



**HAWAII COMMUNITY
DEVELOPMENT AUTHORITY**

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Statement of
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before the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, February 1, 2022, 3:00 P.M.
VIA Videoconference and State Capitol Conference Room 016

In consideration of
SB 2683, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Chair Moriwaki, Vice-chair Dela Cruz, and members of the Committee. The Hawaii Community Development Authority appreciates the opportunity to provide comments for the committee's consideration.

Currently, three members who represent the Kakaako, Kalaeloa, and Heeia community development districts (total of nine currently) are nominated by the Honolulu City Council. Section 206E-3, Hawaii Revised Statutes.

Under the current authority governance structure, this measure removes the county council as the nominating authority for members, and instead provides that the President of the Senate and Speaker of the House shall be the nominating authorities for the members who represent the existing community districts.

Three other measures (SB 2398, SB 3224, and HB 1827) establish a new Pulehunui community development district on the Island of Maui, and also amend the composition of authority.

If the intent of this committee is to move SB 2683 forward, we respectfully request that the language in SB 2683 starting from Line 3, on page 1, and ending on Line 3 of page 8 be deleted and replaced with the following language to be consistent with the three other measures currently being considered, which are SB 2398, SB 3224, and HB 1827:

"(b) The authority shall consist of the
director of finance or the director's designee;

the director of transportation or the director's designee; the director of business, economic development, and tourism or the director's designee; the director of planning and permitting of each county in which a community development district is located or the director's designee; a cultural specialist; [~~an at-large member;~~] an at-large member nominated by the [~~senate~~] president[~~;~~] of the senate; an at-large member nominated by the speaker of the house[~~;~~] of _____ representatives; [~~three~~]two representatives of the Heeia community development district, comprising [~~two~~]one resident[~~s~~] of that district or the Koolaupoko district, which consists of sections 1 through 9 of zone 4 of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Heeia community development district or Koolaupoko district[~~, nominated by the county council of the county in which the Heeia community development district is located~~];

[~~three~~]two representatives of the Kalaeloa community development district, comprising [~~two~~]one resident[~~s~~] of the Ewa zone (zone 9, sections 1 through 2) or the Waianae zone (zone 8, sections 1 through 9) of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Ewa or Waianae zone[~~;~~ ~~nominated by the county council of the county in which the Kalaeloa community development district is located~~]; [~~three~~]two representatives of the Kakaako community development district, comprising [~~two~~]one resident[~~s~~] of the district and one owner of a small business or one officer or director of a nonprofit organization in the district[~~;~~ ~~nominated by the county council of the county in which the Kakaako community development district is located~~] [~~;~~ ~~the director of planning and permitting of each county in which a community development district is located or the director's designee, who shall serve in an ex officio, nonvoting capacity; and~~

~~the chairperson of the Hawaiian homes commission or the chairperson's designee, who shall serve in an ex officio, nonvoting capacity].~~

All members except the director of finance, director of transportation, county directors of planning and permitting, and the director of business, economic development, and tourism , [~~chairperson of the Hawaiian homes commission or their designees~~] shall be appointed by the governor pursuant to section 26-34. The two at-large members nominated by the [~~senate~~] president of the senate and speaker of the house [~~and the nine representatives of the respective community development districts~~] of representatives shall each be appointed by the governor from a list of three nominees submitted for each position by the nominating authority specified in this subsection. The president of the senate and the speaker of the house of representatives shall each submit a list of three nominees for each district to the governor to fill the two district representative

positions on each community development district. Of the nominees for each community development district, one nominee shall meet the district residency requirement, and one nominee shall meet the district small business owner or nonprofit organization officer or director requirement. For each community development district, the governor shall appoint one member from a list of nominees submitted by the president of the senate, and one member from a list of nominees submitted by the speaker of the house of representatives.

The authority shall be organized and shall exercise jurisdiction as follows:

(1) For matters affecting the Heeia community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:

(A) The director of finance or the director's designee;

(B) The director of transportation or
the director's designee;

(C) The director of business,
economic development, and
tourism or the director's
designee;

(D) The director of planning and
permitting for the county in
which the Heeia community
development district is located
or the director's designee;

~~[(C)]~~ (E) The cultural specialist;

~~[(D)]~~ (F) The ~~[three]~~two at-large
members; and

~~[(E)]~~ (G) The ~~[three]~~two
representatives of the Heeia
community development district;

~~[provided that the director of
planning and permitting of the relevant county
or the director's designee shall participate in
these matters as an ex officio, nonvoting member~~

~~and shall not be considered in determining
quorum and majority;]~~

(2) For matters affecting the Kalaeloa community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:

(A) The director of finance or the director's designee;

(B) The director of transportation or the director's designee;

(C) The director of business, economic development, and tourism or the director's designee;

(D) The director of planning and permitting for the county in which the Kalaeloa community development district is located or the director's designee;

~~(C)~~ (E) The cultural specialist;

~~(D)~~ (F) The ~~[three]~~ two at-large members; and

~~(E)~~ (G) The ~~[three]~~ two representatives of the Kalaeloa community development district;

~~[----- provided that the director of planning and permitting of the relevant county and the chairperson of the Hawaiian homes commission, or their respective designees, shall participate in these matters as ex officio, nonvoting members and shall not be considered in determining quorum and majority;]~~

(3) For matters affecting the Kakaako community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:

(A) The director of finance or the director's designee;

(B) The director of transportation or the director's designee;

(C) The director of business,
economic development, and
tourism or the director's
designee;

(D) The director of planning and
permitting for the county in
which the Kakaako community

~~[(C)]~~ (E) The cultural specialist;

~~[(D)]~~ (F) The ~~[three]~~ two at-large
members; and

~~(E)~~ (G) The ~~[three]~~ two
representatives of the Kakaako
community development district;

~~[provided that the director of planning
and permitting of the relevant county or the
director's designee shall participate in these
matters as an ex officio, nonvoting member and
shall not be considered in determining quorum
and majority.]~~

In the event of a vacancy, a member shall
be appointed to fill the vacancy in the same
manner as the original appointment within thirty

days of the vacancy or within ten days of the senate's rejection of a previous appointment, as applicable.

The terms of the director of finance, director of transportation, county directors of planning and permitting, and the director of business, economic development, and tourism [~~chairperson of the Hawaiian homes commission~~] or their respective designees shall run concurrently with each official's term of office. The terms of the appointed voting members shall be for four years, commencing on July 1 and expiring on June 30. [~~provided that the initial terms of all voting members initially appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall commence on March 1, 2015.~~] The governor shall provide for staggered terms of the initially appointed voting members so that the initial terms of four members selected by lot shall be for two years, the initial terms of four members selected by lot shall be for three years, and the initial terms

of the remaining five members shall be for four years.

The governor may remove or suspend for cause any member after due notice and public hearing.

Notwithstanding section 92-15, a majority of all eligible voting members as specified in this subsection shall constitute a quorum to do business, and the concurrence of a majority of all eligible voting members as specified in this subsection shall be necessary to make any action of the authority valid. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

For purposes of this section, "small business" means a business [~~which~~] that is independently owned and [~~which~~] that is not dominant in its field of operation."

I am available for any questions from the committee members. Thank you.