Voted to Object to the Findings, and There Have Been No Material Changes To the Draft Final Assessment or Statement.

Chair Whalen made an edit to the item noting that a Departmental Environmental Impact Statement does not apply because there is no Findings and No Significant Effect by definition if there is an EIS. Therefore as the board makes a motion, the board will strike "Environmental Impact Statement" under item d that is included in the action item.

Interim Executive Director, Garrett Kamemoto noted with the uncertainty during this COVID-19 pandemic and under the Governor's Emergency Proclamation – specifically Chapter 92 that limits action taken by a board - this item is being presented to the board at Chair Whalen's request so that staff can carry on with routine operations for HCDA without having to meet monthly with the board. He added approval of this item would only be effective during the Governor's Emergency Proclamation, which has been changing monthly.

Chair Whalen commented that as the staff report is written it is implied that the delegation would expire when the Governor's Proclamation is lifted and asked Deputy Sunakoda whether the board will need to include language in the motion to make that explicit.

Deputy Attorney General Sunakoda agreed and also noted for the board that the agenda language as written limits authorization to the "Interim Executive Director." She added that if circumstances of an "Interim Executive Director" changes where the board hires a permanent Executive Director the board may need to bring this item back to include the delegation to the Executive Director. If specifying the Interim Executive Director is not the intent, she recommends revising the language.

Member Luersen also had the same concern and question as Deputy Attorney General Sunakoda regarding if and when the board hires a permanent Executive Director. She also noted that the way the staff report is written implies the Interim ED has authority to approve the items noted and hopes it is not an automatic approval and that staff and the Interim ED could also choose to not approve for "cause" if necessary or if there is a reason not to approve.

Interim ED Kamemoto noted that it is NOT the intent to automatically approve an item, but rather to approve an item that is in the best interest of HCDA, the board and state. Also, the item is specific to Chapter 92 in the Governor's Proclamation and the types of meetings board can have.

Member Luersen thanked Mr. Kamemoto for the clarification and approved the intent of the item.

Member Swinney asked if any decisions or approvals that are made will be presented to the board in an Executive Director's monthly report for information? And if that monthly report will be provided as the board meets?

Mr. Kamemoto responded and noted that it is his intent to provide any approvals that will be made in the Report of the Executive Director that is provided to the board monthly.

Member Luerson commented that as the agenda item is written the delegation applies only to the Interim and asked if the Board wants to also apply it to a permanent ED. Member Luersen recommends it also be applied to a permanent ED but would like board discussion.

Chair Whalen agreed that is a valid point and noted the agenda language should be revised to include a permanent Executive Director.

Mr. Kamemoto noted that the agenda language can be revised to include "Interim Executive Director or Executive Director" and it would cover both.

Chair Whalen recommends striking "or Environmental Impact Statement" that is included in "d." under the action item.

Mr. Kamemoto stated, per board discussion the amendments to the action item is as follows:

- Add the word “Executive Director” to the motion; and
- Strike the word “or Environmental Impact Statement” under “d” in the action item.

REVISED LANGUAGE (noted in red text):

During Any Emergency Period in Which the Governor of the State of Hawaii Has Issued A Proclamation Affecting Chapter 92, Hawaii Revised Statutes, Shall the Authority Delegate to the Interim Executive Director or Executive Director the Authority to the Following Actions:

- a. The Extension of any Right of Entry Previously Approved by the Authority for the Period of Twelve (12) Months;
- b. The Approval of any Contract for Services Previously Approved by the Authority Provided the Contract was Procured in Accordance with All Applicable Laws;
- c. Granting of Any Utility Easement Solely in a Right of Way Where No Other Use Is Allowable; and
- d. Accepting an Environmental Assessment ~~or Environmental Impact Statement~~ Where an Anticipated Findings of No Significant Impact Has Been Previously Issued, the Authority Has Not As A Body Voted to Object to the Findings, and There Have Been No Material Changes To the Draft Final Assessment or Statement

Member Luerson made a motion with the amendments noted by Mr. Kamemoto.

Member Swinney seconded the motion.

There was no further discussion and no public testimony.

Roll Call Vote

Mr. Kamemoto conducted the roll call vote. Motion passed with 11 yes votes and 4 excused.

There were no further comments or questions and no public testimony.

III. ADJOURNMENT

Chair Whalen adjourned the meeting at 10:53 a.m.

Wei Fang, Secretary

Date Approved by HCDA Board