

MAR 16 2011

SENATE CONCURRENT 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

6
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

12
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

18
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21 Community Development Authority claims to have withdrawn all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

23
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

29
30 WHEREAS, the Hawaii Community Development Authority has
31 supported efforts to repeal section 206E-35, Hawaii Revised



1 Statutes, claiming that the work of the Kakaako Makai Community
2 Planning Advisory Council has been meaningful, but is now
3 "complete"; and
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5 WHEREAS, there is no dispute that plans for the development
6 of Kakaako Makai have not been accepted and implemented; and
7

8 WHEREAS, section 206E-5.6, Hawaii Revised Statutes,
9 requires that:
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11 (1) Prior to rendering a decision regarding the acceptance
12 of a developer's proposal to develop lands under the
13 its control, the Hawaii Community Development
14 Authority must issue a public notice and provide the
15 general public with the opportunity to testify at its
16 decision-making hearing; and
17

18 (2) The Hawaii Community Development Authority notify the
19 President of the Senate and the Speaker of the House
20 of Representatives of any public hearing upon posting
21 of the hearing notice, and provide a report detailing
22 the public's reaction at the public hearing, within
23 one week after the hearing; and
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25 WHEREAS, on June 15, 2010, the Hawaii Community Development
26 Authority approved a Development Lease Permit to construct the
27 Ocean Investments LLC project at 53 Ahui Street (TMK: 2-1-060:
28 13) in the Kakaako Makai development area without providing the
29 general public with the opportunity to testify at its decision-
30 making hearing, and without notifying the President of the
31 Senate and the Speaker of the House of Representatives or
32 providing a report detailing the public's reaction at the public
33 hearing; now, therefore,
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35 BE IT RESOLVED by the Senate of the Twenty-sixth
36 Legislature of the State of Hawaii, Regular Session of 2011, the
37 House of Representatives concurring, that the Auditor is
38 requested to perform a financial and management audit of the
39 Hawaii Community Development Authority; and
40



1 BE IT FURTHER RESOLVED that, as part of the financial and
2 management audit, the Auditor is requested to investigate the
3 following:

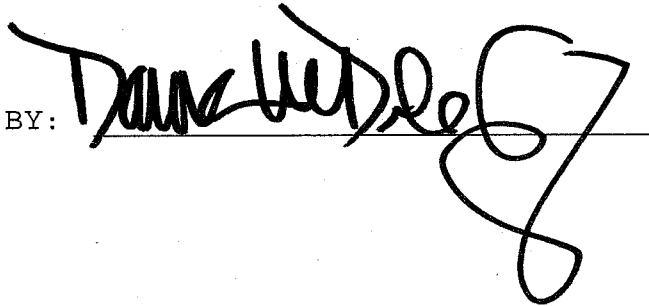
- 4
- 5 (1) The reasons for and how the Hawaii Community
6 Development Authority allowed public funds and
7 resources, including but not limited to the time spent
8 by state employees and consultants, the Executive
9 Director of the Hawaii Community Development
10 Authority, and the Master Plan consultants, 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 Concurrent Resolution be transmitted to the Auditor; Chairperson
9 of the Hawaii Community Development Authority; and Chairperson
10 of the Kakaako Makai Community Planning Advisory Council.
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OFFERED BY:

A handwritten signature in black ink, appearing to read "Dan Hiedler", is written over a horizontal line. The signature is stylized and cursive.