

Honolulu, Hawaii

APR 03 2008

RE: GOV. MSG. NO. 258

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred Governor's Message No. 258, submitting for study and consideration the nomination of:

DIRECTOR OF THE OFFICE OF PLANNING

G.M. No. 258 ABBEY SETH MAYER,
for a term to expire 12-06-2010,

begs leave to report as follows:

Your Committee has reviewed the personal history, resume, and statement submitted by the Governor's nominee to the Office of Planning. Your Committee has also heard over eight hours of testimony regarding his nomination.

Considering the entire body of its work, your Committee voted to advise and consent with expressions of strong reservations so that the entire Senate may consider the issues specifically relating to the nominee's lack of qualifications for the Director of the Office of Planning articulated in chapter 225M, Hawaii Revised Statutes, and his brief residency in Hawaii nearly entirely spent on one island, Moloka'i.

Testimony in support of this nomination was submitted by Inouye Construction, LLC, Office of Hawaiian Affairs, Lokahi Pacific, Hawai'i Carpenters Union, Empower Oahu, a Trustee of the Office of Hawaiian Affairs, the Director of the Department of Business, Economic Development and Tourism, the Chair of the Board of Land and Natural Resources, and approximately forty-nine individuals.



Testimony in opposition to this nomination was submitted by Hawai'i's Thousand Friends, Puakala Farms, and approximately seventy-four individuals.

Mr. Mayer graduated from Roslyn High School, Roslyn, New York in 1991 and received a Bachelors Degree in Art & Painting Concentration from Yale University.

Your Committee recognizes that the Office of Planning is one of the most important State agencies and is specifically responsible for:

- (1) State comprehensive planning and program coordination;
- (2) Strategic planning regarding significant issues, problems, and opportunities confronting the State;
- (3) Facilitating coordinated and cooperative planning and policy development and implementation activities among State agencies, and between the state, county, and federal governments;
- (4) Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information to further effective state planning, policy analysis and development, and delivery of government services;
- (5) Developing and presenting the position of the State in all boundary change petitions and proceedings before the Land Use Commission, assisting state agencies in the development and submittal of petitions for land use district boundary amendments, and conducting periodic reviews of the classification and districting of all lands in the State;
- (6) Carrying out the lead agency responsibilities for the Hawaii coastal zone management program;
- (7) Conducting plans and studies to determine the capability of various regions within the State to support projected increases in both residential populations and visitors, potential impacts on these regions from projected increases in population, the maximum annual visitor



carrying capacity for the State, by region, county and island, and appropriate guidance and management of regions and areas of statewide critical concern; and

- (8) Participating in and ensuring that state plans, policies, and objectives are consistent with regional, national, and international planning efforts.

In recognition of the Office of Planning's important role and in keeping with the Legislature's stated goal of promoting a sustainable future for Hawai'i, the Legislature enacted into law specific qualifications that the Director shall possess as explicitly set forth in section 225M-2(a), Hawaii Revised Statutes:

The director shall have: training in the field of urban and regional planning, public administration, or other related fields experience in programs or services related to governmental planning and experience in a supervisory, consultative, or administrative capacity.

Prior to moving to Hawai'i, the nominee's work experience consisted of one year as a resident manager of a farm in Essex, New York, two years as a writer of unpublished novel while in the Yukon Territory, Canada, and one year working as a foreman and brokerage manager of a marina in Branford, Connecticut.

Your Committee has expressed strong concerns that the nominee's educational credentials fail to satisfy the statutorily required qualifications for serving as the Director of the Office of Planning. For example, the nominee received his Bachelors degree in Art and Painting Concentration from Yale University.

Your Committee notes that former Directors of the Office of Planning each met and exceeded the standards required by chapter 225M, Hawaii Revised Statutes, regardless that the State Senate did not advise and consent to their appointments. Past Directors of Planning have set the standard by earning the following credentials and years of service in Hawaii:

- (1) The first Director of the Office of Planning, was the Vice-President for Administration, University of Hawaii for eight years, Special Assistant to the Governor,



Acting Chairman of the Public Utilities Commission and a juris doctorate degree;

- (2) The Director during the period 1994-1996 earned a PhD in Urban and Regional Planning from the Massachusetts Institute of Technology, was a regional economist for the Bureau of Economic Analysis in the Department of Commerce in Washington D.C. and earned a Masters degree in Architecture from the Harvard Graduate School of Design;
- (3) The Director during the period 1996-1997 was the Deputy Director of Department of Business, Economic Development and Tourism and earned a Masters in Business Administration from the Wharton School of Business;
- (4) The Director during the period 1998-2002 was a Certified Planner of the American Institute of Planning who also had over twenty years of planning experience including the post of Planning Director for the County of Maui; and
- (5) The Director during the period 2005-2007 is an attorney who specialized in environmental and administrative law for seven years. Besides holding a Juris Doctorate, this Director also earned a Master's in Public Policy from the Georgetown University Public Policy Institute, worked for the Office of Hawaiian Affairs, and served as an elected member of the State Board of Education.

Your Committee is also concerned that the nominee failed to articulate a clear understanding and knowledge of the responsibilities of the Office of Planning and the duties of the Director. He testified that he lacked the knowledge of the state of the County of Hawaii's planning process as well as the other counties.

Upon being advised that the Director must possess knowledge as to the status of the counties' planning processes, the nominee advised the Committee that the Office of Planning had qualified staff which he would rely upon to advise him. He explained that planning work is to be done by staff and that it is the Director's role to ensure that the staff's work is implemented. He further testified that he saw the Director's responsibility to be working with State agencies and getting federal funding.



Your Committee also questioned the nominee regarding the coordination of the geographic information system ("GIS") for the State which is a specifically enumerated responsibility of the Office of Planning. The Committee expressed concern that there was no State standard for a GIS program. The nominee responded that the Office of Planning faced the challenge of having obsolete software and did not know what stage the counties were at with regard to their GIS programs. He stated that his personal experience with the GIS is that he has used the products but has not done any mapping.

Also during the hearings, Committee members questioned the nominee on the State's plans regarding the development of affordable housing, education, and health facilities. The nominee responded that he believed that each project needed to be considered individually. Your Committee is concerned that this response is contrary to the responsibility of the Office of Planning to address these broad issues statewide on a comprehensive planning basis.

In addition to the concerns and reservations set forth above, at the time of decision making, each voting member of your Committee expressed strong reservations over the nomination of Mr. Mayer for reasons which include but are not limited to:

- (1) The nominee did not exhibit a satisfactory familiarity with the governing statute of the Office of Planning chapter 225M, Hawaii Revised Statutes. Specifically, he did not satisfactorily establish that he understood the responsibility of the Office of Planning or the role of its Director;
- (2) The Office of Planning is considered to be one of the most important State agencies, especially in light of the current economic hardships being faced by the State, and as such it is imperative to have a qualified person appointed to lead the Office of Planning now and in the future;
- (3) The nominee's training and educational background is not related to the fields specified in section 225M-2, Hawaii Revised Statutes; and
- (4) Concern over the Administration not heeding the Legislature's desire to have a nominee with a solid



planning background supported by a track record of many years of service and tenure in the State of Hawaii.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, and recommends with strong reservations that the Senate advise and consent to the nomination.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



CLAYTON HEE, Chair



