
HOUSE RESOLUTION

REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII
COMMUNITY DEVELOPMENT AUTHORITY.

1 WHEREAS, the Kakaako Makai Community Planning Advisory
2 Council was established pursuant to House Concurrent Resolution
3 No. 30 (2006) to meaningfully participate in the development,
4 acceptance, and implementation of any future plans for the
5 development of Kakaako Makai; and
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7 WHEREAS, section 206E-31.5, Hawaii Revised Statutes,
8 prohibits the Hawaii Community Development Authority from
9 "[a]pproving any plan or proposal for any residential
10 development in that portion of the Kakaako community development
11 district makai of Ala Moana boulevard"; and
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13 WHEREAS, on June 17, 2010, at the Second Community
14 Workshop, the Hawaii Community Development Authority presented
15 plans and proposals for residential development in Kakaako Makai
16 despite being specifically prohibited from approving any plan or
17 proposal for any residential development in Kakaako Makai; and
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19 WHEREAS, after objections from the Kakaako Makai Community
20 Planning Advisory Council and public outcry, the Hawaii
21 Community Development Authority claims to have withdrawn all
22 residential housing plans and proposals; and
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24 WHEREAS, section 206E-35, Hawaii Revised Statutes, requires
25 that the Hawaii Community Development Authority collaborate with
26 and consider the recommendations of the Kakaako Makai Community
27 Planning Advisory Council in developing, accepting, and
28 implementing any plans for the development of Kakaako Makai; and
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30 WHEREAS, the Hawaii Community Development Authority has
31 supported efforts to repeal section 206E-35, Hawaii Revised
32 Statutes, claiming that the work of the Kakaako Makai Community



1 Planning Advisory Council has been meaningful, but is now
2 "complete"; and

3
4 WHEREAS, there is no dispute that plans for the development
5 of Kakaako Makai have not been accepted and implemented; and

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7 WHEREAS, section 206E-5.6, Hawaii Revised Statutes,
8 requires that:

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10 (1) Prior to rendering a decision regarding the acceptance
11 of a developer's proposal to develop lands under the
12 its control, the Hawaii Community Development
13 Authority must issue a public notice and provide the
14 general public with the opportunity to testify at its
15 decision-making hearing; and

16
17 (2) The Hawaii Community Development Authority notify the
18 President of the Senate and the Speaker of the House
19 of Representatives of any public hearing upon posting
20 of the hearing notice, and provide a report detailing
21 the public's reaction at the public hearing, within
22 one week after the hearing; and

23
24 WHEREAS, on June 15, 2010, the Hawaii Community Development
25 Authority approved a Development Lease Permit to construct the
26 Ocean Investments LLC project at 53 Ahui Street (TMK: 2-1-060:
27 13) in the Kakaako Makai development area without providing the
28 general public with the opportunity to testify at its decision-
29 making hearing, and without notifying the President of the
30 Senate and the Speaker of the House of Representatives or
31 providing a report detailing the public's reaction at the public
32 hearing; now, therefore,

33
34 BE IT RESOLVED by the House of Representatives of the
35 Twenty-sixth Legislature of the State of Hawaii, Regular Session
36 of 2011, that the Auditor is requested to perform a financial
37 and management audit of the Hawaii Community Development
38 Authority; and

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1 BE IT FURTHER RESOLVED that, as part of the financial and
2 management audit, the Auditor is requested to investigate the
3 following:
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5 (1) The reasons for and how the Hawaii Community
6 Development Authority allowed public funds and
7 resources, including but not limited to the time spent
8 by state employees and consultants, the Executive
9 Director of the Hawaii Community Development
10 Authority, and the Master Plan consultants, to be
11 expended for the prohibited purpose of creating plans
12 and proposals for residential development in Kakaako
13 Makai;

14
15 (2) The amount of public funds and resources, including
16 but not limited to the time spent by state employees
17 and consultants, the Executive Director of the Hawaii
18 Community Development Authority, and the Master Plan
19 consultants, expended for the prohibited purpose of
20 creating plans and proposals for residential
21 development in Kakaako Makai;

22
23 (3) Whether the Hawaii Community Development Authority is
24 attempting to dispense with the requirement, pursuant
25 to section 206E-35, Hawaii Revised Statutes, that it
26 collaborate with and consider the recommendations of
27 the Kakaako Makai Community Planning Advisory Council
28 in developing, accepting, and implementing any plans
29 for the development of Kakaako Makai;

30
31 (4) The amount of public funds and resources, including
32 but not limited to the time spent by state employees
33 and consultants, the Executive Director of the Hawaii
34 Community Development Authority, and the Master Plan
35 consultants, expended on efforts to repeal section
36 206E-35, Hawaii Revised Statutes; and

37
38 (5) Whether the Hawaii Community Development Authority has
39 collaborated with and considered the recommendations
40 of the Kakaako Makai Community Planning Advisory
41 Council in good faith; and



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2 BE IT FURTHER RESOLVED that the Auditor is requested to
3 submit a report of findings and recommendations to the
4 Legislature no later than twenty days prior to the convening of
5 the Regular Session of 2012; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Auditor; Chairperson of the
9 Hawaii Community Development Authority; and Chairperson of the
10 Kakaako Makai Community Planning Advisory Council.

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OFFERED BY:



MAR 16 2011

