



**Hawai'i Interagency Council
for Transit-Oriented Development
Meeting No. 46
AGENDA
Friday, November 19, 2021
9:30 AM – 11:30 AM**

This TOD Council meeting will be held via teleconference at the date/time indicated above, hosted by the Office of Planning and Sustainable Development. To participate, attendees can join in by clicking on the following URL:
<https://us06web.zoom.us/j/99169568660?pwd=ZTlxZUIWRmg2dUNJTjN4UG5QZy9Ldz09>

1. Call to Order and Introductions
2. Approval of Minutes of September 17, 2021 Meeting
3. Introduction of New Agency Representatives
 - DOT – Ed Sniffen
 - County of Hawai'i - John Andoh
4. TOD Council 2021 Annual Report to the 2022 Legislature
Action: Council approval of Annual Report for transmittal.
5. Delegation of Legislative Testimony Authority to Co-Chairs
Action: Council approval of delegation to Co-Chairs
6. TOD Project Updates (Continued) by State and County Agencies; Starting with HPHA and DOT
Project Name and Brief Description, Project Status - funding received, current activity, barriers/issues in implementation; Next Steps
 - HPHA
 - DOT
 - HHFDC
 - DAGS
 - HHSC
 - PSD
 - HCDA
 - City and County of Honolulu
 - County of Hawai'i
 - County of Kaua'i
 - County of Maui
7. Infrastructure Financing Study, Act 88, SLH 2021, Section 39 Budget Proviso
 - Update

Note: all meeting materials will be posted at <http://planning.hawaii.gov/lud/state-tod/> (see "Meeting Materials" link located on the top right-side column under "TOD COUNCIL MEETING INFORMATION AND MATERIALS"). If you need an auxiliary aid/service or other accommodation due to disability, contact Carl Miura at (808) 587-2805, carl.y.miura@hawaii.gov, as soon as possible to allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

8. TOD Implementation Permitted Interaction Groups for O‘ahu and Neighbor Islands; Update and Next Steps
 - O‘ahu Affordable Housing/State Implementation Work Group
 - Hawai‘i County/State TOD Alignment and Implementation Permitted Interaction Group
 - Kaua‘i County/State TOD Alignment and Implementation Permitted Interaction Group
 - Maui County/State TOD Alignment and Implementation Permitted Interaction Group
9. TOD Transit and Mobility PIG; Update and Next Steps
10. Possible CIP Budget Items for 2022 Legislative Session
11. 2022 TOD Council Meeting Schedule
12. Upcoming Meetings and Agenda Items
 - December 2021 – No Meeting
 - January 21, 2022 – TOD-Related Legislative Proposals and CIP Requests for 2022 Legislative Session
13. Announcements
14. Adjournment – Happy Holidays! See You in 2022!

Hawai'i Interagency Council for Transit-Oriented Development
Minutes of Meeting No.45
Friday, September 17, 2021
9:30 am
Via Videoconference

Members/ Designees Present:	Denise Iseri-Matsubara, Hawai'i Housing Finance and Development Corporation (HHFDC), Co-Chair Mary Alice Evans, Office of Planning and Sustainable Development (OPSD), Co-Chair Chris Kinimaka, Department of Accounting and General Services (DAGS) Randy Tanaka, Department of Education (DOE) Darrell Ing, Department of Hawaiian Home Lands (DHHL) Heidi Hansen Smith, Department of Health (DOH) Malia Taum-Deenik, Department of Human Services (DHS) Ian Hirokawa, Department of Land and Natural Resources (DLNR) Wayne Takara, Department of Public Safety (PSD) David Rodriguez, Department of Transportation (DOT) Carson Schultz, Hawai'i Community Development Authority (HCDA) Hakim Ouansafi, Hawai'i Public Housing Authority (HPHA) John Fink, Stadium Authority (SA) Michael Shibata, University of Hawai'i (UH) Representative Nadine Nakamura, House of Representatives Senator Lorraine Inouye, State Senate Senator Chris Lee, State Senate Harrison Rue, City and County of Honolulu (City) April Surprenant, County of Hawai'i (COH) Jodi Higuchi Sayegusa, County of Kaua'i (COK) Pam Eaton, County of Maui (COM) Scott Kami, Bank of Hawai'i, Business Community Representative Kevin Carney, EAH Housing, Housing Advocate Laura Kodama, Castle and Cooke, Developer Representative Ryan Okahara, U.S. Housing & Urban Development, Honolulu Office (HUD) (Ex-officio)
Members/ Designees Excused:	Sara Lin, Office of the Governor
Other Designees/ Alternates Present:	Dean Minakami, HHFDC David DePonte, DAGS Roy Ikeda, DOE Ben Park, HPHA Carleton Ching, UH Celia Mahikoa, COK
TOD Council Staff:	Rodney Funakoshi, OPSD Ruby Edwards, OPSD Carl Miura, OPSD
Guests:	Audrey Hidano, DAGS

Kalani Fronda, Office of Hawaiian Affairs (OHA)
Franz Krainz, City Department of Planning and Permitting (DPP)
Aaron Setogawa, OPSD
Alisa Hanselman, COH
Alison Kato, Attorney General
Andrew Tang, HPHA
Bill Brizee, AHL Design
Bonnie Arakawa, UH-West O'ahu
Brad Knowlton, Senator Lorraine Inouye's Office
Brandon Sekiya, City Council Member Say's Office
Brian Lee, Hawai'i LECET/Honolulu Planning Commission
Office of Council Member Calvin Say
David Arakawa, Land Use Research Foundation (LURF)
Derek Wong, DLNR
George Atta
John Andoh, County of Hawai'i Mass Transit Agency
Kevin Auger, HPHA
Kiana Otsuka, O'ahu Metropolitan Planning Organization (OMPO)
Lauren Yasaka, DLNR
Melvia Kawashima
Nancy McPherson, DHHL
Zoe Sims, Representative David Tarnas' Office
Pane Meatoga III, Hawai'i Operating Engineers Industry Stabilization Fund (HOEISF)
Parker Kushima
Randy Chu, HHFDC
Wade Lord, COK Mayor's Office
Zendo Kern, COH Planning Department

1. Call to Order

Denise Iseri-Matsubara, Co-chair, called the meeting to order at 9:30 a.m.

2. Introduction of Members

Members and guests introduced themselves. Guest introductions were skipped to accommodate a full agenda.

3. Review and Approval of Minutes of September 17, 2021 Meeting

The July 16, 2021 meeting minutes were approved as circulated.

4. Permitted Interaction Groups (PIGs) for State & County TOD Implementation

A. Discussion of Permitted Interaction Groups Established in 2018 and 2020

- East Kapolei, Hālawā-Stadium, and Iwilei-Kapālama PIGs, O'ahu, 2018
- West Hawai'i and East Hawai'i PIGs, 2018
- Maui PIG, 2018
- Kaua'i PIG, 2018
- Neighbor Islands PIG, 2018
- Affordable Housing PIG, 2020
- Infrastructure Investment Strategy PIG, 2020

Iseri-Matsubara explained that Rodney Funakoshi and Ruby Edwards summarized the PIG reports from the PIGs formed in 2018 and 2020 at the July meeting. The reports were included in the meeting materials for the July meeting and posted to the TOD Council meeting materials webpage. No comments were provided by the Council members.

Action: It was moved by Representative Nakamura and approved by the Council to accept the reports and dissolve PIGs listed above.

B. Proposal to Establish a TOD Transit and Mobility PIG

- The purpose of the TOD Transit and Mobility PIG is to review State and County transportation policies and priorities with respect to how they support TOD. Iseri-Matsubara reported that Senator Chris Lee inquired at the last meeting whether a transit PIG could be formed to investigate the degree to which current State/County transportation project priorities support TOD and TOD objectives in each county. After a discussion with him, the Co-chairs recommended the establishment of a TOD Transit and Mobility PIG to investigate alignment between transportation policies and priorities and TOD efforts and to develop recommendations for better alignment. Senator Lee and David Rodriguez from DOT will serve as co-chairs. The members, tasks, and timeline were outlined in the Proposed TOD Transit and Mobility PIG, Tasks and Work Plans.

Senator Lee said he saw an opportunity especially with the upcoming federal investment in infrastructure and transit to figure out how the State can maximize those dollars and projects. He does not want to see any missed opportunities. In the “Charge for Investigation,” he suggested adding policies and procedures to solicit input from stakeholder groups like the TOD Council before decisions are made by DOT. Under “Tasks”, he wants to add identifying model TOD communities, the relationship between their TOD entities, and determine successful TOD outcomes. Also, he would like to consider inviting experts and stakeholders from these areas for their input.

Rodriguez read a statement from the Deputy Director of Highways which said he is looking forward to working with developers in the TOD areas to maximize affordable housing and multi-modal access. He is concerned about what type of investments DOT can make to incentivize developers to maximize future affordable housing that require multi-modal access. He is also working with State agencies to manage and build housing to update multi-modal access to existing developments and to fund these improvements.

In response to Franz Krainz, Edwards explained that the intent is to have OMPO and Maui MPO (Maui Metropolitan Planning Organization) engaged in this PIG. The members can identify other stakeholders that are not TOD Council members to participate in these meetings. Kevin Carney asked that he does not see a housing member. Edwards will look into adding more members to the group, but the PIG needs to stay below quorum, which is 12 people. There is no limit to the number of non-Council members that are invited. This is not a public forum.

Action: It was moved by Senator Inouye and approved by the Council to establish TOD Transit and Mobility PIG.

5. FY22 Statewide TOD CIP Planning Funds, Act 88, SLH 2021

- **Projects Selected for Funding**

Mary Alice Evans announced that \$1.5 million of TOD CIP funds was appropriated to OPSD to provide seed money to public agencies to advance TOD projects in the State TOD Strategic Plan. Six proposals were received. Each proposal made a compelling case for funding and implementation of TOD. The OPSD Evaluation Team determined that each project was at a critical juncture where funding it now would contribute significantly to project success. The Team decided to fund all the proposals, but at reduced levels.

- County of Kaua'i, Līhu'e Civic Center Redevelopment Plan, Līhu'e, Kaua'i; \$350,000.

Jodi Higuchi Sayegusa explained that the Līhu'e Town Core Urban Design Plan's main vision for Līhu'e Civic Center Redevelopment Plan is to have it become more than a government and job center. There is little to no activity in the evenings and weekends, so they are hoping it can be an area where people can live, work, and play. The civic center redevelopment is key to the revitalization of the area, which is within walking distance to not-for-profit service providers, post office, Kaua'i Museum, library, school, parks, convention center, and hospital. Several housing projects are nearby including Rice Camp Senior Housing, Līhu'e Court Townhomes, and Pua Loke affordable housing. Also, Kūhiō Highway and Rice Streets are the major thoroughfares running along the Civic Center. The 'Ewa Street Transit Hub was completed recently providing bus access, electrical charging stations, etc. The funding will be used to study some of the barriers and pathways for redevelopment. They would like to use the site to address the need for more affordable/middle income housing, accessible childcare, and determine the scale based on market conditions.

- UH-West O'ahu, Urban Design Plan (UDP) Update, East Kapolei, O'ahu; \$125,000.

Bonnie Arakawa explained that the initial UDP was done in 2011 for the non-campus lands. City DPP requires it for development of large tracts of land. Once East Kapolei TOD Plan was adopted by the City Council in 2020, this made their UDP somewhat inconsistent. If a developer wants to build in this area now, they will run into problems and delays. To prevent it, UDP needs to be updated in consultation with large landowners like DLNR and DHHL to make sure everyone is aligned. After it is adopted, then the next step is to obtain the zoning and zoning maps. In addition to inconsistencies, they will be looking at density, uses, and State TOD Strategic Plan Principles. With this effort, they are hoping to make their lands as attractive as possible to a future developer.

- DLNR, East Kapolei Illustrative Conceptual Master Plan for TOD parcels, O'ahu; \$300,000.

Ian Hirokawa reported that DLNR has four parcels in East Kapolei. The Illustrative Conceptual Master Plan is focusing on the parcels located between Kualaka'i Parkway, the freeway, and Ho'opili. The upper and lower parcels are split in the middle by Farrington Highway. The lower parcel adjacent to the rail station is considered phase 1 and department's top priority. They are proposing a TOD mixed-use project that includes affordable housing, office, retail, and light industrial. The upper parcel is phase 2 and will

have light industrial on the westside and affordable housing on the east. They are planning to work with HHFDC on the housing. Right now, the project is in the EIS Phase. The goal is to eventually lease out these properties to generate income for the department, support the community's needs, provide public benefits, and serve as a job center.

- HPHA, Kahekili Terrace Redevelopment Conceptual Master Plan, Wailuku, Maui; \$225,000.

Kevin Auger explained that Kahekili Terrace Site A is the primary focus of the redevelopment. It is located between Holowai Place and North Market Street on 3.8 acres of land with 10 two- and three-story buildings providing 60 housing units. Area is served by the County of Maui public bus system and is near the Wailuku Parking Garage, Wailuku Civic Center, and Wells Park Redevelopment. Since the facility was built in 1966, this presents an opportunity to rebuild low-income housing stock and address soil contamination. The project must go through an environmental review under HRS 343 and National Environmental Protection Act (NEPA). It also required to go through the National Historic Preservation Act process. The master plan will examine how additional density can deliver more affordable housing units by looking at the appropriate demographic mix, infrastructure requirements, multi-modal connectivity, and accessibility opportunities to the surrounding area.

- HPHA, Pu'uwai Momi Redevelopment Conceptual Master Plan, Hālawā, O'ahu; \$400,000.

Auger pointed out that Pu'uwai Momi is an attractive area for redevelopment since it is adjacent to the Hālawā Rail Station and near the New Aloha Stadium Entertainment District (NASSED). It is an opportunity to introduce higher density based on the City's Hālawā Area TOD Plan. The current 27 two- and three-story buildings providing 260 units were constructed in 1969 on a 11.5-acre site. It has the potential to provide between 1,300-1,500 affordable units. Pu'uwai Momi has a one-for-one replacement requirement for the public housing units. The project would require federal and State environmental review. The CIP grant would fund a preliminary master plan, assess infrastructure needs and make sure it complements and integrates NASSED.

- County of Hawai'i, Pāhoā Transit Hub Site Selection/Conceptual Master Plan, Pāhoā, Hawai'i; \$100,000.

John Andoh stated that the objective of the grant is to: 1) Select a site that is most appropriate to facilitates transit ridership and active transportation; 2) Complete an Environmental Assessment; and 3) Incorporate mobility hub concepts to provide an engaging community space. In August 2018, County of Hawai'i adopted a Transit and Multi-Modal Transportation Master Plan, which restructured the Hele-On Network. The "Hub and Spoke" model started operating on September 5, 2021. As part of the study, they are planning to incorporate housing. In the future transit hub, they would like to have a park ride lot, at least five bus bays, electric charging stations, bike lockers, good sidewalks, multi-purpose building (e.g., ticket office, library, restrooms, etc.), and security. The preferred site needs to be able accommodate easy access for large buses, proximity to businesses and other trip producing activities, and publicly owned. They will acquire the property if necessary.

Senator Lee asked what does connectivity to UH-West O'ahu look like for the projects. Ian Hirokawa explained that DLNR's interior roads in Phase 3 parcel are designed to connect to their on-campus roads. For the East Kapolei TOD Plan, Harrison Rue elaborated that the City looked at connectivity with various agencies and DR Horton. When Ho'opili was being developed, they asked them to show which roads in their master plan would connect to the adjacent State properties. On the DLNR parcel with a large gully, the City required DR Horton to provide a connection across it. They also asked UH-West O'ahu to connect some of their roads in the future. As this area develops, more intersections may need to be installed. There is also good bike and pedestrian connectivity. Bonnie Arakawa noted that they were in discussions with DOT regarding Farrington Highway Widening Project. Based on their plans, it looks like the Keahumoa Parkway will continue from the Kroc Center intersection to Farrington Highway. DOT also granted them two more points of connection along Farrington Highway near the Hawai'i Electric Company (HECO) substation and Tokai University.

Edwards suggested that this might be good time to get the agencies together to improve connectivity among Ho'opili, UH-West O'ahu, DLNR, DOT, and Kualaka'i Parkway. Representative Nakamura inquired whether bike and pedestrian access have been incorporated by DOT into the Farrington Highway Widening Project Design. Rodriguez said he does not have any update at this time.

Pam Eaton asked what are the timing and steps to be taken to address soil contamination issues at Kahekili Terrace Project. Hakim Ouansafi said HPHA has been working with DOH and Environmental Protection Agency (EPA) on a plan. They have done temporary mitigation and hired a consultant to permanently take care of the site.

6. TOD Project Updates by State and County Agencies

Iseri-Matsubara explained that the purpose of this update is to allow the agency responsible for the project to provide key project information. The overall objective is to make sure the State and counties are aligned.

Department of Hawaiian Home Lands

- Ka'uluokaha'i Increment II-A, Multi-Family/Commercial. Darrell Ing reported that the project was originally planned for about 250 single family lots. They are looking into changing the designation to multi-family and adding some commercial. The Legislature approved \$5.132 million appropriation in 2021. A request for proposals should be going out late 2021 or early next year. The biggest challenge is the possibility of finding red ilima, an endangered plant species, on the property. As the taking license has expired, the development could be delayed.
- Moanalua Kai Conceptual Plans. This project is on hold with various lease expiration dates well into the future. The area is experiencing sea level rise and king tide issues.
- Kapālama Project Conceptual Plan. This project is on hold due to a general lease that expires in 2045. A portion of the City Square Shopping Center is owned by Kamehameha Schools. Their development plans are going to concentrate on the mauka side of Dillingham Boulevard.

Representative Nakamura asked if there is a timeframe to deal with the red ilima issue. Ing said there are no plans for a botanical study. Before issuing the RFP they may work with DLNR-

Division of Forestry and Wildlife to do a sweep of the area. Senator Inouye suggested looking at the work done at La'i'ōpua in West Hawai'i back in the 1990's as a possible model.

Iseri-Matsubara inquired if 250 multi-family homes is the target now. Ing said it is a placeholder. RFP is going to be left open for the developer to determine. They would like to get it dense as possible without overcrowding. Carney requested to find out the level of AMI for the multi-family project. Ing answered that they left it up to the developer depending on their projections, availability of low-income tax credits, and cash flow.

University of Hawai'i

- UH-West O'ahu. In addition to the Farrington Highway Widening, Bonnie Arakawa mentioned that they are coordinating with DOT on UH West O'ahu's University District, Long Range Development Plans (LRDP), TOD Infrastructure, and Multi-Campus Housing Projects. PBR Hawai'i is working with them on the LRDP. They are hoping to complete it in about six months and take it to the UH Board of Regents.
- Other UH Projects. No Updates.

Department of Land and Natural Resources

- East Kapolei Master Development Plan. Hirokawa reported that they are starting the EIS process. In 2019, they received a \$1 million appropriation to conduct an environmental studies and planning. The contract has been awarded, and consultant is onboard. The EISPN should be completed in the first half of 2022. At the same time, they are updating their marketing studies and refining their master plan, which is being funded by the FY22 TOD CIP Planning Funds. They will also continue to coordinate with other agencies.

Iseri-Matsubara asked if DLNR is still planning to develop 1,000 housing units. Hirokawa confirmed the amount and added that number came from their strategic development plan. It will be further refined with EIS and through the forthcoming master plan.

Department of Education

- East Kapolei High School. Roy Ikeda explained that DOE has a 50-acre site selected at the mauka area of the Ho'opili development. The project is in the environmental review and community engagement phase. They are reconsidering how they plan to design and construct the school. The construction timetable has not been determined, but it is somewhat dependent on DR Horton's further development of the Ho'opili Project and getting surface roads. Also, one of unknowns is the access to and building of Farrington Highway.

Iseri-Matsubara requested if they could turn in their TOD Project Update information. She asked if the new School Facility Agency (SFA), which was approved this year, is supposed to take on these types of construction projects. Ikeda answered that it is the expectation. The SFA still needs to be organized, staffed, and operated. She also asked them to submit their report using the spreadsheet that was provided.

- Pohukaina Elementary School. Ikeda reported that DOE has met with HHFDC on the project after a brief hold. They are re-doing the Memorandum of Understanding (MOU) to push forward on the affordable housing and educational components. Dean Minakami said they are going to issue an RFP for the master planning. They will be working with DOE on the

programming requirements, which needs to be integrated into a site plan. The MOU will be issued in the next several months.

Department of Transportation

- Farrington Highway Widening. Rodriguez mentioned that he has not gotten an update to report as yet. DOT Highways is working with State, county, and private developers. Iseri-Matsubara requested that they provide a report to the Council at the next meeting.

Since time was running short, the agency TOD Project Updates was paused and will continue with HPHA at the November meeting.

7. **Infrastructure Financing Study, Act 88, SLH 2021, Section 39 Budget Proviso**

- Edwards presented an overview for the TOD Infrastructure Financing Study as outlined in the proviso. At the end of July, OPSD has a brainstorming session to discuss the scope and consultant criteria. The RFP (RFP-22-01-OPSD) was posted on September 1 on the State Procurement Office HANDS website. The desired outcomes include analysis of finances for specific tools to use for one TOD pilot area in each county and needed to implement use of those tools. It will have advisory groups including a steering committee for project management, project advisory group made up of key decision makers identified in the proviso, and PIGs for each county. The Project Advisory Group will act as a sounding board for ideas, problem solving, etc.

Several key considerations for the consultant include team presence in Hawai‘i and team familiarity with Hawai‘i. Facilitation and group process management will be important for presentation(s) to TOD Council and briefings for other key stakeholders.

The TOD pilot areas identified for each county are: Iwilei-Kapālama on O‘ahu; Līhu‘e Town core on Kaua‘i; and Ka‘ahumanu Community Corridor for Maui. For Hawai‘i County, the area will be determined in the next month or so. Specific boundaries will be worked out in PIGs.

The deadline for proposals is October 8, 2021. The award should be in December or January 2022. The project timeframe is expected to be 18-24 months.

8. **TOD Implementation PIGs for O‘ahu and Neighbor Islands**

- Evans explained that at its July meeting the TOD Council approved four PIGs: 1 for O‘ahu and 1 for each Neighbor Island County. Based on OIP rules, the number of TOD Council members on a PIG cannot exceed the number for quorum—which is 12 members. Several TOD Council members requested to serve on all four PIGS, and Maui County requested that DOH serve as the twelfth PIG member for the Maui PIG. The final TOD Council member assignments are provided on the Work Plans in the meeting packet. The final twelfth spot for TOD Council members for the four PIGs was filled as follows: 1) Housing Advocate/Kevin Carney has been added to the O‘ahu Affordable Housing/State TOD Implementation and the Hawai‘i County/State TOD Alignment and Implementation PIGs; and 2) DOH/Heidi Hansen-Smith has been added to the Maui County and Kaua‘i County/State TOD Alignment and Implementation PIGs. OPSD staff will be contacting PIG co-chairs to develop meeting schedules and next steps for each PIG. The first meetings are anticipated be held in October.

9. **Upcoming Meetings and Agenda Items**

- State/County Agency TOD Project Updates – Standing Reports
Iseri-Matsubara announced that we will hearing from members on TOD Project Updates in November.
- October 2021 – No Meeting
- November 19, 2021 – Review of Draft Annual Report
Proposals for 2022 Legislative Session
2021 Calendar for TOD Council Meetings

10. Announcements

- HCPO (Virtual) Conference 2021, October 4-8, Lunchtime Series. Registration is now open.

Rue announced that the City removed all of the parking requirements in the urban area and drastically cut the amounts for the rest of the island. He will be asking his staff to provide a summary so that it can be distributed to all of the agencies. He is also willing to do a short presentation.

Eaton asked which meeting will the TOD Council have the county updates. Edwards confirmed it will be the next meeting scheduled in November.

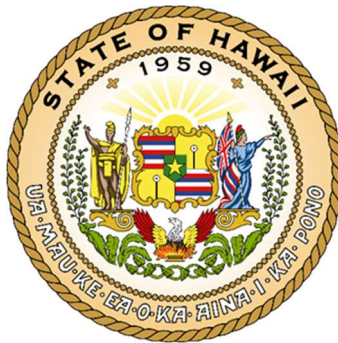
11. Adjournment

There being no further business, the meeting was adjourned at 11:15 a.m.

Note: All meeting materials are posted at <http://planning.hawaii.gov/lud/state-tod/hawaii-interagency-council-for-transit-oriented-development-meeting-materials/>.

Hawai'i Interagency Council for Transit-Oriented Development 2021 Annual Report

REPORT TO THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022



Prepared pursuant to Hawai'i Revised Statutes § 226-63(b)(9) by
Office of Planning and Sustainable Development
and
Hawai'i Housing Finance and Development Corporation
Department of Business, Economic Development and Tourism
State of Hawai'i

December 2021

11/16/2021

Delegation of Certain Legislative Matters to TOD Council Co-chairs

INTRODUCTION

The Hawaii Interagency Council for Transit-Oriented Development (TOD Council) is subject to the Sunshine Law of Chapter 92, Hawaii Revised Statutes. In 2015, the Office of Information Practices (OIP) issued an advisory as to how Boards can and should submit legislative testimony on a timely basis while still following the Sunshine Law (see attached). The Sunshine Law (<https://oip.hawaii.gov/wp-content/uploads/2018/07/0106-Quick-Review-SL-legislative-options-July-2018.pdf>) provides options to address State legislative issues and measures. The First Option, Delegation to Staff, suggests that the TOD Council delegate the authority to staff (e.g., Co-chairs) to submit legislative testimony on behalf of the TOD Council, in accordance with positions and policy directives adopted by the TOD Council. Such delegation to the Co-chairs provides a practical way to timely address legislative matters while complying with the Sunshine Law.

The Co-chairs would continue to report to the TOD Council on all legislative measures at the Council's regularly scheduled meetings and may seek confirmation or clarification of testimony that will or has been presented to the Legislature.

DISCUSSION

There are numerous TOD-related measures that are taken up by the State Legislature, and to a lesser extent, County Councils that affect TOD and the TOD Council. A general summary of the types of legislative measures, along with the proposed TOD Council positions as follows:

1. Strategic Plan and TOD project appropriations
Position: Support measures for implementation of the TOD Strategic Plan and appropriations for TOD Projects in the Strategic Plan, provided that passage of any appropriations does not replace or adversely impact priorities indicated in the Executive Budget.
2. Administration bills related to the duties and administration of the TOD Council.
Position: The TOD Council, through the Co-chairs, should provide supporting testimony on administration bills related to the duties and administration of the TOD Council.
3. Measures which propose to give the TOD Council additional resources or powers.
Position: Support the intent provided that its passage does not replace or adversely impact

priorities indicated in the Executive Budget; and/or support expanded capacity or powers provided they are in line with the TOD Council's mission and do not impair existing programs.

4. Measures which propose to revise the TOD Council's existing programs.
Position: Oppose revisions that impose restrictive requirements that negatively impact the financial feasibility of projects or the program itself. Support revisions that provide greater flexibility in meeting the TOD Council's mission.
5. Measures which propose to diminish the TOD Council's resources or powers.
Position: Oppose.
6. Measures which relate to TOD.
While the TOD Council generally does not testify on measures that do not impact the TOD Council, legislators may ask the TOD Council for testimony on other transit-oriented development measures.
Position: None; however, provide information.

RECOMMENDATION

That the TOD Council:

- A. **Authority is delegated to the Co-chairs and authorized staff designated by the Co-chairs to track legislative measures and provide testimony in accordance with the above positions and statutory directives. HRS §226-63**
- B. **The Co-chairs are authorized to undertake all tasks necessary to effectuate the purposes of this delegation.**
- C. **The TOD Council shall review and act on this delegation authority prior to the beginning of each legislative session.**
- D. **The Co-chairs shall report to the TOD Council at the TOD Council's regularly scheduled meetings on all legislative measures for which testimony has been submitted by the Co-chairs on behalf of the TOD Council; and the Co-chairs may seek confirmation or clarification of testimony that will or has been presented to the Legislature.**

This delegation authority does not bar individual TOD Council members from submitting testimony as individuals or on the behalf of their agency or organization on TOD-related measures. TOD Council members are requested to inform the TOD Council at a regularly scheduled meeting of their submittal of individual testimony on a TOD-related measure.

agenda item 7.

Act 88, SLH 2021 Sec 39. Budget Proviso

TOD Infrastructure Financing Study

- Alternative infrastructure financing tools, cost recovery mechanisms to recapture State infrastructure investment
- Specific financing, cost recovery, value capture tools to pilot at TOD site in each county
- Barriers & strategies to implement tools for TOD
- Recommendations, including legislation, to implement tools for pilot

update

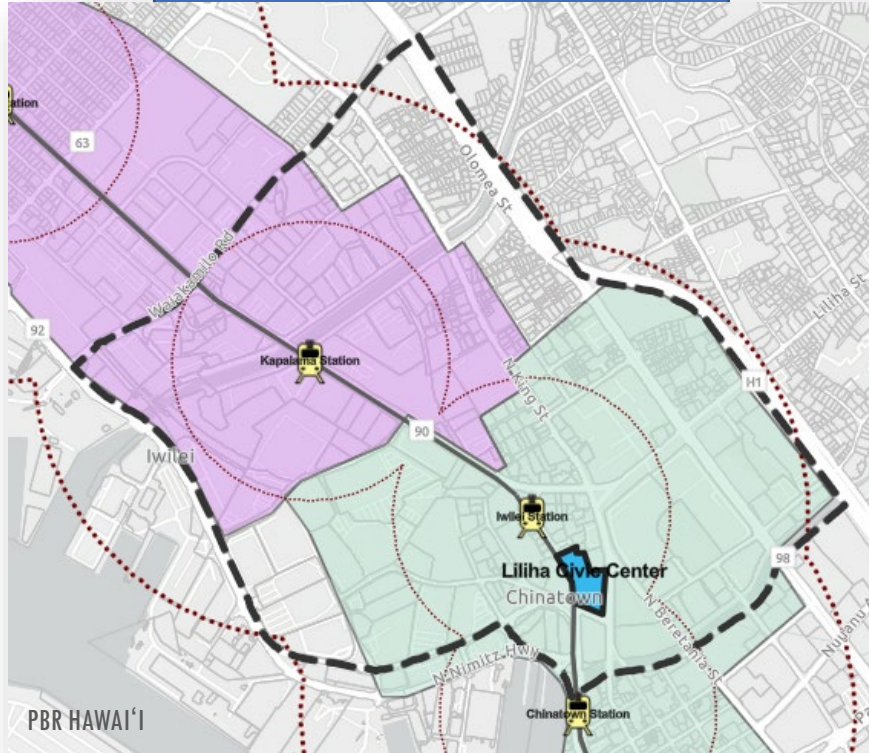
- RFP posted in Sept 2021 cancelled; revised RFP to reduce scope
- New RFP posted Nov 10, 2021

RFP-22-03-OPSD

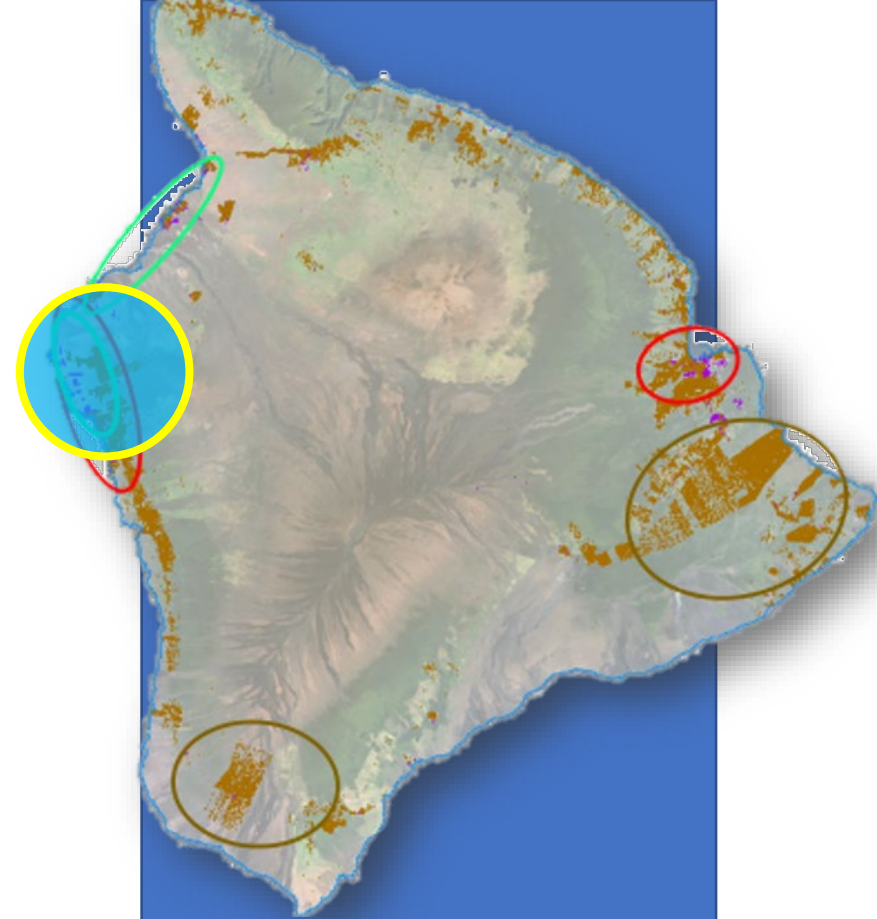
TOD Infrastructure Financing & Delivery Approaches for TOD Pilot Areas

@ SPO HANDS Website

- Pilot areas expect different approaches



IWILEI-KAPALAMA
O'AHU

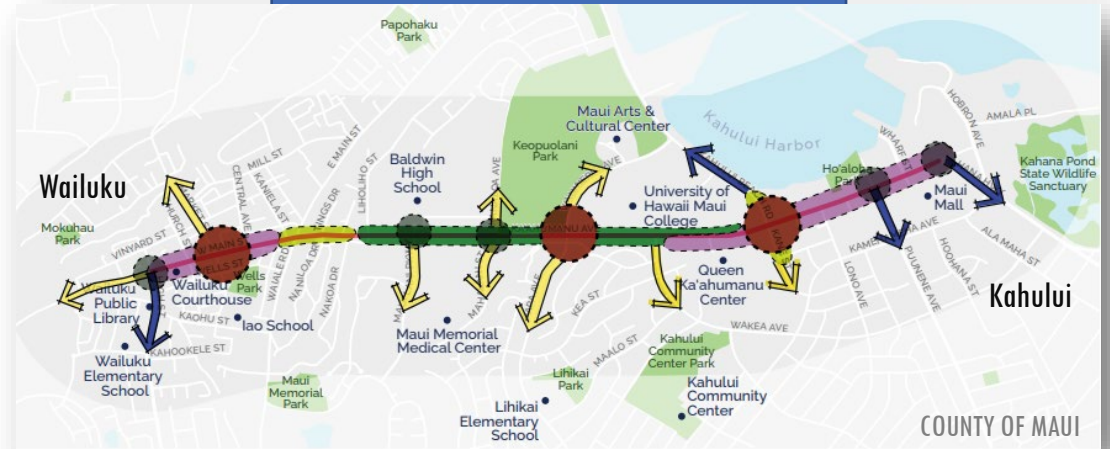


ANE KEOHOKALOHE
CORRIDOR
KAILUA-KONA
HAWAI'I



- Pilot areas

LIHUE TOWN CORE
KAUAI



KA'AHUMANU AVE
CORRIDOR
WAILUKU-KAHULUI
MAUI

Deadline for registration: Nov 19, 4:30 pm

Pre-Proposal Conference : Nov 22, 9:00 am

DEADLINE for proposals:

Wednesday, December 29, 2021, 4:00 pm HST

Evaluation / selection: Early January

Award/contract execution (pending release of funds):

Early February - March 2022

Project timeframe:

18-24 months from notice to proceed



ONCE CONSULTANT ON BOARD, CONVENE Project Advisory Group

- **Director, OPSD**
- **Executive Director, Hawai'i Housing Finance and Development Corporation**
- **Administrative Director, Office of the Governor**
- **Director, State Department of Budget and Finance**
- **Executive Director, Hawai'i Community Development Authority**
- **State House of Representatives capital improvement projects manager**
- **State Senate capital improvement projects manager**
- **Member, State House of Representatives**
- **Member, State Senate**
- **Mayor of each county**

TOD Council Permitted Interaction Groups--Oah'u: Tasks / Work Plan, November 19, 2021

Permitted Interaction Group	Members	Tasks	Timeline
<p>OAH'U Affordable Housing/State TOD Implementation</p> <p>Charge for Investigation: Review lands for TOD/affordable housing potential, develop action plan for TOD investment & implementation along rail corridor</p>	<ol style="list-style-type: none"> 1) House – Rep. Nadine Nakamura, Co-Chair 2) HHFDC – Denise Iseri-Matsubara, Co-Chair 3) Governor’s Office 4) DOT 5) HPHA 6) DLNR 7) DOE 8) HCDA 9) DAGS 10) UH 11) Housing Advocate 12) City DPP <p>Guests: Office of Hawaiian Affairs (OHA), Hawai'i Operating Engineers Industry Stabilization Fund (HOEISF)</p>	<ul style="list-style-type: none"> • Agency meetings to determine extent and availability of underutilized State lands along Honolulu Rail line for affordable housing and TOD. • Data compilation and verification with City regarding infrastructure • Formulation of an action plan for TOD implementation: <ul style="list-style-type: none"> ○ Review affordable housing potential, master plan/infrastructure needs, costs ○ Establish targets, prioritize housing and infrastructure projects) ○ Develop implementation strategy and implementation recommendations ○ Identify needed legislation/CIP requests • Stakeholder forums in conduct of OP TOD Infrastructure Financing Study 	<p>JUL-AUG: Agency meetings, Data compilation & mapping</p> <p>AUG-OCT: Meetings-TBD</p> <p>JAN 2022-on: Forum for OPSD TOD Infrastructure Financing Study</p>



Hawaii Interagency Council for Transit-Oriented Development

2022 Meeting Schedule

(Typically, the 3rd Friday of each month)

9:30 am to 11:30 am

Video Teleconference

– Subject to Change –

Friday, January 21, 2022

Friday, February 18, 2022

March 2021 – NO MEETING

Friday, April 15, 2022

May 2021 – NO MEETING

Friday, June 17, 2022

Friday, July 15, 2022

August 2021 – NO MEETING

Friday, September 16, 2022

October 2021 – NO MEETING

Friday, November 18, 2022

December 2021 – NO MEETING

Friday, January 20, 2023

Quick Review: Sunshine Law Requirements for Remote Meetings

(Revised October 2021)

The Sunshine Law allows boards to hold remote meetings where board members and the public participate from various non-public locations as well as at least one physical meeting site, all connected via a remote meeting platform such as Zoom, WebEx or other interactive conference technology (ICT), subject to requirements listed in new section 92-___, Hawaii Revised Statutes (HRS). This Quick Review discusses the requirements for holding a remote meeting.

Note that OIP has created a separate Quick Review for In-Person Meetings Held at Multiple Sites, which generally require board member attendance in person and are not considered to be “remote” meetings even if the various sites are connected using ICT.

Access to the Remote Meeting

Whatever remote meeting platform or ICT is used for a meeting must generally allow audio-visual interaction between board members and the public. Board members and the public can attend and participate from anywhere via an online connection to the meeting platform, or in some cases by a phone connection to the meeting platform. Even though a board must still provide a physical public location connected to the meeting as further discussed below, there is no requirement for either board members or members of the public to go to the public location to participate in the meeting. Similarly, there is no requirement for board members to allow the public to join them at their homes, offices, or other private locations where they are physically located while participating in the remote meeting.

The notice for a remote meeting must inform the public how to remotely participate in the meeting, including how to view and testify at the meeting. This will typically take the form of a link to the scheduled remote meeting on whatever platform is being used, but the law does allow the board to provide separate connections for the public to view the meeting and to provide oral testimony. For instance, a board deciding a controversial and high-interest issue might choose to minimize the possibility of disruption during the meeting by having board members and staff access the meeting via a WebEx link not listed on the notice, while public access to view the meeting is via a live one-way YouTube stream and oral testimony is via a phone number, both listed on the notice. Regardless of how the board provides public access to view and testify, the connection(s) must be contemporaneous with the meeting and allow members and the public to hear

the public testimony.

Physical Location Open to Public

Even for a remote meeting, the meeting notice must list at least one physical meeting location that will be open to the public and connected via ICT to the remote meeting. However, unlike an in-person meeting, there is no requirement for board members to appear in-person at the physical meeting location to participate in the remote meeting; the physical location is simply a convenience for members and the public, allowing those without the ability or inclination to use their own connection to an online meeting the option to attend where the board has set up and will maintain the remote meeting connection. If the connection to the remote meeting fails at the requisite physical location, then the meeting will be recessed or terminated, as discussed below.

While the board is required to provide at least one physical location that is guaranteed to remain connected to the remote meeting, the board also has the option to provide one or more “additional” physical locations without a guarantee that those locations will remain connected to the remote meeting. To be considered an “additional” location, the notice must specify that in the event that location is disconnected from the remote meeting, the meeting will not be terminated or interrupted to restore connectivity.

Conducting the Meeting

At the beginning of a remote meeting, the chair must list the members present, and members attending from a private location must state who else is present with them. A quorum of members must be visible throughout the public portion of the meeting, but so long as that requirement is met, additional members not needed to maintain the quorum visibility requirement can participate via audio only, such as by turning the camera off or calling in by phone. In this way, a member with a poor internet connection or other difficulties in maintaining a visual connection can still participate, so long as a quorum of members are visibly present throughout the remote meeting. All participating members must maintain an audio connection at all times.

Votes during a remote meeting must be done by roll call unless the vote is unanimous. In practice this means the chair can ask if there are any objections or abstentions and call the roll only when members object or abstain.

Dealing with a Lost Connection

When a remote meeting is interrupted by a dropped connection to one of its required components – for example, the whole meeting goes down due to a problem with the meeting platform or the host’s connection to it, the public location is cut off, the public livestream or testimony connection listed in the notice goes down, or the board cannot keep a quorum of members visible – the meeting cannot continue even if a quorum of board members remain connected to one another. (Note that an individual member of the public’s inability to stay connected does not require recessing the meeting, unless the problem is actually with the public meeting link itself.) The meeting must be recessed for up to 30 minutes to restore the connection, and it can reconvene once the connection is restored. If the full audiovisual connection cannot be restored but the board can manage at least an audio connection for all the required components of the remote meeting, the board can proceed with the meeting that way, with each speaker required to state his or her name and visual aids required to be made available to all participants (perhaps by posting on the board’s website). The board should advise the public how to join a reconvened meeting, preferably through its original notice, such as to keep trying the original link, to use a backup link given in the notice, or to look at the board’s website for a new link.

If the board is unable to restore even an audio connection after 30 minutes, the meeting must terminate unless the board has reasonably informed the public how a disconnected meeting would be continued at a later date and time (such as in the notice). With proper notice of continuation, the meeting can be considered in recess and continued at the specified date and time, rather than terminated. If the meeting must be terminated, the only way to finish the intended agenda is to notice a new meeting at least six days in advance.

Executive Meeting Requirements

Executive meetings (also called executive sessions) during remote meetings have slightly different requirements than those applicable to the public meetings. Members are not required to be visible during an executive session, just audible. However, all participants – board members, staff running the meeting, the board’s attorney, anyone properly present during the executive session – must confirm to the chair that no unauthorized person is with them or linked into the meeting, and the meeting host must also confirm that no unauthorized person is participating if the meeting platform allows the host to check that.

Recording the Meeting

Boards are generally required to record a remote meeting and put the recording online until the meeting minutes are posted, but only when doing so is practicable. Online meeting platforms typically offer a straightforward option to record a meeting. Boards using such platforms are required to use that option and make the recorded meeting available for public viewers who may not have been able to watch the live meeting. In situations where recording and posting are not practicable, the board will not violate the law by its failure to do so. A board may choose to use the recording, with the addition of a written summary, as its recorded minutes under section 92-9, HRS. Alternatively, if it prefers to keep written minutes, a board can delete the recording once its written minutes are posted online.