

October 15, 2015  
IEM-79 Banyan Tree Park

Dear Chair Cochran -

I am sorry that I am unable to testify in person today, however my suggestions remain essentially the same as those contained in my previous testimony.

In order to understand why the Parks Director bypassed the County Council and chose to transfer the Banyan Tree property back to the State, it is essential that the committee investigate the matter.

At the previous meeting, committee members were told that the Banyan Tree was open to all participants (vendors) provided they complied with eligibility requirements. The committee was also advised that the process was consistent, open and easily followed.

This is simply not accurate and there are many inconsistencies in applying for use of the area as a non-profit or as an individual vendor. There are different requirements for Lahaina Arts Society members when compared to Lahaina Town Action Committee. These also differ from He'ui applicants and County sponsored event participants.

Having applied for use of the Banyan Tree using a Maui County Parks application, as I was advised to do by the County CRC, I can attest to the dysfunctional nature of the process.

The committee can help by bringing consistency and equality to a process that presently limits participation to a limited number of members(vendors) representing certain select non-profits.

The committee should also prohibit non-profits from using their authority to control vendor's free speech rights. By using an element of fear that a vendor can be banned if speaking out in public about what is really occurring under the tree, nonprofits can easily control the dialogue. A fair process should not allow any non-profit to use their permit as a means to punish or reward specific vendors.

Contrary to what you have heard from others, the process is broken and needs to be re-evaluated to determine how Maui County can comply with the terms of the Executive Order that grants use of the Banyan Tree area to the public.

Thank you, Committee Chair Cochran for holding public hearings on this issue so that recommendations can be made to improve the process to allow equal access on the part of non-profits and potential vendors to this area.

I am happy to share my suggestions with the committee, irrespective of whether or not West Maui Hospital Foundation is ever granted a permit.

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RECEIVED AT IEM MEETING ON 10/15/18