

Government Relations, Ethics, and Transparency Committee on 2021-11-24 1:30 PM - Reconvened from 11/16/2021 at 9:00 a.m.

Meeting Time: 11-24-21 13:30

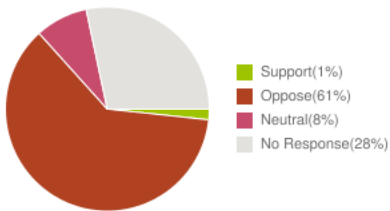
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Government Relations, Ethics, and Transparency Committee on 2021-11-24 1:30 PM - Reconvened from 11/16/2021 at 9:00 a.m.	11-24-21 13:30	5	60	1	37	5

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



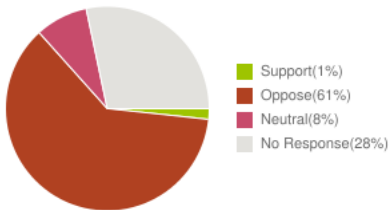
**Government Relations, Ethics, and Transparency Committee on 2021-11-24 1:30 PM -
Reconvened from 11/16/2021 at 9:00 a.m.
11-24-21 13:30**

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	2	0	1	1
GREAT-44 CC 21-453 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)	19	1	4	1
GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)	31	0	27	3
GREAT-36 CC 21-242 CONSTRUCTION ON LOWER HONOAPIILANI ROAD (NAPILI) (GREAT-36)	8	0	5	0

Sentiments for All Agenda Items

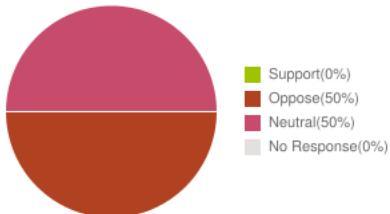
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Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment



Guest User

Location:

Submitted At: 4:11pm 11-22-21

I read the article about the bike tours. I would agree that there are better ideas for some of the tours. My wife and I have been on several some better than others. Although the guides are a challenge the people driving along the roads are also a challenge. Some are... not very careful...

One thought would be on the lower areas to have paved bike trails along the roadway and "encourage " tours to use the trails. I'm sure it will never be perfect but as people are coming to enjoy your island and leave behind hard earned dollars for you the should be some balance.

John Bostwick

Guest User

Location:

Submitted At: 2:57pm 11-21-21

Honorable Chairman Mike Molina, chair of the Government Relations, Ethics, and Transparency Committee. Ben J Hall, here founder and owner of Haleakala Bike Co, Inc., DBA Bike Maui, Cruiser Phil Volcano Riders, and Haleakala Ecotours.

Aloha Mr. Molina and fellow committee members.

First, let me thank all committee members for giving me an opportunity to testify via video last Tuesday the 16th of November.

I apologize for not being fully prepared. I forgot the fact that I cannot hear unless I have my ear buds installed. At almost eighty, my hearing is not what it used to be,

What I would like to say in response to Mike Molina's appeal for more support for his proposed ordinance in published opinion in Sundays Maui News.

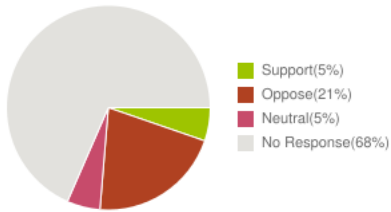
The chairman said with inflammatory comment that bicycle tours race down the road all the way to North Shore. Today only three companies go down Baldwin, not all. Bikers do not exceed posted speed limits. In 2010 a Bike Study commission by Maui County said that the only racing down the mountain were impatient drivers exceeding the speed limit by 8 to 15 miles over the speed limit thus making it unsafe for bicyclists.

Hawaii Revised Statues clearly state that bicyclist have the same rights as autos to access public roadway, the only exception is if posted no bikers on freeways. Not only does the statues clearly state this, but it also says bicyclist are Vulnerable User according to HRS (Hawaii Revised Statues). Vulnerable Users are bicyclist, motorcyclist, pedestrians. Autos are to avoid bikers by at least three feet. The common misconception that is bicyclist must avoid Autos is incorrect. It is just the opposite. Autos are to avoid bicyclists.

When is a bicyclist not a bicyclist? According to this proposed ordinance, he is not a bicyclist if he is a tourist and he rents a bike and contracts with a PUC authorized carrier to transport him and his equipment to a specific address to begin his bike ride. A self-guided bicyclist is an independent bicyclist. A bicyclist just the same.

It seems a lot of written testimony wants to get rid of independent bikers that are visitors, not residents thou. I have yet to read where any person says why. I think it is because they make up 75% of the downhill business today. In our case 70% independent and 30% guided. What amazes me is how ill informed our council committee chair is. He wants to eliminate tours going to Makawao. I remember when the businesses in Makawao did not want 30 tours plus a day going thru Makawao and not stopping. Let's flash forward to today. No bike tours go thru Makawao anymore without stopping and shopping. Local merchants now welcome the bikers. Why does the Chair not know this? I suggest the chair consult with his constituents. Ask the following merchants in Makawao if they want the bike companies to go away. Casanova's, Polli's, Komoda's, and Rodeo General. Also Makawao Garden Café and Freshies Maui and Ohana Island Grindz. Also all the merchants in Haiku welcome bikers. I have talked to them, have you? I also want the committee to know, at this time only one small company goes thru Paia Town.

Overall Sentiment



Guest User

Location:

Submitted At: 3:51pm 11-24-21

Aloha Great-44 Committee, As the Resource for the Bike Tour Industry I feel some clarity is in order based on some of the members questions.

Regarding pull-outs: The Kimura Study proposed the idea, and went so far is to identify the area's. There are two main routes that are used for the guided and self guided bicyclist. Starting on Rt. 378 (Crater Rd. down to 377 Haleakala Hwy. Turning right to Hanamu Rd, then turning left on Olinda Rd into Makawao. From Makawao 2 companies continue to Ha'iku and 5 companies go down to Paia.

There are currently 7 bike tour companies in operation.

No commercial bike tours are allowed in the Park. The Federal Hwy. starts at the cattle guard below the kiosk or gate. So its state to county roads only.

Regarding waivers : all bike tour companies require guest's to sign a waiver that clearly states all the known and unknown hazards that may occur as a result of riding the bike downhill.

The permit process also needs clarification as it may give the Director of Finance to only voice in allowing a permit or the denial of the request for permit. Cleary it should be a Board of some kind.

Finally it has to be clear regarding bike shops who rent bikes, they cannot lose the ability to rent bikes to Bicyclist.

Phil Feliciano Resource

Guest User

Location:

Submitted At: 10:51am 11-24-21

According to the State of Hawaii, Department of Business, Economic Development, and Tourism Small Business Regulatory Review Board: "The Small Business Regulatory Review Board exists to help protect the interests of small businesses in Hawaii by reviewing and making recommendations on new and existing rules written by state and county agencies.

For Government Agencies: When writing or amending rules that have an impact on small businesses, it's important to get stakeholders (e.g. small business representatives, business associations, etc.) involved in the rulemaking process as early as possible to help mitigate possible conflicts down the road."

Unfortunately, Mr. Molina did not follow these rules. This proposed ordinance was drafted and submitted to the Council without any input from stakeholders in the bike industry on Maui. I suggest that the Council follow the rules set forth by the State of Hawaii, DBEDT, Small Business Regulatory Review Board when drafting and submitting a proposed ordinance. If GREAT - 44 becomes law, it will most definitely shut down multiple small businesses and put hundreds of hard-working locals out of a job. The negative ripple effect would be huge and should be taken into consideration at the very least.

It's truly mind-boggling that our elected officials would even consider a proposed ordinance which would put so many locals out of work, especially considering the very hard times we have had the past year due to COVID.

That's just cold-hearted and mean!

I ask each and every one of you to please not put locals out of work and help to support small local businesses!

Mahalo for your time and consideration!

Guest User

Location:

BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)

Aloha Government Relations, Ethics, and Transparency (GREAT) Committee. My name is Aaron "Moose" Reichert. I am writing in my testimony on the proposed ordinance amendment to Maui County Code Chapter 5.22 - Bicycle Tour Business. After reading the draft proposal, I am deeply concerned with the repercussions of how it will impact my small business in Makawao, Krank Cycles. The bike shop centers around the bike community of Maui County and also to anyone who wants to rent or buy a bike to enjoy our beautiful islands.

This proposed ordinance will financially impact my small business which will have negative repercussions to our local community. The volunteer-based "Maui Bike Mission" program which Krank Cycles offers to the Maui community, gives free bike repair services and distributes refurbished bikes to locals who are in need of transportation. Whether this is for recreational purposes or their main mode and sometimes the only form of transportation, our mission is to give locals the opportunity to have that freedom. This ordinance will add a financial burden to Krank Cycles, which will inhibit us from giving the Maui County community and islands this service and freedom to each person who does not have the means to either purchase a bike or to get repair services done.

The verbiage and specifics on "unguided tours" for "rental operations" affect anyone local or visitor from the freedom of experiencing biking in Maui. Hawaii Revised Statutes (HRS) S 46-16.3 (2012) states, "Bicycle Tour" includes both guided bicycle tours and unguided bicycle rental operations". There needs to be further clarification on what is considered an "unguided bicycle rental operations". According to this proposed ordinance, an "Unguided bicycle tour" means "a bicycle tour that is not led or accompanied by guide throughout the ride, in which transportation to or from the route is provided or arranged by the bicycle tour business". Does this "bicycle tour business" include bike shops that rent and buy to locals and visitors? Does this include anyone such as locals that ride a bike for recreational purposes or a mode of transportation? They are "unguided"?

In Maui County Code 5.22.010, a "Tour" means "a group organized for the traveling from place to place for enjoyment, pleasure, or sightseeing". Does this imply that there cannot be more than one person riding "enjoyment, pleasure, or sightseeing" in Maui County? If so, this would infringe on bike clubs and other "groups" and also the local who owns or rents a bike for those reasons which are legal to ride on public roadways. I understand that safety plays a big part in this proposed ordinance, however, the public roadways are not up to safety measures as many other states and counties in our country. Facilitating a way for our public roads to be safe for anyone who wants to ride a bike on our public roads, not just sole bike owners. This could easily be accomplished if there were bike lanes on Maui public roads that have heavy bicycling.

Further, the proposed ordinance in Chapter 5.22.025, "Commercial bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas", section (A) states "it is unlawful for any business to conduct unguided commercial bicycle tours in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas". Does "unguided commercial bicycle tours" include "unguided" bikers whether local or visitors renting a bike are prohibited from entering those community plan areas? Since HRS 46-16.3 (2012), "Bicycle tour" includes both "guided bicycle tours and unguided bicycle rental operations". If the Makawao-Pukalani-Kula and Paia-Haiku community plan areas are prohibited, then eventually will other community plans start to be prohibited as well? These are just some of my concerns regarding this proposed ordinance. However, if this moves forward, especially without further clarification on these terms and what the repercussions of this proposed ordinance are, I know there will be a deep impact on the biking community in Maui County. I am pleading with the committee today to reconsider this proposed ordinance and how it will affect our small local bike shops.

Mahalo for your time and consideration

Guest User

Location:

Submitted At: 9:45am 11-24-21

Aloha GREAT Committee,

I am writing to oppose this and simply to bring up two major issues with this proposed ordinance.

1st major issue, the language and how the County is defining "unsolicited bike tour". How do you enforce this? How will they know who is "unsolicited" and who is a bike owner riding? Will the Police or Parks stop ANY biker at any time to check if it is rented or not? Why would they exclude even locals from renting a bike to enjoy Maui?

2nd major issue. The banning of bike tours in Makawao-Pukalani-Kula and Paia-Haiku community plan areas. How will this work? They start banning one quarter of the island and then the other community plans will follow shortly with an amendment to this ordinance. Then where can ANYONE ride a bike? You are essentially banning a mode of transportation which is legal to ride a bike on public roads. Especially when most of the roads they want to ban are State of Hawaii roads.

If the County is concerned about safety which is essentially what this bill's foundation is supposed to be about, then they need to come up with a more thought out and accommodating solution to biking on roads. Especially since this is driven by the KCA by wanting to ban in their community plan. Look at the studies on biking for forward thinking solutions. NOT banning and excluding rental bikes and bikers. Maybe something as simple as putting in a Bike Lane! If they are worried about safety then that's where they should start.

Mahalo

Guest User

Location:

Submitted At: 2:19pm 11-23-21

Aloha,

I agree something needs to be done with the bike tours coming down Haleakala. I visit the park weekly for the quiet and photography, have done so for years, and have much experience with the bike tour groups. I have also used Maui County roads for biking, running, and walking for more than 40 years now.

The biggest problem is the tours that are not guided. Many people are spread out over a long distance causing safety compromises. It is impossible to safely navigate this inexperienced crowd that may be strung out over several miles.

I used to grumble about the old guided tours. Then I started timing how long I would have to follow them before they pulled over. It was rarely more than 3 minutes! No problem. The unguided tours make these guys look great.

Overall I support the guided tours as they did work to improve safety. And the groups unleashed randomly? Get rid of them.

Mahalo for dealing with this.

Aloha, have a great Thanksgiving.

Dominick Marino

Guest User

Location:

Submitted At: 2:06pm 11-23-21

Aloha Chair Molina & committee members

This is Mike Moran and I am submitting this as an individual and a lifetime cyclist.

I have not followed this issue closely as I generally concentrate on So Maui issues, but one aspect concerned me, and I am not sure it will enter into your decision.

I do not think it is contained in the bill you have under consideration, but believe it is in an alternate one you might. I believe it would prohibit participating in these bicycle tours by anyone over 65 years, and if so I strenuously would object to that.

I offer myself as one well past this age who cycles a few times per week in South Maui, where our only two through N-S roads present extreme challenges to cyclists, If I can successfully navigate on narrow 2 lane roads

with no shoulders, no sidewalks & encounter pedestrians walking toward me & motor vehicles, including Maui Bus and tractor trailers passing me on opposite side, I am certainly capable of coasting down an upcountry hill. Whatever you decide to do in this manner, please insure it does not include age discrimination. Mahalo for all your good work for our communities, and happy Thanksgiving to all of you and your ohana

Mike Moran Kihei

Guest User

Location:

Submitted At: 4:22pm 11-22-21

Bike tours

I read the article about the bike tours. I would agree that there are better ideas for some of the tours. My wife and I have been on several some better than others. Although the guides are a challenge the people driving along the roads are also a challenge. Some are... not very careful...

One thought would be on the lower areas to have paved bike trails along the roadway and "encourage " tours to use the trails. I'm sure it will never be perfect but as people are coming to enjoy your island and leave behind hard earned dollars for you the should be some balance.

John Bostwick

Guest User

Location:

Submitted At: 4:20pm 11-22-21

GREAT-44 Re: downhill bicycle tours on Maui

Aloha Committee Members,

First, thank you for serving on this committee and for your thoughtful consideration of commercial downhill bicycle tours using our roads.

You will probably get many letters in favor of and against these tours. My letter is different. I want to urge you to consider a different solution: to support the construction of a dedicated bicycle path up the slopes of Haleakal_, not just for the bicycle tours (who could help pay for it), but for the many bicyclists residing here on Maui who daily risk their lives biking on our dangerous, narrow roads in order to get healthy exercise. We all know of residents who have lost their lives bicycling in Maui traffic. My son, who spends summers bicycling the Colorado mountain passes, has to bike the 7 mile Maui Veteran's Highway bicycle path four times every day, just to get a semblance of a workout when he's in residence here.

There are pitifully few safe dedicated bicycle paths on our beautiful island. The construction of a dedicated bike path on the slopes of Haleakal_ would demonstrate Maui to be a world-class island providing a variety of healthy recreational opportunities for residents and visitors alike.

Mahalo,
Kathleen Kastles,
Waiehu

Zachary LaPrade

Location:

Submitted At: 3:33pm 11-22-21

Please see attached testimony.

Great Committee

Location:

Submitted At: 9:57am 11-22-21

GREAT-44 testimonies received in GREAT Committee.

Guest User

Location:

Submitted At: 6:41am 11-22-21

GREAT-44

My preferences for the committee to consider in order of importance to me, from someone born and raised on Maui:

1. Withdraw any and all licenses or permissions to operate to close down these downhill bicycle companies, based on danger to local communities, deaths and/or injuries that keep happening. Give them 6 months to come up with a totally different operating plan, or close down.
2. Influence the downhill bicycle owners to shift to a softer and safer, and possibly more lucrative strategy of driving their customers up to a local park upcountry and give them a historical introduction to the communities they pass; culminate this experience in a gourmet luncheon with a spectacular view of Central Maui and a stop at some local shops, with more Maui info on the way down. Thus, no deaths or serious injuries. It has always struck me as ridiculous that a bike rider (who may not have ridden in decades, if at all) who must pay attention to the road (no bike paths), potholes, right-of-way auto traffic, is sold an "experience" to see the beauties of Maui when their helmet restrictions on visibility and attention to the road absolutely guarantees that they WON'T see Maui's scenery. Maybe they can also experience some Hawaiian culture with hands-on activities directed by local kumus.
3. Quadruple the fines you listed in the Maui News article for infractions; severely regulate when these so-called bike experiences can be run down our Upcountry communities; Limit how often during peak tourist season they can operate.

In summary, this is a dangerous tourist activity--not only to the unsuspecting tourists, but to the locals who must share the road. Forget about putting in bike lanes!!! It's bad enough the "Swimming with the dolphins" activities Makena-side, as recent research shows, disrupts the life patterns of these animals, or that the pollution that snorkel tourboats bring to Molokini continues to denigrate our reefs, let's not endanger more lives or create severe injuries upcountry. Pau already!

Thank you for this chance to share my solutions and for all your hard work on this ongoing issue. Time to solve it, yes? Joanne Doell

Guest User

Location:

Submitted At: 6:40am 11-22-21

Bike company Blocks road reckless driving!! Please ban-Baldwin Ave

Download Attachment

Available until Dec 21, 2021

Please ban these Bike companies!'

This is one of many times the drivers block the entire road!

And when you can pass they use profanity and show NO ALOHA!

With warm Aloha, Kenneth

Click to Download

IMG_7811.MOV

0 bytes

Sent w/ Aloha

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Guest User

Location:

Submitted At: 6:39am 11-22-21

GREAT-44

Aloha Mike, Mahalo for your concern and support regarding this bike tour situation.

As an upcountry resident these past 20 years, (Kula) I have also had dangerous encounters with these tours on our roadways. Recently returning from tending our horse on upper Kekaulike heading past Kula lodge, I have had a bike tour van suddenly appear in my mirror, tailgating my truck. Impatient with my keeping the speed limit, it finally forced me to pull over to prevent an accident to oncoming uphill traffic. I observed the driver speeding downhill, heading into Longs parking lot, where the driver double parked, ran inside, made a purchase and returned, speeding off back towards Kekaulike.

This is one example of these vans following me on this roadway, as it has happened before, but appears to be getting worse. This, and the bicycles on these narrow roadways are very scary for those of us transiting from home, work, and just trying to prevent an accident causing injury or worse, the death of someone.

Your interest in reaching a safe solution to this problem is greatly appreciated.

John L. Wilson III

Kula

Guest User

Location:

Submitted At: 4:21pm 11-21-21

Honorable Chairman Mike Molina, chair of the Government Relations, Ethics, and Transparency Committee. Ben J Hall, here founder and owner of Haleakala Bike Co, Inc., DBA Bike Maui, Cruiser Phil Volcano Riders, and Haleakala Ecotours.

Aloha Mr. Molina and fellow committee members.

First, let me thank all committee members for giving me an opportunity to testify via video last Tuesday the 16th of November.

I apologize for not being fully prepared. I forgot the fact that I cannot hear unless I have my ear buds installed. At almost eighty, my hearing is not what it used to be,

What I would like to say in response to Mike Molina's appeal for more support for his proposed ordinance in published opinion in Sundays Maui News.

The chairman said with inflammatory comment that bicycle tours race down the road all the way to North Shore. Today only three companies go down Baldwin, not all. Bikers do not exceed posted speed limits. In 2010 a Bike Study commission by Maui County said that the only racing down the mountain were impatient drivers exceeding the speed limit by 8 to 15 miles over the speed limit thus making it unsafe for bicyclists.

Hawaii Revised Statutes clearly state that bicyclist have the same rights as autos to access public roadway, the only exception is if posted no bikers on freeways. Not only does the statutes clearly state this, but it also says bicyclist are Vulnerable User according to HRS (Hawaii Revised Statutes). Vulnerable Users are bicyclist, motorcyclist, pedestrians. Autos are to avoid bikers by at least three feet. The common misconception that is bicyclist must avoid Autos is incorrect. It is just the opposite. Autos are to avoid bicyclists.

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today. In our case 70% independent and 30% guided. What amazes me is how ill informed our council committee chair is. He wants to eliminate tours going to Makawao. I remember when the businesses in Makawao did not want 30 tours plus a day going thru Makawao and not stopping. Let's flash forward to today. No bike tours go thru Makawao anymore without stopping and shopping. Local merchants now welcome the bikers. Why does the Chair not know this? I suggest the chair consult with his constituents. Ask the following merchants in Makawao if they want the bike companies to go away. Casanova's, Polli's, Komoda's, and Rodeo General. Also Makawao Garden Café and Freshies Maui and Ohana Island Grindz. Also all the merchants in Haiku welcome bikers. I have talked to them, have you? I also want the committee to know, at this time only one small company goes thru Paia Town.

In the end, what this is all about, is we have a traffic problem upcountry. We have multiple legal user trying to use the same thorough fare at the same time. The 2010 county funded bike study provided a solution. It suggested that we build pullouts for an opportunity for slower traffic to move out of traffic. These suggestions were not implemented by the county. Instead, they funded greenways on the west side and bike paths on the south side. After declaring they would start upcountry. They also spent millions funding a bikeway along Hana highway between Baldwin Park and the senior center towards Kahului.

Chairman Molina suggest in an opinion article this last Sunday that his regulations are designed to save the industry from itself. Come on now sir, your suggestions that eliminate 80%- 90% of our business is saving it from itself.

Please also note the fact that all bike companies are locally owned and employ Maui residents. The bike companies have contributed upwards of ten million annually to the economy. That money goes right into the community.

As an owner and a resident of Kula Maui for some forty years, I am proud of the fact that I have employed 25 to 40 neighbors over all these years.

We cordially ask our fellow residents to support in opposing this anti-tourist, anti-business ordinance. We never intended to become a nuisance. We apologize for that. We try very hard to make this experience enjoyable and safe for our visitors and our community.

We promise in the future to join you at your community associations meetings.

Mahalo

Guest User

Location:

Submitted At: 11:22am 11-21-21

11/18/21

Aloha Council Members of the Great Committee and Committee Chair, Mike Molina.

Additional Testimony for Great-44

The Kimura International Bike Study of 2010 is relative in some of its findings and solutions, however the capacity numbers of guests, the timing of tours, the number of companies offering tours and the sheer volume of guests and vans on the road is no longer valid. The bike tour industry changed drastically in January of 2018 as a direct result of the National Park Moving from Annual Commercial Use Permits to a 10-year concessions contract. Prior to this there were 7 companies with a CUA to operate land tours in the park, without bikes. Biking in the park was banned since 2007. Trailers were left outside the Park.

All the companies continued to operate under this new model, until the Concessions Contract was awarded in early 2017, effective January 1st, 2018. The Bike companies tried to work with the new concessionaires to get guests into the park, however due to the amount they now had to pay the park per entry, the cost to the bike companies was prohibitive. Therefor the 1st bike company to shutter completely was Maui Downhill the largest of the guided bike tour companies. Followed by Bike It Maui who worked with Skyline Eco Adventure for a while. Then Cruiser Phil's merged with Haleakala Bike Co which was a self-guided bike tour, now forming a full service Tour company, offering both styles of downhill biking. HBC was the only bike tour company awarded the contract for the park.

Currently there are 7 downhill bike companies. HBC which has Bike Maui and the Cruiser Phil brand. This company takes guests into the park for Sunrise on a daily basis, along with day tours. Having both guided and self-guided riders, terminating in Haiku. Mountain Riders offers Sunrise Tours on Sunday's and Mondays thru their association with Valley Isle Excursions who is a park concessionaire. MR offers guided bike tours for the sunrise tour. And both types for the daytime, which is generally daily. They load the guided tour guests into vans

just above Makawao town, parking in the Pollies lot, allowing guests to eat breakfast in one of many restaurants. After the stop they ride thru Makawao town on bikes into Paia, before returning the guests to Haliimaile. Maui Sunriders offers daily self-guided tours leaving their shop in Paia around 0900 and getting riders on the road around 1030 ish. All self-guided riders are encouraged to stop along the routes for breaks and food. Kula lodge, along with the shops in Makawao, Haiku, and Paia are given high praise from local guides. Sunriders groups end at their shop in Paia. Maui Mountain Cruisers whose base is in Paia also runs self-guided tours only, and only a few times a week. No Sunrise offered. Maui Easy Riders offers daily guided tours only with a start time after 9am. Stopping in Makawao for a lunch break and continuing down to Paia. Not everyday and smaller size groups. Maui Bomber also is a later tour offering both self-guided and guided tours starting on bikes around 9am-930am. Stopping in Makawao for lunch and continuing down to Paia. Smaller groups not daily. Finally, the newest company that started in 2018 who chose the name of Maui's Best Downhill. Offers both self-guided and guided, with a later start time. No sunrise tours offered, riding back to their base in Haiku. This is information based on my knowledge and observation of the current status of the downhill tour industry.

Phil Feliciano, Bike Maui

Guest User

Location:

Submitted At: 1:01pm 11-18-21

Maui County Ordinance - Commercial Bike Companies

Aloha Council Member Paltin,

My Name is James Boote, Owner and operator of West Maui Cycles in Lahaina.

We are a full service bicycle store that offers sales, repair and rentals of all types of bicycles.

We do not offer guided or unguided tours or operate in the Upcountry districts. I am very worried about the impact this ordinance will have on my small family operated business that has served the west Maui community for over 27 years.

If possible I would like to have a meeting on what it may mean to us and the impacts it will have on my company and the other small neighborhood bicycle shops in the county.

thank you for your time and consideration

James

James Boote

West Maui Cycles

Lahaina, Maui Hawaii

westmauicycles.com

Guest User

Location:

Submitted At: 10:52am 11-18-21

Bicycle Tours Public Safety

Hello,

My name is Conor O'Brian - I'm a new resident of Paia, and an avid road and off-road cyclist. I'm also a new employee of Maui Sunriders Bike Company, and through Jeff & Crystal (owners), I've heard about the ordinance being pushed forth regarding downhill bicycle tours, and cycling in general. As such, I felt inclined to reach out.

I took up cycling as a hobby 3 or so years ago (I'm 28). I was working in the outdoor industry, and many of my friends and co-workers were cycling enthusiasts and constantly story-swapping about their escapades exploring the roads and trails in our immediate area, and beyond.

I remember getting talked into my first climb and descent - a 4-mile hill in our town. I will forever remember the feeling of coming down that hill, gliding through the landscape hearing only the whir of my bike and the wind rushing past my ears. It was an experience unlike anything else. I felt connected to - a part of - my environment in a way that I did not when driving, walking, running, or hiking. Tens of thousands of miles later, I still get that feeling of bliss on every ride.

Finding a place with incredible cycling opportunities was part of my criteria when deciding where I'd live next. I'd heard that Maui had spectacular roads (and climbs!) all over the island, and it was a place I could ride outside year-round. Upon arriving, I was not disappointed. I wanted to dive fully into the cycling world and make it more a part of my everyday life, which is what led me to find a job at Sunriders. I want to help get people out on bikes - help people get a taste of the joy that riding has brought to my life over the past few years. It's something I care deeply about.

That said, I understand the concerns of the community when it comes to inexperienced (or unaware) cyclists coming down the volcano. I, too, have been stuck behind riders - both here and in every other place I've lived around the world. It's frustrating, and trying to pass can be dangerous. However, I firmly believe that there is immense value in getting people out on bikes. I think that this ordinance being pushed forth should be viewed as an opportunity for the cycling tourism industry and the community in which it operates to start a dialogue and work toward a compromise.

Speaking from my own experience, getting out and riding a bike can be life-changing. Pedaling a bicycle is a unique way to see the world, and I would hate to see that opportunity restricted so dramatically in this area of the island, particularly at a time when global interest in cycling is at what feels like an all time high.

When it comes to specific knowledge about the cycling tourism/community dynamic here, I know that I don't have the same understanding as those who have been around it for years, but I'm happy and excited to be a small part of this ongoing discussion surrounding the future of cycling on Maui.

Thanks,

Conor O'Brian

Guest User

Location:

Submitted At: 12:51pm 11-17-21

BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)

Activities & Attractions Association of Hawaii, Inc.

November 16, 2021

Re: BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)

Aloha Chair Mike Molina and Vice-Chair Keani Rawlins-Fernandez & Committee Members;

Thank you for the opportunity to testify. My name is Toni Marie Davis. It's been my honor to collectively market & lobby on behalf of the State's in-destination experiences for the past 24 years. Hawaii residents own 98% of Hawaii's in-destination experiences; the profits stay within the county in which they reside. Unlike some of the other visitor-related businesses, which are national chains or global. Collectively, our industry brought in over \$4.6 Billion in revenue for Hawai'i and employed over 50,000 workers in 2019. Tourism is a gift to any community when appropriately managed. Focus on balanced use of public resources between patrons and non-patrons of commercial tours is imperative. Additionally, commercial tours enhance the ability to control use. Supervised tours allow the opportunity to site & enforce rules of conduct, share culture and set a stage for environmental consciousness.

Bicycle Tour businesses are members of our organization, and GREAT-44 threatens the life of these companies as written. The friction between residents (Kula) and the bike tour companies is nothing new. This opportunity has been studied since 1995 by Maui Police, Corporate Council, Kimura International, Inc, National Park, etc.... Always with the same approach to stifle the legally permitted companies.

1. Prohibiting Unguided tours- Providing rental bikes to visitors and residents is a service provided by a much larger scope of businesses. In essence, this ordinance will prohibit "permitted guided bike tour" companies from conducting these "tours". The ability for "Joe Public" to own, lease, rent a bike and ride on our public roadways is a Federal right. There is a demand that is not going away – we need to accommodate this experience more safely, reducing the community tension.
2. No more than six Tours Companies operate each Day – Eight Customers and two guides, between 9 am and 1 pm (4 hours), each company is allowed only one tour per two hours. These capacity settings equate to an individual Company conducting two times per day (provided their competitors have not booked the available open

slots) with a total of 16 guest a day.

Activities & Attractions Association of Hawaii, Inc.

The proposed "ordinance changes" will refocus the current demand to seek out "on your own" unsupervised alternatives not affiliated with a legally permitted bike tour company. Which would seem to contradict the very purpose of the ordinance.

A3H recommends:

- instead of stifling this sector, accommodate and partner with them.
- Eliminate scofflaw, (those operating now without being permitted).
- Facilitate uniting all bike enthusiast businesses to adhere to best practices.
- Build turnouts along the most popular routes.

- Work with the DOT's Bicycle and Pedestrian Planning Program

(<https://highways.hidot.hawaii.gov/stories/s/h4ss-c6xy>) to improve and accommodate this demand. Their plan includes building separate bike paths away from the roads.

- Study and visit places like Amsterdam or Portland, Oregon, where bicycle riding has infrastructure support.

Maui is among the top-rated bike destination in the world. Why not embrace this honor by providing the proper infrastructure.

Hawaii's economy has suffered more than any other state in the U.S. due to Covid-19 due to our evident dependence on Tourism. Our government and community should be welcoming COVID-Free visitors back and assist these "barely-holding on" businesses as much as possible. Despite arguments to diversify our economy, there is no other export industry more lucrative and supportive of our land, people, and sense of place than Tourism if managed.

Mahalo again for this opportunity to testify,

Toni Marie Davis/Executive Director Toni@A3H.org 808-264-0000

Guest User

Location:

Submitted At: 5:04pm 11-16-21

Additional Testimony re: GREAT-44

Aloha Councilmembers and committee,

Thank you for the opportunity to testify in opposition of GREAT-44 and provide what I hope was helpful feedback.

I'd like to apologize for two things. I never intended to talk over any of the representatives, or to disturb the spirit of the meeting, however I just wanted to make sure my answer to the question was complete. Secondly, I'd like to apologize the Mr. Molina for implying that he had ignored our calls. That again wasn't the intent, rather an observation that it has been difficult to communicate with anyone with all of our busy schedules. This obviously is an important issue to us, of which the consequences will greatly affect the well-being of ourselves and our valued staff.

I've already submitted a written testimony via the EComment portal, but wanted to add a few thoughts after hearing some of the testimonies today.

-I hope you understand that we do not just make money or make a profit off of the county roads at the expense of the communities convenience. We are hard working locals, who are just trying to make a living in this difficult time. None of us own mansions. We are not transplants from the mainland. We are residents and families and contributors to the community just like everyone else, and right now our careers and source of income does come under threat as a result of this ordinance as it is written. As one employee told me, while many are voicing concerns about getting to their job on time, we are concerned whether we will have a job to get to.

-To complete my answer to the question, what impacts did Haleakala National Park have on the industry. Yes of course companies were able to operate outside the park, however the ride is not as popular as the activity including a trip up to the national park. Because of this 3 companies were forced to close including the largest of all the bike tour businesses, Maui Downhill. Their absence alone likely reduced total participants by 25%

-There is noticeable concern over self-guided participants. One testifier brought up a good point in that it is a lot easier and safer to pas a group of 5 self-guided bikers than it is 12 guided bikers + a van and trailer. Please do

not be so quick to dismiss the self-guided as unsafe. If anyone would like to participate in one of our tours, or at very least ride up with our guides, they would know that the information, directions, instructions are very very thorough. This is for both directions and safety guidelines. Self-guided does provide a different approach to biking Haleakala, by allowing guests to ride at their own comfortable rate and pace. Although they are given a bike to come down on their own, that is not done so without an extensive safety briefing, instructions on how to get down (we also drive the same way up that they will be coming down, pointing out landmarks), but our number is also provided to them with instructions to call us if they need anything at all. Need a new bike because of a flat, give us a call. Need clarification on where to go, give us a call. Had your fill and want to ride a van down, give us a call. We have vehicles posted along the mountain so we are hardly ever more than a few minutes away. There were a few comments that just got details of our operations, the tour, the experience flat out wrong. Noone takes kids that are 5 years old. No one is left out there without being able to get a hold of us. Many other things said that were just factually wrong.

-The 9am-1pm timeslot is referenced because it avoids the school times. Obviously school traffic will always exist, the bike tours are not the reason for traffic, however as was pointed out there is minimal bike tours operating in the school areas at that time. This time of year our bikers are not on their bikes at 6500 ft until close to 9am. This is something we are not opposed to, however putting an afternoon limit does not make sense. Sunrise is a set time, so when multiple companies offered this, we were all launching around the same time. The day trips come down Haleakala at different times, so congestion in the afternoon as it relates to the bike tours is not as heavy. As Ms. Eyre pointed out, if there is only 1 or 2 groups coming down at that time, why does it need regulating.

-A comment was made that Bikers are being treated like 3rd class citizens. That our business is treated the same way. Again, we are all hard-working tax paying community members who's voice matters as much as the next. But our biking guests should also be treated with a level of respect. The absolute hate we receive both for our guests and our staff is unbelievable. One staff member told me yesterday that he was flipped off from a vehicle driving UP the road, the opposite direction that he was coming. We've had soda cups, rolls of pennies, slippers thrown at our bikers. And the worst of it is that there is actual aggression and abuse by drivers WITH their vehicles. Some purposefully honk to scare the bikers, we've had cars pass so closely ON PURPOSE that the mirror clipped the biker. This is all done while they are keeping as far right as practicable. And we even had someone who literally bumped the cyclist rear tire with their car, causing them to fall. This brings me to my next point.

-The driving behavior by some of the locals is unacceptable. We give good instructions to guests to abide by state law and keep to the right of the lane, and to use the shoulder or bike lane when practicable. However even when doing so, there is a right time and a wrong time to try to pass bikers. IF a little patience is shown, the opportunity to pass a biking group will present itself on a straightaway. However impatient drivers turn aggressive drivers pass when it is unsafe. The narrative that that unsafe situation is caused by the bikers is false and dangerous. Drivers need to be held accountable, and the excessive speeds that they travel at are a danger not only to bikers but everyone on the road.

Thank you for the opportunity to express my discontent with some of the conditions on these roads, but as you can see, it is not always the fault of the bikers or operators. Now for some suggestions.

Firstly I continue to urge everyone to speak with the leaders of the industry and get quality feedback from their experience and expertise. I also encourage anyone to participate in a tour (at least the driving portion) and see exactly how we operate. If there is input on how we can do better, that's where you can make your notes.

I also want to point out that the Kimura study is a great point of reference. It provides detailed information on operations and suggestions. However the data is old as was pointed out and the industry does not carry the same participant counts it once did. With that said, a lot of the suggestions and comments made are still relevant, including Glen Kimura's own assessment that the bike tour is not unsafe when the rules are followed.

Inadequate roads were mentioned by nearly all testifiers, both oppose and support. The new Federal Infrastructure stimulus might be a good resource to fund a project to either widen the shoulder top to bottom by a few feet, or build pull-outs along the route down. We would use them if they are built.

Spacing is also something that we can work on and do to an extent. Our company has procedures to space out our tours, but we can come up with a standard amongst all tour companies. The proposed 2 hour between tours is far beyond excessive. The Kimura study provides data that shows even 5 minutes between tour groups would allow for a 2 mile gap, and 10 minutes a 4 mile gap. With that interval, traveling at the speed limit, you in your vehicle might encounter a tour group only once every 6 miles....with as little tour groups as operate today (reason to not limit tours as they are already limited), you'll find yourself unlucky to even have to run by more than 2 groups.

And lastly, with all of this said and done, we will CONTINUE to work with the community associations to come up with productive solutions that adhere to the concerns of local residents as well as minimally affect those local residents that work for the tours. We are working with Dick Mayer in constructing a bill that will address a lot of these points and suggestion.

We have always looked for ways to improve. This isn't the wild west days of the early 2000's. I personally have grown up in this community and have used my experience as a local resident to improve our operations to be safer and more accommodating. Afterall, we have ZERO interest in anyone getting hurt. No one in the industry is opposed to safety standards, it would be foolish to think so.

Thank you again for the opportunity to voice our concerns over this restrictive ordinance that would affect too many of us local, hard-working, residents and the small business that employ them.

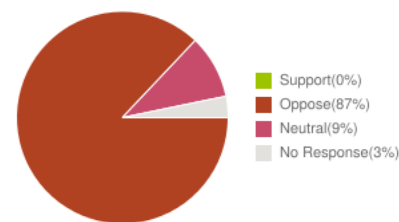
Mahalo!

Lewis A. Upfold
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Agenda Item: eComments for GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)

Overall Sentiment



Guest User

Location:
Submitted At: 2:27pm 11-24-21

I strongly oppose this agreement. ICE has a violent history with people of color and would not increase the safety

of community members at all.

Guest User

Location:

Submitted At: 1:16pm 11-24-21

I strongly oppose the agenda item GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS.

As a member of the Latin community of Maui, I have many concerns with this bill. First why is this bill being passed? What is the reason? Second where is the funds and training come from? Could that those funds, time and effort be spent in a more constructive manner?

I fear that with the bill the police department will no longer be a place of safety but something to fear.

Guest User

Location:

Submitted At: 7:40am 11-24-21

GREAT Committee Chair Molina and GREAT Committee Members,

So thankful for the opportunity to provide follow up comments. I add my comments in strong opposition and stand with those who have already provided comments in opposition. As I said during my initial oral testimony, this proposed bill and agreement has unintended consequences. I strongly urge the GREAT Committee Members to not act with haste to pass this bill and allow the enactment of the proposed Intergovernmental Agreement. Please take due consideration of how this could negatively affect those living, working, and going to school in Maui County.

The County of Maui is diverse and is home to many immigrants. They should feel safe to call for emergency assistance and cooperate with local law enforcement in investigations. Having formal agreements with ICE has proven to erode trust and lessen opportunities for those in need to call for help and seek services. It begs the question why the County of Maui would ever enter into agreements with ICE. This is why places like San Francisco passed the "City and County of Refuge" Ordinance which generally prohibits City employees from using City funds or resources to assist Immigration and Customs Enforcement (ICE) in the enforcement of Federal immigration law unless such assistance is required by federal or state law. As described on San Francisco's Office of Civic Engagement & Immigration Affairs, the "City and County of Refuge" Ordinance "promotes public trust and cooperation. It helps keep our communities safe by making sure that all residents, regardless of immigration status, feel comfortable calling the Police and Fire Departments during emergencies and cooperating with City agencies during public safety situations. It helps keep our communities healthy by making sure that all residents, regardless of immigration status, feel comfortable accessing City public health services and benefit programs." (Source: <https://sfgov.org/ccsfgsa/oceia/sanctuary-city-ordinance-0>)

Other jurisdictions have seen first hand how these types of agreements have negative, unintended consequences.

* East Bay Times: Oakland police will no longer participate in ICE-led task forces (Source: <https://www.eastbaytimes.com/2017/07/19/oakland-cuts-ties-with-ice/>)

While acknowledging the agreement may have some benefits, Councilmember Abel Guillen said rescinding it "will send a stronger message to our community that we in fact do not have a relationship with ICE, and it will bring peace of mind to members of our community who are living in fear currently."

*KQED: Santa Cruz Police: ICE Lied to Us About Immigration Arrests (Source:

<https://www.kqed.org/news/11331663/santa-cruz-police-ice-lied-to-us-about-immigration-arrests>)

"I want to underscore that we would never have participated or cooperated in this operation if we had known that it included immigration enforcement," Police Chief Vogel said. "As a result of this betrayal of trust, we will be taking a long and hard look about whether we will cooperate with this federal agency in the future.

*KSBE Action News 8: Santa Cruz police "disgusted" by secret ICE Raid (Source: <https://youtu.be/yT4gaCwc2q0>)

*LA Times: San Gabriel withdraws from its ICE partnership Cities scrutinize ICE collaborations (Source: https://enewspaper.latimes.com/infinity/article_share.aspx?guid=9cb0eda5-8512-4812-9d46-0b07c60a000b) The partnership sends the wrong message about the city's stance toward immigrants, Councilman Jason Pu said. The city's population is 61% Asian and 25% Latino, and more than half of all residents are foreign-born. He also asked the City Council to consider a "sanctuary city" resolution at a later meeting. "The city of San Gabriel embraces our immigrant communities. If the message becomes 'Come to San Gabriel and get deported,' it would be devastating to our community and to our businesses," Pu said.

I am asking the GREAT Committee to vote no on the proposed bill. If there is to be such an agreement, this agreement needs to clarify the scope of MPD's duties and authorities under HSI (part of ICE) and needs to sufficiently provide safeguards to the immigrant community in Maui County. Failure to do this will erode trust between immigrants and law enforcement and vulnerable people will be afraid to report crimes or seek help.

I would also ask the Committee to consider the following questions:

*What other agreements have been enacted to allow for cooperation with ICE?

*Should the Council consider proposing a bill like that of the City of San Francisco's City and County of Refuge Ordinance?

*Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?

*When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?

*Does the Council have a plan for oversight, accountability and transparency?

*Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?

Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.

*Will Maui County taxpayer's money be used to carry out federal ICE duties?

*Why does this bill need to be passed before the new police chief assumes his position?

Leslee Matthews, Esq, MSW, LSW
Attorney | Social Worker | Advocate

Guest User

Location:

Submitted At: 11:28pm 11-23-21

My name is Kaleo Plascencia Garcia and I strongly oppose the agenda item GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS.

As a Latinx community member and a Maui Resident, I have many concerns about this proposed bill being placed.

My first concern is, what is the reasoning behind this proposed bill? Besides the claim of crime rates, because crime is not something that is "just done by undocumented people" but also done by American citizens. We cannot blame crime on undocumented people when the crime done by American citizens is dismissed. Ice and Police officers across the country (including Maui) have racially profiled people for simply being Black, Indigenous, and people of color. By simply racially profiling people, can lead to the arrest of people who do not have criminal histories.

My second concern is that there is has been a long history of threats within the Maui Police Department against people who are believed to be undocumented. Many have been targeted and racialized not only on Maui but across Hawai'i. For instance, here in Maui, the Maui Police Department (MPD) has had a history in which they collaborated and worked alongside the U.S Immigration and Customs Enforcement (ICE). In 2009, MPD set up a traffic checkpoint and took anyone into custody who would not show proof of their legal residence status in the country. MPD has since targeted towns where there is a presence of undocumented communities. In another incident during the same time frame but on Big Island, there was a Puerto Rican woman who was cleaning her home was invaded by ICE agents storming into her home simply for playing salsa music too loud. Will the MPD ICE-trained officers target those who are playing music in another language, let alone too loud?

What I brought up in the past paragraph is just a couple of incidents that have occurred and have led the undocumented community in Hawai'i to be alarmed and distrust local authorities. By proposing this bill will lead to further distrust. Some people fear contacting local authorities such as Maui Police Officers when they are in danger or need assistance because they are in fear of being deported, displaced from their loved ones, and discriminated against. How is this going to build trust between the Maui community and law enforcement?

As a concerned Latinx community member, I want answers to the following questions.

- What information will MPD hand over to ICE? Will MPD release vital information such as fingerprints, addresses, etc.?
- When are MPD Officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the council have a plan for oversight, accountability, and transparency?
- What duties will be assigned to those MPD officers that would train for ICE?
- There are many other important things that Maui can do such as housing those who were affected by Covid-19, creating better resources for the homeless community, funding more schooling, and so on. Why is this bill more important than those?
- Are the MPD ICE-trained officers going to be looking into specific details on "how to spot an undocumented" person?
- What will the county of Maui do to help those children who are going to be affected, in regards to their parents or caretakers being deported?
- Is there enough funds for this proposed bill, meaning where are the funds going to come from, Maui taxpayers' money, donations, etc.? How much is going to be distributed towards this proposed bill?
- How is this specifically going to help us
- Given the history of ICE violating Human Rights, is the Maui Police Department going to contribute towards that?

I strongly urge you to not support this proposed bill.

Thank you for your time and consideration.

Guest User

Location:

Submitted At: 10:49pm 11-23-21

Aloha Mayor Victorino and Councilmembers,

Thank you for taking more time to carefully consider the concerns raised by the community about agenda item GREAT-42 "AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS".

I strongly oppose this Bill. To enter into an agreement with ICE is to create more mistrust between the immigrant community and the MPD. It would seemingly weaken the local police force by spreading their staff thin, and strengthens the federal grip on these already illegally occupied lands. ICE deputies have been filmed as they trample on the human rights of detainees in Texas, North Carolina, and California to name a few states. To even want to align with such violence is disheartening.

This Bill also seems rushed, as Chief Pelletier is about to be sworn in. If transparency is what is being offered to the public, then halt the bill, and wait for the new Chief to govern his police force as he sees fit.

I'm sure there are major incentives for aligning with the federal government, but please consider the true currency of this island; it remains in the people and their sense of Ohana, and not an outside agency that has been voraciously tearing family units apart since 2003. Please consider this group of valid questions before moving forward:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?

- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
- Will federal agents be allowed entry into local police facilities (offices and jails)?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

Mahalo for taking time to hear this testimony.

Jason Medina
A concerned (documented) community member.

Guest User

Location:
Submitted At: 9:22pm 11-23-21

Strongly oppose

Guest User

Location:
Submitted At: 5:10pm 11-23-21

My name is Keisa Liu and I would like to testify on agenda item GREAT-42: AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS.

I do not support this at all for several reasons.

First, I do not see how this will enhance our quality of life as Maui County residents. I do not see how entering into an agreement with an entity notorious for racial profiling ethnic minorities (especially the hispanic population) builds trust between the community and law enforcement. If this is, indeed, for us, I would like to know how it will help us specifically.

Second, this agreement is also asking for officers from our already strained police department to take on additional work without additional compensation. The Wailuku District officers are still on a 5-12 schedule. The department is severely understaffed and are still struggling to fill their numbers. This contract would ask for at least 10 officers to be trained and take on ICE tasks. Unless this contract is addressing imminent security concerns that would directly impact our quality of life of citizens, I do not see how using our strained resources to introduce a new task benefits us. Perhaps the Mayor could clarify.

It also allows our Mayor to have full control in amending the bill, at will, without any checks or balances. Such absolute power is undemocratic and does not fit this governing body's role in its job to protect the community from government corruption. My interactions with the Mayor suggests he has a personality that is not suited for handling such power justly. How can we be certain that he would not use the bill to create another toxic work environment that would negatively impact our community?

Since we are already heavily militarized because of America's occupation on Hawaiian lands, I fail to see how adding another law enforcement entity benefits us. I would like to know how this new law enforcement entity is going to make our borders safer than the military.

And since we are not in an immigration crisis right now, I would urge the Mayor to focus on the ones we are in, like housing.

Lastly, one of Chief Pelletier's priorities is to build up his staffing in his department. This bill is in direct opposition

of that. Since we have a new chief, I think it is best that we wait for him to come onboard before we begin making any changes to a department he is supposed to be running.

Please do not support this proposed bill. It is not in our best interest as the citizens of Maui County.

Mahalo for your time and consideration.

Rick Berman

Location:

Submitted At: 5:00pm 11-23-21

I am an immigration attorney and a Maui resident. I ask that you postpone approving such an authorization until answers to the following questions are provided to the community.

Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?

When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?

Does the Council have a plan for oversight, accountability and transparency?

Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.

Will Maui taxpayer's money be used to carry out federal ICE duties?

We/I believe there is another pathway to accomplish public safety goals without eroding trust between the MPD and the immigrant community. Efforts should be made to communicate this proposal to the immigrant and limited English speaking community as well, with language interpretation to encourage participation in discussion.

I am generally opposed to deputizing MPD - or any local police force - to act for the Department of Homeland Security.

Mahalo.

Maya Marquez

Location:

Submitted At: 3:46pm 11-23-21

On Weds 11/24 the Maui County Council (Government Relations, Ethics, and Transparency/GREAT Committee) will meet to decide on a proposed collaboration between Homeland Security Investigations (HSI/ICE) and Maui Police Department. The community needs more clarification on this proposal and reassurance that there will be accountability and close monitoring by City Council if this agreement were to be approved. Otherwise, we oppose any such agreement with ICE! The federal agency has enough resources to do their own customs enforcement and trafficking work without deputizing local police to do their work - esp without additional pay!

I strongly oppose this proposed bill for many reasons but starting with the poisoning of our police. How this bill perpetuates the militarization mindset and threatens constitutional rights and public safety.

In recent years, U.S. Immigration and Customs Enforcement (ICE) has detained and deported record numbers of people from the United States. Many of ICE's removal tactics take away even the right to a fair hearing in court, as the government rushes to judgment and tries to ram people through a rubber-stamp system that ignores individual circumstances. These enforcement programs pose a variety of threats to civil liberties: They implicate the Fourth Amendment's protection against unreasonable searches and seizures, the constitutional guarantee of due process, and the constitutional guarantee of equal protection and freedom from discrimination based on race, ethnicity, and national origin. ICE's enforcement practices also impose heavy social costs, tearing American families apart and undermining community trust in law enforcement.

As the police have militarized, focus has shifted from one who keeps the peace to one who enforces the law—an important difference.

Here are some of the detriments of a militarized police force:

There are a number of negative consequences arising from the existence of a militarized police force:

Civil liberties violations

Surveillance

Excessive use of force

Alienation of community

Killing dogs (Yes, really—the Puppicide Database Project tracks these things)

Future militarization: Defense Advanced Research Projects Agency (DARPA) weapons projects currently being worked on include an invisible ray gun, a shotgun Taser, skull-piercing microwaves, and a long-range acoustic device

The routine use of militarized police tactics by local agencies threatens to further the historic tensions between marginalized groups and the state with no detectable public safety benefit.

These are questions I would like answers to:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
- Will federal agents be allowed entry into local police facilities (offices and jails)?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

Mahalo for your time.

Maya Marquez

Maya7@hawaii.edu

Maya Marquez

Location:

Submitted At: 3:46pm 11-23-21

On Weds 11/24 the Maui County Council (Government Relations, Ethics, and Transparency/GREAT Committee) will meet to decide on a proposed collaboration between Homeland Security Investigations (HSI/ICE) and Maui Police Department. The community needs more clarification on this proposal and reassurance that there will be accountability and close monitoring by City Council if this agreement were to be approved. Otherwise, we oppose any such agreement with ICE! The federal agency has enough resources to do their own customs enforcement and trafficking work without deputizing local police to do their work - esp without additional pay!

I strongly oppose this proposed bill for many reasons but starting with the poisoning of our police. How this bill perpetuates the militarization mindset and threatens constitutional rights and public safety.

In recent years, U.S. Immigration and Customs Enforcement (ICE) has detained and deported record numbers of people from the United States. Many of ICE's removal tactics take away even the right to a fair hearing in court, as the government rushes to judgment and tries to ram people through a rubber-stamp system that ignores individual circumstances. These enforcement programs pose a variety of threats to civil liberties: They implicate the Fourth Amendment's protection against unreasonable searches and seizures, the constitutional guarantee of due process, and the constitutional guarantee of equal protection and freedom from discrimination based on race, ethnicity, and national origin. ICE's enforcement practices also impose heavy social costs, tearing American families apart and undermining community trust in law enforcement.

As the police have militarized, focus has shifted from one who keeps the peace to one who enforces the law—an important difference.

Here are some of the detriments of a militarized police force:

There are a number of negative consequences arising from the existence of a militarized police force:

Civil liberties violations

Surveillance

Excessive use of force

Alienation of community

Killing dogs (Yes, really—the Puppycide Database Project tracks these things)

Future militarization: Defense Advanced Research Projects Agency (DARPA) weapons projects currently being worked on include an invisible ray gun, a shotgun Taser, skull-piercing microwaves, and a long-range acoustic device

The routine use of militarized police tactics by local agencies threatens to further the historic tensions between marginalized groups and the state with no detectable public safety benefit.

These are questions I would like answers to:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
- Will federal agents be allowed entry into local police facilities (offices and jails)?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

Mahalo for your time.

Maya Marquez

Maya7@hawaii.edu

Courtney Goodloe

Location:

Submitted At: 3:18pm 11-23-21

Aloha -

I am an immigration law attorney on Maui. I oppose the proposed agreement between the County and DHS/ICE for the following reasons:

1) Lack of transparency: What is the County's motivation for this partnership? The agreement would be at the expense of safety for its own residents. Is the County incentivized by Federal funding, Federal equipment, assistance by Federal personnel, or yet another unknown? This answer is key because these agreements instill fear in Maui's most vulnerable community members. Are Federal 'goodies' worth Maui community safety? No - absolutely not. These programs make marginalized populations less likely to cooperate with, engage, and report crime to local law enforcement. Safety FOR ALL is (should be) the County's primary objective. Statistically - over and over again - it has been shown that Federal involvement leads to a decrease in immigrant community trust and an attendant increase in crime for lack of reporting. What gives here?

2) History: Sociological, political, economic. Mainland U.S. experience with "deputizing" local law enforcement has a racist and xenophobic history traceable all the way back to slavery.

3) Current: MPD like police departments all over this country are facing a reckoning for centuries-long abuse of power. Is now really the time to give the police force unbridled access to Federal power and resources? Before we have even sorted what reforms are required? For what true purpose? The vagaries of this agreement leave entirely too much room for more abuse.

With this, the County ought to outright quash this ill-conceived agreement and policy. Do not allow it to cause further harm and further isolate already marginalized communities.

Mahalo,

Courtney L. Goodloe, Esq.

Guest User

Location:

Submitted At: 2:47pm 11-23-21

Aloha- I am currently opposed to this issue unless and until we have more information regarding agenda item "GREAT-42": AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

I am an attorney in Wailuku. I practice criminal law and many of the complainants and defendants I deal with have immigration issues- such as being undocumented, or who have only temporary legal status for work, etc. I ask that you postpone approving such an authorization until answers to the following questions are provided:

Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI? How expensive will it be to add additional duties and thus probably overtime pay?

When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth? Currently, they ask everyone involved when they show up on scene. How will this change going forward or not?

Does the Council have a plan for oversight, accountability and transparency? What metrics will the council rely on to ascertain if the program is working or not? IF it is too expensive or not? If it is violating rights or not?

Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.

Will Maui taxpayer's money be used to carry out federal ICE duties? If so, how much is this going to cost?

This proposed agreement in its current form, doesn't spell out the entire picture and I'm afraid it will do more harm than good. There has to be a better way to do this and certainly, we'd need the above questions answered first, before the County ever agrees to this.

Mahalo,

Wendy Hudson

Attorney

808-242-1999

44 N. Market Street

Wailuku, HI 96793

Liz Castañeda-Cortez

Location:

Submitted At: 1:18pm 11-23-21

With regard to agenda item "GREAT-42": AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

I am an immigrant/advocate and long time Maui resident.

I have worked with the Latino community and I was born from immigrants. Not only do I feel like MPD officers already have a lot to take care of, but why make them do the job of federal employees?

I have worked with different situations with immigrants, they are already afraid of causing "attention" from police officers. I have known of women who never called the police because they didn't want to cause "attention" or "problems" and somewhat "embarrass" their family, neighbors, when their lives were in danger and needed to report sometime of violence.

Calling the police is already seen as something EXTREME and when they do they are always AFRAID of being "tagged" or discriminated.

Growing up in the US and in school they always tried to teach us that the police were our friends and would protect us from any bad people in the world, but from the eyes of an immigrant whether they have a legal status or not calling the police would create great tension/fear and embarrassment.

This policy would make the connection from residents and police difficult to overcome.

I also don't feel police officers should be doing the job of a federal agent who trains and specifically for one aspect of the law.

It is already a challenge to keep an eye out for the benefit of the community for the wrong doers.

Please oppose this agreement which wouldn't keep our Maui living in Aloha

Guest User

Location:

Submitted At: 12:59pm 11-23-21

Council of the County of Maui

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Public Meeting Tuesday November 23, 2021

Re: Opposition to AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42).

Council Chair Molina:

As I stated last week, I am in opposition into the intergovernmental agreement with the US Immigration and Customs Enforcement agency for many reasons. I strongly believe the work of immigration and community police should be separated. ICE is a federal agency and their work is a in airports, ports and at the border, not creating an antisocial panic among our own people at the local level. This type of agreements give local police officers the idea that is okay to violate human rights. Which in turn will initiate lots of lawsuits against Maui County. We have seen this in many Counties across USA, with local police officers utilizing their "ICE connection" to profile people and abuse of their power. Maui doesn't need this type of environment. Our local police already has their duties on hand. On September 29, 2021, Hawaii News published an article from which I extracted this quote: "The morale is really bad. We're really short. We can't keep officers here, nobody wants to stay, and we can't hire people," said MPD Officer Majorie Kahookele-Pea. "Right now, nobody is going to say anything because fear of retaliation or basically career suicide."

With low trust, low on police officers, and all we can think is to add new duties to their job of Maui Police Officers. I personally know many of the police officers and they do have a lots of things to do between all the issues we have as a community. Why add this one more thing, that happens to be a federal duty for ICE?

My recommendation to you is to veto this type of agreements. Keep Maui No Ka Oi.

Thank you for your attention, Cesar Gaxiola

Patricia McManaman

Location:

Submitted At: 12:51pm 11-23-21

With regard to agenda item "GREAT-42": AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

I am a retired immigration attorney and former CEO of Na Loio Immigrant and Public Interest Legal Service

Center. For over 20 years, Na Loio provided statewide immigration legal services for immigrants across the State. On Maui our legal representation included human trafficking cases, securing legal status for abandoned or abused immigrant children, naturalization services in complex cases, adjustment of status, asylum, and deportation defense in cases identified as meritorious. Over the years, we saw Maui County working towards improving its relationship with the immigrant community. This proposal may undo those community-building efforts.

Before you pass this measure, I urge Maui County to determine:

1. Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
2. When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
3. Whether the Council has a plan for oversight, accountability, and transparency?
4. Whether the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
5. Whether Maui taxpayer's money be used to carry out federal ICE duties?

I believe there is another pathway to accomplish public safety goals without eroding trust between the MPD and the immigrant community. Efforts should be made to communicate this proposal to the immigrant and limited English-speaking community as well, with language interpretation to encourage participation in discussion.

Mahalo.

Kevin Block

Location:

Submitted At: 12:46pm 11-23-21

Michael Molina, Chair
Maui County Council
Government Relations, Ethics and Transparency Committee
200 South High Street, 8th Floor
Wailuku, HI 96793

Date: November 16, 2021

Re: GREAT 42 – AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE US IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

Dear Chair Molina:

I have been a licensed attorney since 2013 and am currently the principal in a firm that provides representation in all types of immigration and nationality cases. Prior to this, I was the Director of the Immigrant Services Division for the County of Maui. My practice is exclusively immigration related and I have appeared before all the applicable agencies in this field including the Immigration Court (EOIR/ US DOJ); the Board of Immigration Appeals; the Department of Homeland Security("DHS") (USCIS and USICE) and the United States Court of Appeals for the Ninth Circuit. I have testified as an expert in the second circuit as well as providing in-service training and immigration law training to numerous agencies and non-profits including the Family Court Bar of the HSBA, the Maui County Public Defender's Office, the Hawaii State Judiciary and the Maui County Council. I am the Vice-Chair of the Hawaii Chapter of the American Immigration Lawyers Association and I sit on the Board of Directors of the Hawaii Affiliate of the American Civil Liberties Union, although I do not speak on their behalf today.

I stand in opposition to the proposed IGA between ICE and the Maui Police Department, at least until the following issues are addressed and until there is a concrete plan for oversight, transparency and accountability. There is a history of agreements between local law enforcement and ICE during the last decade or so, most notably the 287G type agreements in which, like the agreement proposed here, local law enforcement are "deputized" by ICE and perform some or many of their enforcement actions. Because of this history, there has been time to access and document some of the effects of these agreements and here are some of the findings (Sources include the American Immigration Council, The Migration Policy Institute and the Brookings Institute)

1. Erosion of trust and threat to community safety:

In Hawaii, close to 20% of the population are “immigrants (foreign born) with close to 60,000 families (although actual data is difficult to produce accurately) in “mixed status” families in which one or more people may be undocumented.

Perhaps the most important collateral effect of these agreements is that if a person is a victim, or even a witness to a crime, they may not call the police for help or to report if they think the police officer, or might be, a deputized ICE officer.

Trust between local police and the immigrant community is already hard won and fragile. Many of us have worked hard over the past decades to build that trust through the Domestic Violence Task Force, outreach and community building efforts and that trust can easily be eroded and destroyed.

In 2005, the International Association of Chiefs of Police (IACP), the nations premier law enforcement association stated:

Local Police agencies depend on the cooperation of immigrants, legal and otherwise, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.

In 2019, the Major Cities Chiefs Association (MCCA), a group of police chiefs from the largest police forces in the US and Canada found that “Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard-won trust communication and cooperation from the immigrant community would disappear.

2. These agreements can lead to constitutional violations and violations of individual civil rights:

Department of Justice investigations of two different County Sheriff’s Offices in Arizona and North Carolina with 287G agreements, similar to this one, revealed widespread constitutional violations including racial profiling, illegal stops and other civil rights violations. (Source: American Immigration Council)

3. These agreements can lead to arrests of individuals without criminal histories

These agreements have a collateral effect of leading to the targeting and arrest of individuals who have no criminal history for nothing other than status offense. Each one of these arrests represents trauma to a family and the community.

A study by the UNC Chapel Hill revealed that 57% of arrests stemming from a 287G agreement in Gaston County were of individuals with no criminal conviction and many of those resulted in deportations which effectively splintered and destroyed families. (Source: Migration Policy Institute)

4. These agreements can be expensive for localities

The Maricopa County Program that was shut down, referenced in Number 2 above created a \$1.3-million-dollar deficit. Harris County Texas: \$675,000. Mecklenburg County North Carolina: \$5.3 million. Alamance County: \$4.8 million. Prince William County: \$6.4 million.

(Source: Brookings Institution)

5. ICE does not provide sufficient guidance, direction, supervision or support:

A Government Accountability Office report from January of 2021 found that there were insufficient performance goals to measure success and concluded that there was no effective oversight for these types of programs as a result. The report also found that there was no standard to determine compliance with the MOU.

I have reviewed the proposed MOU that is before the council and these are the specific questions that I have about it:

A. Are these agreements legal or do they violate the anti-commandeering clause of the 10th amendment?

B. What safeguards are there that “deputized” MPD officers will not ask suspects, victims and witnesses questions about their place of birth, status or social security numbers?

C. This may have a negative impact on community policing as victims and witnesses in immigrant communities will be less likely to report crimes if they know the MPD officer is, or may be, a deputized ICE officer. What assurances and safeguard are there for the immigrant community that they will be safe and not targeted?

D. Does the council have a plan for oversight, accountability and transparency?

E. Can we see ICE Form 73-001 (Its not available online)? What duties will be assigned to designated MPD

officers who are "deputized?"

F. The language of the MOU mentions "Abuse of HSI cross designation" What would that look like and what is the reporting and accountability plan to ensure that such abuses do not occur?

G. Item #3 if the MOU says that deputized officers can "enforce the full range of Federal Offenses" but that HSI is "not conveying the authority to enforce administrative violations of immigration law." These statements seem contradictory.

H. Do the rights and duties of this MOU extend to other branches of ICE, like ERO, or are they limited to HSI?

I. Do other Counties in the State have these agreements? If not, why not?

Finally, I would like to push back against some of the testimony that I heard from the Prosecutor about the clause in the MOU that "exempts" MPD from enforcing administrative immigration violations. Other jurisdictions have relied on this clause as the safeguard that would prevent local law enforcement from acting as Immigration Enforcement agents and they have subsequently regretted that, as there are other clauses that specifically enable the parties to the agreement to enforce all immigration laws.

Furthermore, I would point out that members of the immigrant community may not be aware of specific clauses meant to protect them, but they may just have a general understanding of the union of local law enforcement with Federal enforcement and that, in itself, represents a threat to them.

A good example of the way this works is the recent "Public Charge" requirement changes. There were many groups that were exempted and not affected by the changes under the last administration but the communities' understanding was not nuanced and there was a chilling effect that caused those eligible for public benefits not to seek them, endangering their families.

Thank you for allowing me to provide testimony. I am available as a resource, either individually to the council members or to the body as a whole, if that would be helpful.

s:/Kevin Block
November 23, 2021

Guest User

Location:
Submitted At: 12:18pm 11-23-21

Council of the County of Maui
GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE
Public Meeting Tuesday November 24, 2021

Re: Opposition to AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42).

Dear Councilmembers and Mayor Victorino,

The Medical-Legal Partnership (MLP) represents patients at community health centers with their legal needs and also engages in systemic advocacy in partnership with the health centers and client communities. The majority of our clients and community partners are Pacific Islander immigrants. The MLP has worked with clients and engaged in community education and advocacy work on Maui, including work with health centers and community-based Micronesian organizations. It has come to our attention that the Government Relations, Ethics, and Transparency Committee of the County Council of Maui will be deliberating on Tuesday, November 12, on a bill that would authorize the Mayor of Maui County to enter into a special agreement with ICE Homeland Security Investigations (ICE HSI).

First, we oppose the above-proposed measure as it stands because of the limited information provided at this time. The Memorandum of Understanding (MOU – ICE Form 73-002) states, "HSI agrees to Designate certain employees of Maui Police Department as Customs Officers (Excepted), without additional compensation, to

perform the duties as noted on the 'Designation, Customs Officer (Excepted) - Title 19 Task Force Officer' (ICE Form 73-001). This form is attached and is hereby made part of this MOU." However, this ICE Form 73-001 was not attached as promised nor was it made publically available in a way that we could find. As a result, we oppose this measure without transparent, detailed public information on what the program would actually entail. In particular, the proposed bill raises the following questions:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
- Will Maui taxpayer's money be used to carry out federal ICE duties?

Second, we oppose the above-proposed measure more generally, because we are concerned with the chilling effects of local law enforcement collaboration with ICE departments on immigrant communities, which already face barriers to seeking protections from law enforcement—from language access to fear. For example, at the MLP we have seen examples of immigrant domestic violence (DV) victims and other crime victims choosing not to go to police because of fear. This also impacts U.S. citizens living in mixed-status households and immigrants are all statuses, documented or otherwise. Other jurisdictions that have sought to implement such contracts have seen these worries become reality. Oakland, CA, for example, signed such an agreement and then passed a resolution terminating it after just one year. Courthouse News reported on the rescission of the Oakland agreement: "The resolution to scrap the ICE agreement, sponsored by Councilwoman-at-Large Rebecca Kaplan, came before the city council after the privacy commission found that the agreement had not improved public safety. According to Hofer's letter, no Oakland officers have been assigned to a task force since the agreement took effect, and ICE has made no reimbursements to the city under an overtime pay agreement, indicating lack of need and participation. Moreover, a previous partnership between the police department and ICE did not improve public safety between 2013 and 2015, Hofer said. 'Stated simply, this is an agreement that provides no benefit to Oakland,' Hofer wrote." <https://www.courthousenews.com/oakland-police-cut-ties-immigration-enforcement/>. We hope that Maui can learn from Oakland's mistakes and avoid this agreement, which will only distract MPD from their jobs and create fear in the community.

We believe there is another pathway to accomplish public safety goals without eroding trust between the MPD and the immigrant community. Thank you for this opportunity to submit testimony opposing the above bill.

Dina Shek

Legal Director, Medical-Legal Partnership for Children in Hawai'i

Catherine Chen

Immigration Attorney, Medical-Legal Partnership for Children in Hawai'i

Guest User

Location:

Submitted At: 12:10pm 11-23-21

Dear member of the committee,

As the coordinator of the statewide, HI Coalition for Immigrant Rights, I stand in strong opposition to creating any type of shared enforcement agreement with Homeland Security and the Maui Police Department. Over the last six years our immigrant populations have faced innumerable threats and experiences leading to mistrust of the government. This mistrust makes it more difficult for victims of abuse, crime, or wage theft to come forward and report those that are harming them. While this agreement is not the same as the notorious 287(g) agreements that nativist sheriffs have signed with ICE across the country- they provide little benefit and create further confusion in our communities. We urge the council not to approve this intergovernmental agreement. Mahalo, Liza Ryan Gill, co-coordinator HCIR

ANGELA DEAN

Location:

Submitted At: 12:10pm 11-23-21

Dear Mayor Victorino, Council Members: Mike Molina, Kelly Takaya King, Keani Rawlins-Fernandez, Shane Senenci, and Tamara Paltin,

The Government Relations, Ethics, and Transparency Committee of the County Council of Maui will be deliberating on Wednesday, November 24th on a bill that would authorize the Mayor of Maui County to enter into a special agreement with ICE Homeland Security Investigations (ICE). Given the historical context of other agreements between ICE and local law enforcement, the proposed authorization raises concerns for our state's foreign-born residents and their trust in the Maui Police Department (MPD).

As an immigrant advocate who has worked and advocated for immigrants on; Maui, Oahu, Kauai, and the Big Island, I ask that you please consider our community as a whole and how this decision may further cause distrust within our immigrant communities. I as well as other advocates and community organizations have worked hard to encourage members of our immigrant communities to trust local law enforcement and to report crimes such as domestic violence, etc., Our police officers serve and protect all of Hawaii's residents, regardless of immigration status. I believe these two agencies and their functions should remain separate.

Please consider Hawaii's long history of Immigrant inclusion and how as a State we are trying to increase Immigrant inclusion. I worry that this decision may affect our efforts in encouraging and advocating for our immigrant communities.

As you are well aware, there was a series of ICE raids in 2008 on Maui and a subsequent response by local and state community organizations given the abuse of ICE officials and local law enforcement regarding racial profiling surrounding these incidents, and how they affect the entire immigrant population, regardless of citizenship status. This agreement also sounds all too familiar to the policies that terrorized the Latino communities of Arizona, with the passing of the draconian legislation known as Arizona SB1070 in 2010. A decision to deputize police officers causes concern, in the past States have entered into these agreements and shortly after cancelled those agreements due to racial profiling and other questionable behaviours. I fear that without providing a clear understanding of what this agreement will entail, including deputizing Maui police officers and what responsibilities they will be given etc., this type of agreement could cause our community more harm than good.

The unanswered questions we all have, leave open the opportunity for abuse and the potential for racial profiling.

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the Council have a plan for oversight, accountability, and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
- Will Maui taxpayer's money be used to carry out Federal ICE duties?

Thank you for your time,

Angela Dean

Advocate for Immigrants

Guest User

Location:

Submitted At: 11:45am 11-23-21

To: Council of the County of Maui Government Relations, Ethics, and Transparency Committee

Hearing Date/Time: Wed., Nov. 24, 2021, 1:30 pm

Re: GREAT-42, authorizing the Mayor to enter into an intergovernmental agreement with the U.S. Immigration and Customs Enforcement Homeland Security Investigations

Dear Chair Molina and members of the Committee

Planned Parenthood Alliance Advocates - Hawai'i writes with questions and concerns re GREAT-42, which seeks to authorize the Mayor to enter into an intergovernmental agreement with the U.S. Immigration and Customs Enforcement Homeland Security Investigations. We stand with the Hawai'i Immigrants' Rights Coalition is questioning whether these agreements will actually result in improved law enforcement and police accountability and transparency to the communities they serve.

These agreements have been rescinded by a number of cities, citing incidents of "inadvertent involvement" of local police involvement in civil immigration enforcement, including:

- Santa Cruz, CA (hear/read the police chief testimonial [here](#))
- Oakland, CA (City Council rescinded the agreement within a year of signing)
- San Gabriel, Pasadena, CA
- Santa Monica, CA
- Birmingham, AL City Council is postponing decision-making on a similar proposal due to community concerns (their foreign-born population-at 3%-is much smaller than Maui's).

Further, immigrant advocacy groups like the National Immigrant Justice Center state that even with cooperative "customs enforcement" agreements like this one, a "clear guilt by association effect is present, harmful, and inhibiting cooperation with local law enforcement, and frustrating public safety goals".

The community deserves answers to the following questions:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
- Will federal agents be allowed entry into local police facilities (offices and jails)?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

PPAA - HI stands with the Hawaii Immigrant Rights Coalition and BIPOC (Black, Indigenous, and People of Color) communities as they demand change and seek to create communities that are safe and sustainable. To truly achieve reproductive justice, all people must not only have the right to choose if and when to become parents, but also the right to raise their children in a safe and healthy environment. It is the same over-policing of BIPOC communities that makes the promise of reproductive freedom unattainable, and therefore Planned Parenthood's values demand that we support efforts to overhaul local law enforcement. All people deserve to be protected from the threat of violence, and all parents deserve the ability to raise children in environments that are free from violence. Law enforcement must be held accountable to reach our goal of creating communities that are safe for all and these agreements appear to make immigrant communities less safe.

As health care experts, our first priority is the health and safety of our patients, and that concern does not stop once our patients leave our doors; we know when our BIPOC patients leave our health centers, they walk on streets where law enforcement officers pull them over, abuse and murder them, and target them for the color of their skin.

We know BIPOC communities have been historically over-policed and are more likely to be imprisoned for misdemeanors and minor crimes – ripping families apart and contributing to the economic disenfranchisement of BIPOC communities, including our patients. This over-policing of BIPOC communities and criminalization of BIPOC bodies imposes significant transgenerational trauma, directly harming the health and economic security of these families.

Systemic racism – which underpins all of our systems, including policing and incarceration – is a public health crisis and plays out throughout our health care system. For too long, we as a county and as a state have underinvested and under-resourced BIPOC communities – leading to less access to health care and dramatic

health care disparities, including in sexual and reproductive health outcomes. We see these results loud and clear in the ravages of COVID-19: economic inequality, structural racism, and public health failures have all collided and resulted in exponentially higher infection and death rates for BIPOC communities. Hawai'i must take steps to dismantle the systemic racism that permeates our public institutions and systems – only then will our communities meaningfully achieve reproductive freedom.

By centering the leadership of BIPOC communities and investing in more community-based solutions, we will reshape our future; and there's no telling what that will look like for all institutions founded on white supremacy, including policing and health care. We all deserve to live in a world where we are equally protected while having access to the resources needed to be healthy, safe, and free from harm.

Sincerely,

Laurie Field
Hawai'i State Director

Guest User

Location:

Submitted At: 9:27am 11-23-21

Maui Mayor Victorino's expedited request to sign the agreement between Maui Police and US Immigration and Customs Enforcement to deputize local police to carry out "customs and trafficking enforcement" activities on the feds' behalf would be careless and rushed. There is no urgency for this huge decision. Please accept my testimony requesting that they take time to vet this matter before moving forward to ensure that there are no unintended consequences.

Stephen MacKinnon

Location:

Submitted At: 8:05am 11-23-21

I am a 38 year police veteran including as Chief of Police in four cities. One city was in the Phoenix metropolitan area; a second city was in California with a Hispanic population of 70+%. I strongly oppose consideration of such an ordinance from personal experience. Local police officers do not need the distraction of such federal enforcement responsibilities that take away from their community obligations. I have countless examples of Homeland Security and Immigration and Customs Enforcement (ICE) failing to honor their responsibilities. The need for an "agreement" is questionable at best knowing that when a true immigration-related investigation occurs, law enforcement agencies at all levels should be cooperative to solve the individual problem(s).

Guest User

Location:

Submitted At: 7:42am 11-23-21

MPD already has duty to keep the community safe and have to work with the community members. I believe that they do not need to be trained to act as deputized officers. In many cases of protesters and counter protesters in Portland, Oregon, it has shown that ICE and deputized Portland police officers did not keep the community safe or stop the fights in the city.

Guest User

Location:

Submitted At: 7:16am 11-23-21

Sovereignty of our Island to manage it's problems as needed is paramount. The Federal Government first needs to support it's ICE agents at the southern border and stop sending illegal immigrants into the interior of our Country. Every Modern Country and most 2 nd world countries have legitimate ports of entry whereby if you don't have proper ID and business you are not allowed entry and certainly not citizenship. Is it considered human trafficking when Our Federal Government takes illegal aliens and drop ships them around the country in the middle of the night? And yes these questions need answers:

These are questions we would like addressed:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration

status, social security number, and/or place of birth?

- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
 - Will federal agents be allowed entry into local police facilities (offices and jails)?
 - Does the Council have a plan for oversight, accountability and transparency?
 - Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
-
- Will Maui taxpayer's money be used to carry out federal ICE duties?

Guest User

Location:

Submitted At: 2:31am 11-23-21

As a member of the Hawai'i Coalition for Immigrant Rights (HCIR), I strongly oppose this bill. The MPD should not be involved in the work of ICE, a federal agency that should be eliminated.

Tanya Gabriel

Location:

Submitted At: 9:20pm 11-22-21

I'm concerned that there is not more clarity around this collaboration between the federal agency ICE and the local police department. What exactly will the police role be in this collaboration? Also, the hypocrisy of enforcing immigration laws in Hawaii, of all places, where the islands were literally occupied by illegal immigrants called "Americans". Nope, federal agency has no business using local police force in this way.

Joseph Kohn

Location:

Submitted At: 8:25pm 11-22-21

ICE is one of the most militarized and fascist departments in America. They are not welcome in Maui County and should be disbanded entirely from existence.

Guest User

Location:

Submitted At: 11:45am 11-22-21

MPD has to deal with criminals and not obedient. They risks there life already. ICE has to find more ways to deal with.

Guest User

Location:

Submitted At: 10:56am 11-22-21

MPD has enough work to do, without giving the job of the Federal Government.

Amy Agbayani

Location:

Submitted At: 3:52pm 11-21-21

Oppose and Comments from Amy Agbayani, co-chair Hawai'i Friends of Civil Rights

At this time in Hawai'i and the nation, there is an increase in anti-immigrant, anti Asian and Pacific Islanders, as well as distrust of ICE and local police. Has there been any recent incidents or problems that require this bill? Is there any urgency to approve this bill/MOU at this time? I have not had the opportunity to check if the other county police officers have such an agreement or are proposing one. We respectfully request you to defer/postpose approving this request for an MOU .between local law enforcement and Homeland Security Investigations (HSI) of ICE (Immigrations & Customs Enforcement).

I am in touch with immigrant community advocacy groups who are concerned about possible racial profiling, lack of language access and immigrants not reporting crimes or being witnesses to crimes. I urge the Maui council and Maui police to look into the experience of other cities, e.g. City Council of Oakland, CA recinded their MOU within a year of signing: <https://www.courthousenews.com/oakland-police-cut-ties-immigration-enforcement/>

Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
Does the Council have a plan for oversight, accountability and transparency?
Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
Will Maui taxpayer's money be used to carry out federal ICE duties?
Are there other alternatives to accomplish public safety goals that increases trust and compliance between MPD and the immigrant communities?

The Legal Clinic B Mok

Location:

Submitted At: 11:12pm 11-17-21

Committee Councilmembers,

Thank you for taking more time to carefully consider the concerns raised by the community about agenda item GREAT-42 "AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS".

The Legal Clinic is a nonprofit organization that advocates for fair immigration policies in Hawai'i, and which provides immigration legal services to assist our state's low-income residents—including Maui residents.

At a recent GREAT committee meeting, Maui County Prosecuting Attorney Andrew Martin assumed that those of us questioning or opposed to this authorization were misunderstanding the proposed agreement. He stated that Maui police would not be involved in enforcing violations of immigration law and would only assist ICE/HSI with operations such as customs enforcement and anti-trafficking (as the agreement states).

This is the same argument that other police chiefs and HSI have made to convince municipalities to adopt this type of cooperative agreement. And yet a number of those cities have since rescinded their HSI cooperative agreements, citing incidents of "inadvertent involvement" of local police involvement in civil immigration enforcement, including:

- Oakland, CA (City Council rescinded the agreement within a year of signing)
 - <https://www.courthousenews.com/oakland-police-cut-ties-immigration-enforcement/>
 - <https://www.nbcbayarea.com/news/local/ice-hsi-serve-federal-warrant-in-west-oakland/29272/>
- Santa Cruz, CA (where the police chief apologized to the community saying he was misled by ICE/HSI:
 - <https://www.mercurynews.com/2017/02/23/santa-cruz-police-homeland-security-raids-immigration-status-not-gang-related/>
 - audio from the Santa Cruz Police Chief: www.kqed.org/news/11331663/santa-cruz-police-ice-lied-to-us-about-immigration-arrests)
- San Gabriel, Pasadena, CA
 - https://enewspaper.latimes.com/infinity/article_share.aspx?guid=9cb0eda5-8512-4812-9d46-0b07c60a000b
- Santa Monica, CA
 - https://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2017/March-2017/03_17_2017_Santa_Monica_Police_Ends_Agreement_with_Federal_Immigration_Authorities.html
- Birmingham, AL (City Council is postponing decision-making on a similar proposal due to community concerns. Their foreign-born population-at 3%-is much smaller than Maui's).
 - <https://birminghamwatch.org/birmingham-delays-ice-agreement-wants-to-assure-it-wont-lead-to-police-involvement-in-deportations/>

Immigrant advocacy groups like the National Immigrant Justice Center state that even with cooperative "customs enforcement" agreements like this one, a "clear guilt by association effect is present, harmful, and inhibiting cooperation with local law enforcement, and frustrating public safety goals". Further, "The threat of deportation alone puts pressure and stress on immigrant communities. Fear of being targeted becomes an everyday occurrence. Workers may experience employment abuse, with limited legal recourse, and are more likely to be part of an informal economy with no access to medical insurance for themselves and their families. Researchers

refer to these stressors as “extrafamilial acculturative stress,” and find it is associated with poor physical and emotional health in both parents and children." (<https://immigrantjustice.org/research-items/policy-brief-disentangling-local-law-enforcement-federal-immigration-enforcement>”).

49% of Maui's agricultural workers and over 35% of Maui's Tourism, Recreation, and Hospitality workers are foreign-born. Cooperative agreements like the one proposed contribute to an erosion of trust and present a threat to community safety; if an immigrant or COFA migrant is a victim, or even a witness to a crime, they may not call the police for help or to report if they think the police officer, or might be, a deputized ICE officer.

These are questions we would like addressed:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- What level of information sharing will MPD agree to with ICE/HSI (fingerprinting, names, addresses, etc. of "suspects") and how will you prevent the information of innocent residents being shared with the federal agency?
- Will federal agents be allowed entry into local police facilities (offices and jails)?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

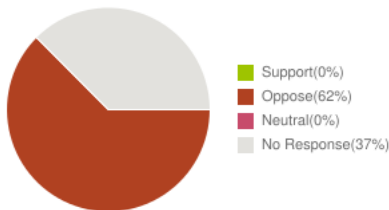
The community has not heard sufficient responses to these questions. As such we must stand opposed to this authorization.

Respectfully Yours,

Bettina Mok
Executive Director
The Legal Clinic

Agenda Item: eComments for GREAT-36 CC 21-242 CONSTRUCTION ON LOWER HONOAPIILANI ROAD (NAPILI) (GREAT-36)

Overall Sentiment



Guest User

Location:

Submitted At: 1:13pm 11-24-21

1220+ signatures on Maui Cause's petition:

Revoke Greg Brown's Permit Exemption, tear down his Monster Hotel & build a Public Park

<https://chnng.it/gNC8J7Qn>

Maui Causes Makawao

Heather Yap Kahului

Tim Gleeson Lahaina

Julian Frost Lahaina

Kathryn Jennings Wailuku

SarahLynn Bower Lahaina

Milena Kari Wailuku
Michele Hershey Kihei
Charles Phleger Lahaina
Kathleen MacIsaac Haiku
Jack Clapper Lahaina
Richard Wesson Pullman
Patricia Gardner Haiku
Mary Rabold Kula
Phyllis O'Reilly Wailuku
Camille Barcome Kihei
Delaney de la Barra Lahaina
Peter Koeneman Honolulu
Nancy Mitchell Lahaina
Mary Wookey Lahaina
Rick Ten Eyck La Jolla
Temple Weste KAHULUI
Tait Gielow Kihei
Barbara Geary Kihei
Michael D'Addario Haiku
John Korpi Makawao
Laureen Peralta Kihei
Carol Mukai Los Angeles
consuelo apolo-gonsalves Lahaina
Joseph Kohn MD Wailuku
Thomas Gourley San Francisco
Kelly ZIMMERMAN Lahaina
Manuela Aniban Lahaina
Noelani Ahia Wailuku
Nicole Bear Lahaina
Laurie Mann Lahaina
Irene Newhouse Kihei
Kimberly West Makawao
Chris Breckels Lahaina
Connie McAboy Makawao
Leonard Nakoa III Lahaina
Karen Pascual Lahaina
Justin Dudoit Makawao
pamela campbell Makawao
Cindy Fallis Makawao
mary drayer Wailuku
Maryetta Sciuto Makawao
Leona Bak Nomura Haiku
Valerie kulesa Wailuku
Maria Linz Lahaina
Ashley Caris Kahului
Samantha Dizon Lahaina
Diana Gazzola Moosup
Lindsey Drayer Wailuku
Francisco Javier Alvarez-Leal Kahului
Marc Levine Haiku
Julie Lewis Kula
Marie Sambrano Lahaina
Ann Williams Waipahu
Samuel Espiritu Lahaina
Noelani Paresa Kahului
Dawn Nicponski Smithville
Kim Cooper Napili

Maureen Bird Coquitlam
Jamie Moore Boca raton
Tom Huynh Murphy
Doris Lang Lahaina
Ronnie Clifft Lahaina
Mara Lockwood Kihei
Tania Hansen Somerville
Jeff Rogers Lahaina
Ashley Felten Kula
Ernest Paki Cabatingan Wailuku
Victoria Light Hana
Nikki Turrentine Kihei
Tony Carbajal Wailuku
kathy ross Haiku
Robyn Rodriguez Lahaina
Amey Hempel Lahaina
Robert Slade Lahaina
Thomas Mulhern Makawao
Raina Manibusan Lahaina
Steve Bayes Lahaina
Renee S Bayes Lahaina
Travis Matt Lahaina
Darilayne Aiwohi Lahaina
Chris Conley Paia
Shawn Pahia Honolulu
Leslie Jaramillo wailuku
Nancy Dobrowolski Palm Beach Gardens
steve lafleur Makawao
Kevin Amorous Lahaina
Maria Recolizado Lahaina
d_.d. Hartin Malden
Serene Gunnison Haiku
Lehua Kanemitsu Kahului
Duke Au Hoon Kahului
Sade Kahue Wailuku
Kanam Balinbin Lahaina
Dan Williams Lahaina, kahana
DONNIE BECKER KIHEI
Maiki Tihada Lahaina
Donna Lee Barata Kihei
Sally Nespor Lahaina
Kimberly Marie Lauer Lahaina
Teri Clemente Kihei
Savannah Downer College Station
David Luckey Lahaina
Wendy Gerry Lahaina
Rwnae Renae Scott Pleasant Hill
Ray Mohrman Lahaina
Christopher Salem Lahaina
John Bacalso Ewa Beach
Lori Zimmerman Lahaina
Anna Smith Humble
juliette le heron Lahaina
Samuel Jr saribay Lahaina
Eric David Poulsen Lahaina
Marilyn McAteer Lahaina
Buff Nakoa Lahaina

Leona Nahooikaika Lahaina
Patricia Ann Lailey Makawao
Fed Spanjaard Kihei
Stacy Hill Apex
Sarah Hofstadter Kihei
noreen keahi makawao
Aulani Dusenberry Honolulu
Linda Poliner Concord
Katie H. Kula
Kendell Flavin Lahaina
Jacqueline Lum Lung-Peppers Lahaina
Kekaialoha Keahi Lahaina
Adam Alexander Lahaina
Malia Shimomura Lahaina
Danielle Bergan Makawao
James Cribben Lahaina
Keao Robinson Honolulu
Charlene Butchart Makawao
Amanda Barnes Paia
Anuheia Medeiros Makawao
Colleen DeLima Kula
Nasya Lerma Lahaina
Evan Pascual Lahaina
Ken Wrobel Lahaina
Martha Lind Makawao
Malia Nobriga Lahaina
Zach Hyde Lahaina
Karen Ryan Lahaina
Koana (Joan) Smith Lahaina
Sarah Espiritu Lahaina
Cynthia Williams Lahaina
Nora Makahanaloa Lahaina
Valerie Leon Lahaina
B Anderson Kula
Rosa McAllister Lahaina
Joni Cribben Lahaina
James Ortiz Lahaina
Kainoa Wilson Lahaina
Michelle McCard Lahaina
Gwen Forman Lahaina
Jennifer Runyan Lahaina
Liz Straka Traverse City
Amanda Palmer Lahaina
Jose Reyes Lahaina
David Hewahewa Wailuku
Nicole Stecker Lahaina
Sally Werblun Lahaina
Claire Hisao Wailuku
Michael Ducheneau Lahaina
Ruby Pakaki Kahului
Bruce Horswill Los Angeles
Murray Donaldson Haiku
Natasha Gomes Lahaina
Austin Ward Corvallis
Kathleen Kaohelauii Wailuku
Miriam Keo Kihei
Lei Gonzales Lahaina

Hernan Soto Lahaina
Kamuela Dizon Honolulu
Coleen Jones Lahaina
Jayson Asuncion Lahaina
Jeff Stein Lahaina
charkel vasquez Lahaina
Randall Baybayan Lahaina
Abby Asuncion Lahaina
Derek Addison Scottsville
Benjamin Barreras Wailuku
Joanie Kostera Clinton Township
steve fisher lambertville
James Karren Makawao
Floyd Batarina Henderson
Jenny Ford Lahaina
Joseph Ponce Jr Wailuku
Joseph Fox Lahaina
Erick Avera Lahaina
Michael Pan Honolulu
Iris Figueroa Philadelphia
Justin Abilay Lahaina
Candace Northrop Santa Barbara
Teresa Naeole Wailuku
Andrea Kaulupali Kahului
Jamie Gentry Kula
Bradley Salter Napili
Louis Pappas Lahaina
He'ali'i Ka'uhane Wailuku
Ann Wilson Lahaina
Pedro Oliveros Honolulu
Nicole Lee Kihei
Gary Cooper Los Altos
Brendi Simpson Kahului
Danny Lujan Lahaina
Lee Moyers Wailuku
Sara Riley Waipahu
Patrick Kane Ewa Beach
kimo clark Lahaina
Nate Schloss Lahaina
Gavin O'ROURKE Kihei
Pamela Neswald Kula
rita medina lahaina
Miguel Gomez New York
eric Johnston lahaina
Ryan Pappas Salem
Paul Gerhardt Lahaina
Andrew Carlmark Rancho Cucamonga
Jacob Kane Lahaina
Carla Wertman Vancouver
corey larsen Papillion
Andi Schloss Lahaina
Brian Gowland La Jolla
Austin Carstens Medford
Megan Sinnaeve
Tim Taylor Lahaina
Karri Ayasanonda Lahaina
vijak ayasanonda Lahaina

Sterling Seaton Lahaina
Ralph Webster Mission Viejo
Ginger Prince Lahaina
Me Too Lahaina
Jen Collins Lahaina
Teri Corpuz Makawao
Pamela Hamakua Hauula
Benjamin Zerbe Anaheim
Damien Pimentel Makawao
Jennifer Higashi Lahaina
Katy Oleary Novato
Crystal Aranda Moreno Valley
Barbara Rapp Lahaina
jonathan samples Saint Paul
Tere Patterson Ka'anapali
Leilani Keliikipi Lahaina
Susan Frey Kula
susan potter-campos Lahaina
Dorothy Jakubek Waipahu
Robin Ritchie Lahaina
Eva Stover Maui
Nicole N_puaon_lani Suzuki K_hei
Kathleen Brenden Lahaina
Stephanie Espiritu Lahaina
Donni Corrow Lahaina
Jaylene Nuesca Kaunakakai
Kalani Bates Lahaina
Glenn Gazmen Lahaina
Lori Gould Lahaina
Elisa Plauche Haiku
harry timmins lahaina
Hali Mccloud Lahaina
Laura Brabant Grand Rapids
Debbie Wyand Lahaina
Kaylon Capps Miami
Deborah Mahuna Lahaina
Nicole Gurgone Maui
Jonah Bell Lahaina
Martin Wyand Ewa Beach
Thomas Hughes Lahaina
SHARON AKO Honolulu
Sharyn Doerwald Charlotte
Ricky Murray Lahaina
Demarcus Jones Hampton
Jelena Dackovic Lahaina
Lala Ducheneau Lahaina
Jacqueline Hala Lahiana Maui Hi
Terri Sanchez Lahaina
Roger Ross Lahaina
Judith Long Lahaina
Lauren Leighton Edmonton
Marisa Andoli Lahaina
John Coryea Haiku
Stephanie Ross Lahaina
Melody Lukela Lahaina
Mel Gillcoat Lahaina
U'i Kua`ana Lahaina

Thomacine Kihune Wailuku
Agnes Green Sacramento
Thomas Bogar Lahaina
Tara Bouchard Lahaina
Kadian Shaw Makawao
Renaë Lani Anderson Lahaina
Gabriel Miranda Lahaina
Lisa Cacal Lahaina
Mark D Anderson Lahaina
Amber Villanueva-Andaya Lahaina
Ian Tremewen
Rani Steinfeld Lahaina
Kawailani Silva Lahaina
Liz Kashiwabara Makawao
Sabrina Labrador Lahaina
Nicole Auletta Lahaina
Brandy Not important Lahaina
Stacy Sakamoto Lahaina
jennifer holladay Lahaina
April Colpas lahaina
Diana Hayes Lahaina
William Dossett Kihei
Shawn Palazzotto Ewa Beach
Martin Ah Yuen Hilo
Kelli Keahi Lahaina
Susan Sakamoto Wailuku
Laura Kahaialii Lahaina
Shawnee Opunui Lahaina
Mary Koleka Alcomindras Lahaina
Shannon Kama Kahului
Michelle Swangel Lahaina
Christopher Pawol Amarillo
Cam Dale Berkeley
Tammy Biddix Lahaina
Lorraine Smyth Makawao
Lori Kulhavy Kahului
Suzanne Tucker Lahaina
Diane Elder Lahaina
Karen Kriegermeier Kihei
Miles Lopes Jr. Wailuku
Lanwood Aperto Fountain
Dwight Mitchell Hastings
Laura Kaplan Wailukui
Tammie Evangelista Kailua Kona
Charlene Garcia Alamogordo
Randy Yamashita Honolulu
Gilles Gerling Lahaina
James Campbell Kula
Lucas rickard Lahaina
nazaret nunez Honolulu
Amy Walton Hana
Alessandra Stout Lahaina
Tobie Romkee Kihei
Darlene Braun Kaneohe
Rachel Bleacher Lahaina
Vickie Kadotani Lahaina
Tanginoa jr Pepa Lahaina

Natasha Conn Vancouver
Jennifer Coldagelli Lahaina
Kia Neizman Lahaina
Esther Cortez Makawao
Dave Utley Lahaina
louise palmer bend
Kristy Hawes Kihei
Veronica Wright Lahaina
stef strong Kihei
Irene Ryding Huelo
Marie Cochrane Lahaina
Joyce Hirano Kihei
Margaret Dickison Kihei
Damon Valverde Lahaina
Richard Cochrane Lahaina
Joshua Downer Lahaina
Debbie spates Kihei
Kory Skolnick Lahaina
Lynne Delatori Lahaina
Dennis Shimomura Napili
Ash Hooks Wailuku
Daniel Atteberry Lahaina
Rose Ann Swezey Lahaina
Jamie Lum Lung-Kaeo Lahaina
Arlene Koenig Lahaina
Corwin Shimomura Lahaina
bernie sanchez Lahaina
Lois Nakamura Lahaina
Jimely Mundon Wailuku
anita weber Lahaina
Janelle Brown Lahaina
Karen Schwab Lafayette
Dawn Lewis Lahaina
Victoria and Thomas Kaluna-Palafox Honolulu
Ann Quinlan Lahaina
Rachael Dailey Philadelphia
Heather Townsend Napili
Liv Locke Lahaina
tempa singer Portland
Jaime Palakiko Pukalani
Richard Ado
W Lyn Ho Seattle
Ariele Barone Lahaina
Ray Camacho Lahaina
Hopsing Coon Lahaina
Danny Pickett Round Rock
Deanna Schaefer Lahaina
William Ridgway Lahaina
Kelsey Shultz
Jayden Correa Kahului
Jen Williams Lahaina
William Denton Lahaina
Crosby Beam Lahaina
Bob Dezotell Lahaina
Mari Finn Lahaina
Anthony Chin Los angeles
Patti Souza Wailuku

Bboy Schlea Lahaina
David Wilson Imperial Valley
Michelle Neizman Lahaina
Mark Gregg Haiku
Patrick Joyce Lahaina
Teresa Tiller-Taylor Lahaina
Matisela Rosenthal Lahaina
Andrew Gonzalez Honolulu
Ann Marugaki Lahaina
Robert Adams Lahaina
Lisa Evanow Kula
Curt Hanneman Honolulu
Barb Nakagawa Kahului
Jacqueline Kelley Kihei
Anita Sahagun Kahului
Daniel Adachi Anaheim
Elle Cochran Lahaina
Damien del Fierro Seattle
Lori Shultz Lahaina
Thomas Nitta Makawao
Lee Munemitsu Lahaina
jocelyn damaso Lahaina
Elizabeth Chung Kahana
Keith Keahi Lahaina
Sharon S Santa Clara

Guest User

Location:

Submitted At: 3:38am 11-24-21

Greg Brown's building on the lower Honoapiilani hwy, should have NEVER been approved. I've lived on Maui 44 years, own a house just down the street for over 35 years. It should be torn down, at Greg Browns expense, not taxpayers! Ridiculous or major corruption that it was allowed!

Judy Savage

Guest User

Location:

Submitted At: 5:01pm 11-23-21

Brown and county officials should be held accountable. Brown's building should be torn down and county officials should be removed.

Guest User

Location:

Submitted At: 4:48pm 11-23-21

Brown is a criminal.

Guest User

Location:

Submitted At: 4:04pm 11-23-21

(Copy of Demand Letter sent to Director McLean on Nov. 23)

Ms. Michele Chouteau McLean
Director, Planning Department, County of Maui
Cc: Maui County Mayor and Council Members

Joshua S. Downer, Esq.
Napili Resident

Dear Director McLean:

I write with urgency to demand that you order the immediate stoppage of the unlawful Brown construction at the corner of Lower Honoapiilani Road and Hui Drive. If you fail to act, I will have no choice but to petition a court to do so. I am a property owner and resident of the area protected by the ordinance that Brown is flagrantly violating, and face the prospect of immediate, irreparable harm from the continuing construction. I am, along with many of my fellow citizens, distraught by the blight of this construction, and I am highly motivated to stand up for the integrity of our laws. If Maui County's administrative system fails to enforce local land-use ordinances, I have no doubt a court will in its stead.

Ordinance 371 places prescriptive limitations on the construction of new buildings. Among other requirements, the Ordinance provides that "[b]uilding height shall not exceed two stories."

The Brown construction openly and notoriously violates the height restrictions in the Ordinance, which the building inspector has confirmed and documented into County records. If completed and allowed to stand, the building will be a glaring deviation on the visual landscape. From a canoe or other craft in Napili Bay, the view of the mountain, over the low-rise condominiums that have accompanied the Bay for decades, will be a modern towering structure. In addition to being unlawful, it is a dispiriting sight to any neutral observer.

The damage this structure threatens to the preservation of the Bay is more than aesthetic. At present, over-construction around the beaches in Napili has contributed to significant environmental erosion and poses a threat to the beach. Opening an additional oversized complex, serving a high-volume of short-term visitors, will add acute additional stress to the neighborhood – its infrastructure, safety, and livability.

Brown has also engaged in a series of blatant misrepresentations and obfuscations within the administrative process of Maui County, demonstrating open contempt for its system and rules. If you do not stop him here, on what basis can you act against any development in Maui County that violates law and regulation?

For the preservation of the Napili Bay community, Maui's laws and rules, and the public trust in our institutions, I petition you, and urge you, to immediately halt the construction of the unlawful Brown development. If you do not, a court will.

Sincere Regards,

Joshua S. Downer, Esq.
Resident of Napili Bay

Sam Small

Location:

Submitted At: 3:49pm 11-23-21

The Council is wisely looking at the schedule of extremely low fees for various Public Works and Planning permits and appeals that greatly subsidize professional developers' speculation, at the public's expense.

Please consider here the enormous departmental costs that Planning Director McLean and Corporation Counsel continue to waste by steadfastly refusing to acknowledge what was made perfectly clear last April, that in Napili Greg Brown is building to hotel specifications and never was eligible for the SMA permit exemption he misrepresented to get.

Last Wednesday Jordan Molina, Deputy Director of Public Works, publicly acknowledged that Public Works was processing a Stop-Work Order that was expected to be issued to Greg Brown's Napili Bay construction by last Friday, citing that Mr. Brown's Three-Story-Plus structure violates the Napili Bay District Two -Story limit, as documented in an official inspection report posted in the County's Kiva system on Monday 11/22/2021.

That stop-work order did not get issued last week specifically because Corporation Counsel inappropriately stepped in to block Public Works from performing their legitimate municipal function.

It seems Public Works lost patience with Planning Director Michele McLean who has repeatedly ignored obvious evidence to delay Brown's shutdown for over seven months, since Christopher Salem first reported Brown's misrepresentation to the Mayor, Planning and Public Works last April.

In those seven months, Mr. Brown brazenly continued incurring construction costs that he will sacrifice when he is ultimately forced to tear down his eyesore, at his expense.

Mr. Brown will have no standing to sue the County for convincing (or paying) Planning Department officials to approve his misrepresented building plans because of language in Title 16 of the Maui County Code section 105.4 Validity of permit:

"The issuance or granting of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of the Maui County Code. Permits presuming to give authority to violate or cancel the provisions of the Maui County Code shall not be valid. "

Essentially, because of Mr. Brown's own misrepresentations, his building permit and his SMA permit exemption are now both rendered invalid.

The substance of Chris Salem's original claims have been validated by inspectors at Public Works:

Mr. Brown never did qualify to apply for the SMA permit exemption he was granted and not only because his square footage count exceeds the 7,500 eligibility limit.

Mr. Brown's plans are labeled "Single Family" but they also clearly show elevations of 35 ft with 10 ft additional for elevators and staircases, which is only allowed for Hotels. Regardless of the Napili Bay District not having any height restrictions, Hotels are just not eligible for SMA exemptions, at all, anywhere!

For reasons that have been widely suspected to involve payoffs, officials in the Planning Department "mistakenly" approved Mr. Brown's plans even though they are clearly in violation of Title 19. Two senior planning officials who issued Brown's exemption and approved building plans have recently and suddenly resigned.

Mr. Brown's stop-work order was to be issued by Public Works, not by Planning Director McLean who may be held personally liable for acting outside of her authority by delaying the issuance of violation notices to both Mr. Brown and to Developer Lot 48 LLC, another well-documented, west side development where Mr. Salem has blown the whistle on falsified SMA documents which allowed developers to deny citizens of our rights to public hearings.

Had public hearings not been blocked by professional consultants committing fraud and covered up by County officials, neither of these projects would ever have gotten built. Director McLean's resistance to issuing notices of obvious violations seems intended to protect that fraud from being exposed and prosecuted.

If Corporation Counsel continues to block the issuance of this stop-work order, that too will be only in their misguided attempt to protect past and present corruption from being exposed. Let us note again that Mr. Brown's attorney in all this only just recently removed himself from his position at Corporation Counsel.

Director McLean has repeatedly claimed that she was not personally involved in issuing Mr. Brown's SMA exemption or approving his building plans. The approval was made shortly after she became Planning Director and her name is on the approvals, yet she has stated repeatedly that she wished those approvals had never happened.

The Planning Department did recently issue a notice of violation to Mr. Brown over a retaining wall that he brazenly built that was never included in his original SMA permit application. It has now been discovered that just prior to his resignation, a Planning Department official took the very questionable step of issuing an "After-The-Fact" SMA permit for just the controversial wall. How can a wall which is supposed to be based on steel-reinforced concrete footings be approved "after-the-fact" with no visual inspection of those underground footings?

Just like Kanamu Balinbin who came forward to admit in County Council testimony that in the past he delivered brown envelopes of cash to the Planning Department, there are professional contractors who have worked at Mr.

Brown's site who have now come forward to admit knowing that the grading and walls at Mr. Brown's site are grossly insufficient for the purposes, in violation of building codes and dangerous to the surrounding community.

Director McLean has the authority to override and invalidate the after-the-fact permit for the bogus retaining wall and should do so today.

Many thanks to the honorable officials of Maui's Public Works Department for standing up to the small group of apparently corrupt staff members of the Planning Department, several of who have recently resigned, and Director McLean who's resignation the community is now calling for as well.

It's up to the County Council to legislate closing the loopholes identified by Chis Salem that have allowed this kind of abuse to happen on Maui repeatedly for decades.

Guest User

Location:

Submitted At: 11:39am 11-22-21

Maui County Council

Attention: Council Member Mike Molina

RE: GREAT 36

Good Morning Council Member Molina;

Please revisit the attached findings and conclusions regarding the Brown Development violations which were sent to Mayor Victorino over six months ago. I state for the record the violations have now been confirmed by the DSA Building Inspection Supervisor, Public Works Director Dagdag-Andaya, and Deputy Jordan Molina.

Based on information and belief, Corporation Counsel Director Moana Lutey is blocking DSA from issuing a Stop Work Order to Brown Development. While Director Lutey continues to seek "clarity" through frivolous legal maneuvers, the attached facts are clear and confirmed in writing by County officials.

Under the Charter, the Council has the duty and authority to determine if past administrative decisions were consistent with the adopted ordinances. Like the Lahaina Injection Wells, this development required an environmental Permit along with upfront public hearings.

Is Corporation Counsel obstructing the Council from using their powers which will manifest more costly litigation at the public expense?

Respectfully;

Christopher Salem

Resident of Napili

Great Committee

Location:

Submitted At: 9:54am 11-22-21

GREAT-36 testimonies received in GREAT Committee.