

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE**
Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

November 16, 2021

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair (arrived
at 9:18 a.m.)
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Kelly T. King, Member
Councilmember Alice L. Lee, Member (left at 11:00 a.m.)
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (arrived at 9:16 a.m.)

STAFF: Shelly Espeleta, Supervising Legislative Analyst
David Raatz, Deputy Director of Council Services
James Forrest, Legislative Attorney
Kasie Apo Takayama, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Pauline Martins, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk

Ana Lillis, Executive Assistant to Councilmember Paltin
Angela Lucero, Executive Assistant to Councilmember Paltin
Davideane Sickels, Executive Assistant to Councilmember Kama
Dawn Lono, Executive Assistant to Councilmember Sinenci
Ellen McKinley, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Jordan Helle, Executive Assistant to Councilmember Sugimura
Jordan Hocker, Executive Assistant to Councilmember
Rawlins-Fernandez
Lois Whitney, Executive Assistant to Councilmember Kama
Roxanne Morita, Executive Assistant to Councilmember Johnson
Sarah Sexton, Executive Assistant to Councilmember King
Stacey Moniz, Executive Assistant to Councilmember Johnson
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Moana M. Lutey, Corporation, Department of the Corporation
Counsel

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Richelle Thomson, First Deputy Corporation Counsel, Department
of the Corporation Counsel
Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Keola Whittaker, Deputy Corporation Counsel, Department of the
Corporation Counsel
Daniel Kunkel, Deputy Corporation Counsel, Department of the
Corporation Counsel
Christie Trenholme, Deputy Corporation Counsel, Department of
the Corporation Counsel
Andrew Martin, Prosecuting Attorney, Department of the
Prosecuting Attorney
Randy Esperanza, Captain, Department of Police
Gregg Okamoto, Captain, Department of Police
Carmelito Vila, Motor Vehicle and Licensing Administrator,
Department of Finance
Michele McLean, Director, Department of Planning
Danny Diaz, Zoning Administration and Enforcement Division
Chief, Department of Planning
Rowena Dagdag-Andaya, Director, Department of Public Works
Karla Peters, Director, Department of Parks and Recreation
Ipo Mossman, Executive Assistant, Office of the Mayor

OTHERS:

Keisa Liu
Kevin Block
Nick Drance
Jasmine Kilborn
Habico Staff
Ben Hall
Sam Small
Lewis Upfold
Kimo Rice
Jeremy Hall
Lisa Darcy
Kanamau Balinbin
Elle Cochran
Phil Feliciano
Michael Stiefel
Fr. Ornelo Cherez
Russell Reinertson
Aja Eyre
James Boote
Leslee Matthews
Daneil Logtenberg
Marlon Espinoza

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Susan Perreira
Tia Mansoor
Albert Perez
Adele Rugg
Dick Mayer
Josh Downer
Aaron Moose Reichert
La'akea Low
Christine Sabado, Chair, Maui County Sister Cities Foundation
Junya Nakoa
John Pellettier
Plus (4) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . .(*gavel*). . . The Government Relations, Ethics, and Transparency Committee meeting for Tuesday, November 15th [*sic*], will now come to order. I'm Mike Molina, your Committee Chair, and for the record, I'm transmitting from my residence here in Makawao, and in the other room is my wife and the family pets. Members, this online meeting is being conducted in accordance with the Governor's most recent Emergency Proclamation on COVID-19, and please see the last page of the agenda for information on meeting connectivity. Committee Members, the Governor's most recent Emergency Proclamation also includes the following mandate, a board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at non-public locations where board members are physically present, or to identify those locations in the notice required by Section 92-7 HRS, provided that at the meeting each board member shall state who, if anyone, is present at the non-public location with the Member. Also, with the Governor's mandate, if you are at a non-public workspace, when your name is called, please identify by name who is present with you in the room, vehicle, or workspace. Right now, let's start with the Committee roll call, and I'll start with our Council Chair Alice Lee, who will give us our cultural greeting for the day. Good morning, Chair Lee.

COUNCILMEMBER LEE: Good morning, Chair Molina. The greeting for the day comes from Fiji, and it is ni sa bula. Ni sa bula to all of my --

CHAIR MOLINA: Ni sa --

COUNCILMEMBER LEE: -- yeah, to all of my colleagues and our public. I want to let you know that I'm here alone in my office at home, and looking forward to a great meeting, although I have to leave at 11:00.

CHAIR MOLINA: Okay. Mahalo, Chair Lee, and ni sa bula to you. Okay. My Committee Vice-Chair Keani Rawlins-Fernandez is on her way soon. Once she gets here, we'll

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recognize her. But in the meantime, let's go out to East Maui and recognize Councilmember Shane Sinenci. Ni sa bula and aloha to you, Mr. Sinenci.

COUNCILMEMBER SINENCI: Ni sa bula, Chair, aloha kakahiaka mai Maui Hikina, everybody, and I'm broadcasting from the Hāna Cultural Center with my EA Dawn Lono. Glad to be here.

CHAIR MOLINA: Okay. Mahalo, Mr. Sinenci. Let's go out to the Island of Lāna'i and check in on Councilmember Johnson. Ni sa bula and aloha to you, Member Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, aloha, Members, and community members, and Staff. Ni sa bula to all of you. I am home alone on the Island of Lāna'i, and it rained a little bit and boy, do we need it.

CHAIR MOLINA: All right. Thank you for that weather update as well too, Mr. Johnson. And let's go across the pond to West Maui and check in on Councilmember Paltin. Ni sa bula and aloha to you.

COUNCILMEMBER PALTIN: Aloha kakahiaka and ni sa bula kākou. Broadcasting live and direct from the West Maui District Office with my aide Angela, who is more than six feet away from me...and it's a public location.

CHAIR MOLINA: All right, mahalo, Member Paltin. Now let's go out to South Maui and check in on Councilmember King, recent arrival from the wonderful country of Scotland. Ni sa bula and aloha to you, Member King.

COUNCILMEMBER KING: *(audio interference)* back from Scotland, but ni sa bula. I actually didn't have too much of a chance to use those greetings because everybody speaks English in the UK. So it was a...communication was easy if you could understand their accent. But good morning, everybody. I am by myself in my room, and looking forward to--after I get past the...my own self quarantine--to holding my next meetings out of my District Office.

CHAIR MOLINA: Okay. Thank you very much, Member King. And let's go out and check in on the neighborhood out in Central Maui, Kahului. Councilmember Kama, ni sa bula and aloha to you.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and ni sa bula to all of my colleagues. I am in my workspace in my home, and I am alone. Thank you, Chair.

CHAIR MOLINA: Okay. Mahalo, Member Kama. And as I mentioned to you earlier, our Vice-Chair Keani Rawlins-Fernandez is on her way. Staff, have we heard from Member Sugimura if she's going to be late? Ms. Espeleta?

MS. ESPELETA: Staff has...Chair, Staff has not heard from Member Sugimura's office, but we

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will double check now.

CHAIR MOLINA: Okay. Thank you very much. So Member Sugimura, I guess, will be marked late at this point if there's no official notification from her office. Okay. Thank you very much, Members. All right, moving on with the rest of the pleasantries this morning, I would like to recognize our very hard-working Committee Staff who will be joining us, Shelly Espeleta, Kasie Apo Takayama, James Forrest, and Pauline Martins. And joining us from Corporation Counsel will be Gary Murai, Deputy Corporation Counsel, as well as First Deputy Corporation Counsel Richelle Thomson, Dan Kunkel, Deputy Corporation Counsel, as well as Keola Whittaker from the Corporation Counsel's Office. So we have a plethora of County attorneys joining us for our wide variety of items on our agenda today. And we will have someone from the Office of the Mayor to help address GREAT Item 39. At this point we have not received any name as of yet, but I'm sure we will find out when we get to that item. Joining us from the Police Department later on will be Captain Randy Esperanza, Captain Gregg Okamoto; from the Prosecuting Attorney's Office is our Prosecuting Andrew Martin, who will be joining us; and later on Department of Planning Director Michele McLean will also be joining us, as well as Parks Director Karla Peters, and Public Works Director Rowena Dagdag-Andaya, as well as Deputy Director Jordan Molina. And from the Department of Finance Lito Vila, Motor Vehicle and Licensing Administrator; and later on we hope to have, from the State Department of Transportation, Robin Shishido, District Engineer; and if we get to the last item on the day, Maui County Sisters Foundation, Christine Sabado. So with that being said, Chair is going to go over our ground rules for today. We have a wide variety of items today, and the Chair anticipates a lot of testimony. So just prepare yourselves, Members, and the Chair, depending on how far we go, may be considering a recess date as well. But we'll do our public testimony first, and the Chair would like to go over the ground rules. Oral testimony via phone or video conferencing will be accepted. Those wanting to testify, to provide video testimony, you can join the online meeting via the BlueJeans meeting link at 175115369 as noted on the agenda. And testifiers wanting to provide audio testimony, you can do it via phone by dialing 1-408-915-6290 and entering the meeting code that was mentioned. And we also accept written testimony, you can do that by using the eComment link, which is listed for today's agenda. And oral testimony, for those of you who will be testifying, will be limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your full name for the record, and if you are testifying on behalf of an organization or if you are a paid lobbyist, please inform the Committee of that. And please be mindful of using the chat function during this meeting. Chat should not be used to provide testimony or chat with other testifiers, okay? And while others are testifying, please be courteous by turning off your video and muting your microphone while waiting for your turn to testify. And for those of you who just simply would want to just watch the meeting, you can put on good old *Akakū* at Channel 53. All righty. So if we do run into any technical difficulties, we ask for your patience as we try to address these issues, which hopefully will not come up. All right, let's start with oral testimony. Ms. Espeleta, please go ahead and announce our first two testifiers.

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MS. ESPELETA: Chair, your first two testifiers are Keisa Liu for Item 42, followed by Kevin Block for the same item.

CHAIR MOLINA: Okay. Good morning, Ms. Liu.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. LIU: Good morning. Good morning, everyone. Aloha, my name is Keisa Liu and I'm here to testify on agenda Item GREAT-42, authorizing the Mayor to enter into intergovernmental agreement with the U.S. Immigration and Customs Enforcement Homeland Security Investigations. I do not support this at all because I do not see how it is mutually beneficial or will enhance the quality of life as Maui County residents. I do not see how entering into agreement with an entity notorious for racial profiling ethnic minorities, especially the Hispanic population, builds trust between the community and our law enforcement. This agreement is also asking for officers from our already strained Police Department to take on additional work without additional compensation. There will be a need of at least ten officers to fulfill the needs and requirements of this work. It also allows our Mayor to have full control in amending the bill at will without any checks or balances, and such absolute power is undemocratic and does not fit this governing body's role in its job to protect the community from government corruption. Now, we already have heavily...we are already heavily militarized because America's occupation on Hawaiian lands, so I fail to see how adding another law enforcement entity benefits our community. And since we are not in an immigration crisis right now, I would urge the Mayor to focus on ones that we are in, like the housing crisis. And lastly, one of Chief Pelletier's priorities is to build up his staffing and his Department, and 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. So in conclusion, I want to just say that I am hoping that the Council will not support this bill. It is not in our best interest as the citizens of Maui County. Mahalo for your time and consideration.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Liu. Members, any need to clarify Ms. Liu's testimony? Seeing none. Thank you for your testimony, Keisa. Okay. Ms. Espeleta, please go ahead and announce our next testifiers.

MS. ESPELETA: The next two testifiers is Kevin Block for Item 42, followed by the individual signed in under CRC226 for Item 44.

CHAIR MOLINA: Okay. Good morning, Mr. Block.

MR. BLOCK: Good morning. Aloha. My name is Kevin Block, and I'm an immigration attorney here in Wailuku in private practice, and I'm the former head of the Immigrant Services

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Division of the County of Maui, Department of Housing and Human Concerns. I'm testifying in opposition with conditions to Item number 42, the IGA between ICE and the Maui Police Department for the following reasons. As my friend and colleague Debbie Cabebe so eloquently said in her written testimony, these types of agreements have unintended consequences. Most notably, they erode trust between the immigrant communities and our own local police force. In 2019, the Major Cities Chiefs Association, a group of police chiefs from 78 of the largest police departments in the United States and Canada, found that without assurances that contact with police would not result in purely civil immigration enforcement action, the hard-won trust, communication, and cooperation from the immigrant community would disappear. In Hawai'i, 20 percent of the population is foreign born, and the majority of those families are in mixed status families in which one or more of the family members may be undocumented. If that is the case, like if I'm in a family and one of my members is undocumented, and if I'm a victim or a witness to a crime, I may be reluctant to call the police in order to get assistance with that. These agreements have a long history and therefore they've been studied by respected groups like the Brookings Institute, the Migration Policy Institute, and the American Immigration Council. I submitted written testimony. I actually emailed it to two of the Members hoping they would forward it on. That goes into all of my points in a lot more detail. But basically, these are the items that I have problems with. They lead to...these agreements lead to constitutional violations and civil rights abuse...abuses, they have hidden and exorbitant costs to local police, they result in arrests of non-criminal immigrants for status crimes, ICE does not provide proper training and supervision, and they interfere with community policing and erode trust with the immigrant community. I reviewed the MOU that's attached to the announcement, and I have some questions about it. I wrote those specific questions in my written testimony. Most important to me is that the Council exercises its authority of oversight to ensure transparency and accountability. These agreements require oversight by a County Government, and without addressing some of the many questions and concerns, I hope that the County will also consider postponing this and allowing for more research on the issue. Thank you for letting me testify. I'm a little nervous. I hope that didn't come out fast or jumbled, but like I said, my written testimony goes over most of those points in greater detail. Thank you so much.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Block. Members, any need to clarify Mr. Block's testimony? Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Block. I appreciate your testimony. It was pretty fast, so I do have a clarifying question for you. You mentioned the idea of when ICE comes to town, immigrants are kind of nervous to report any kind of crimes. Now, specifically are you speaking of like what, domestic violence, or what specifically are you speaking in that regard?

MR. BLOCK: Yeah, so there's actually been documented cases in which domestic violence victims don't report the crime because they may be undocumented themselves, or they

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may be family members who are undocumented. But any crime in which an immigrant family member is either a victim or a witness, if the police officer comes and asks for their Social Security number, or their country of origin, or where they're born, particularly if they're...if they have an accent or don't speak English well, then that leads to profiling and other constitutional violations, and it just makes the immigrant community sort of go underground and not call the police when there's problems or crimes to report.

COUNCILMEMBER JOHNSON: Okay. Thank you. You clarified that very well. Thank you, Mr. Block. Thank you, Chair. No further questions.

CHAIR MOLINA: Thank you, Member Johnson. Let's see, Member King, a need to clarify Mr. Block's testimony...go ahead, Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Kevin. Are you still on the board of Share Your Mana?

MR. BLOCK: I am indeed, yes.

COUNCILMEMBER KING: Well, I was wondering, you know, when you were talking about these types of agreements being egregious, are they particularly harmful to the homeless community?

MR. BLOCK: I would say...I don't know if that's really been fully assessed, but I would say that the diversion of resources, like the first speaker Keisa mentioned, would be one collateral effect, and then just a basic sort of distrust when calling the police. You know, you may not know specifically that the police officer you call may...is one of the ones that's deputized by ICE, but if you think that they might be, you might be reluctant to call. And there are a lot of undocumented or immigrant folks who count among the homeless population, including...well, lots of COFA folks, you know, folks who are here under the Compact of Free Association, who may not call the police if they...if they are victims if they know that they might be deputized ICE agents.

COUNCILMEMBER KING: Okay. Thank you for that. Just one other question, on your...in your written testimony, the first question you put in here, are these agreements legal or do they violate the Anti-Commandeering clause of the Tenth Amendment. So is that something that you couldn't answer as an attorney? I don't want to put you on the spot, but...

MR. BLOCK: Well, that's a great question. Thank you for that question. So that's actually a question that's under judicial review right now. There's a couple jurisdictions in the mainland...you know, on the continent that have actually sued under that very Anti-Commandeering clause of the Tenth Amendment. One of them is in Connecticut, and I believe Oregon has another case, and they're both up at their Circuit Courts. And the issue in play is whether Federal Government commandeering local police force violates

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the Anti-Commandeering clause of the Tenth Amendment. So it's kind of...it's kind of in process.

COUNCILMEMBER KING: Okay.

MR. BLOCK: The answer is still up in the air. Thanks for that question.

COUNCILMEMBER KING: Thank you. Thank you for that. I really appreciate it. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member King. Before the Chair recognizes Member Kama, Chair would like to recognize Member Sugimura to our meeting this morning. Good morning, Member Sugimura.

COUNCILMEMBER SUGIMURA: Good morning. I apologize for being late. I went to check out an axis deer problem. So back here. Thank you very much.

CHAIR MOLINA: Okay. Member Kama, questions for Mr. Block, go ahead.

COUNCILMEMBER KAMA: Thank you, Chair. Good morning, Mr. Block, and thank you for being here. You know, earlier in your testimony, you mentioned about the mixed status of many of our...the immigrant population. Could you elaborate more about what that actually means to the Council?

MR. BLOCK: Yes. Thanks for that question, Councilmember Kama. So in the...in the report that I just read from the American Immigration Council, that's from 2018, so the numbers are...may have gone up. And they may be hard to assess, but it said that in the State of Hawai'i, up to 60,000 families are mixed status families. So a mixed status family is one in which there may be members who are United States Citizens because they're born here or because they advanced their immigration status; there may be lawful permanent residents, people who have green cards; and there may also be members who are undocumented. So that's what's referred to as a mixed status family. So that the impact of these type of agreements goes beyond just the individuals who are undocumented to their family members who may be citizens, but who may be concerned about the effect of these agreements on their undocumented family members.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. Members, any other need to clarify Mr. Block's testimony? Seeing none. Thank you very much for your testimony, Mr. Block.

MR. BLOCK: Thank you.

CHAIR MOLINA: Okay. Before we go on to announcing the next testifiers, Chair would like to

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recognize the presence of our Committee Vice Chair Keani Rawlins-Fernandez. Mahalo for joining us.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i Ahina. I'm at the District...Moloka'i District Office, alone on my side. My apologies for my tardiness.

CHAIR MOLINA: No worries, mahalo. All righty, Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are the individual signed in as CRC226 for Item 44, followed by Nick Drance for Item 36.

CHAIR MOLINA: Okay. Good morning to our next testifier who has signed in as CRC, I think it was 2264 [sic]. Good morning, please proceed with your testimony and state your full name for the record. Testifier CRC2264 [sic]...once, twice...

MS. ESPELETA: Chair, that individual appears to have dropped off the call.

CHAIR MOLINA: Okay. So noted. Let's go on to announce our next testifiers please, Ms. Espeleta.

MS. ESPELETA: The next two testifiers, Chair, are Nick Drance for Item 36, followed by Jasmine Kilborn for Item 44.

CHAIR MOLINA: Okay. Aloha, Mr. Drance.

MR. DRANCE: Aloha...balu [sic] Chair and Committee, and Dawn. My own EA, Sparky, has been MIA since last night. So I'm going to do my best by myself here. As you know, I'm against unnecessary development based on a mainland business model that shouldn't be applied to a tiny sacred island like ours; things like shopping centers and housing for people that don't live here. Whatever safeguards we do have against inappropriate development must be respected. I'm more against the idea that someone would defy them and threaten our County Council and being under the purview of the Mayor's Office, the Planning Department. This has occurred brazenly with impunity. I expressed that and two other points in my written testimony. In addition, I hope at this point, things being as they are, I hope that Corporation Counsel will execute their duty to the Charter and give you its full support with the same energy that they pursue other things. I don't think they should fear anyone either, especially in this case. Last, I'm not a general contractor, but something tells me the structural foundation of the subject property was not designed to accommodate the numerous changes we've seen. I believe thanks are in order to Junya and Sam for their dedication in supporting you and the interests of the public, and as always, I'm very grateful for the amazing work that you do. Mahalo nui.

CHAIR MOLINA: Mahalo, Mr. Drance. Members, any need to clarify Mr. Drance's testimony?

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Seeing none. Thank you for your testimony, Nick.

MR. DRANCE: Okay. Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta, please go ahead and announce our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Jasmine Kilborn for Item 44, followed by an individual signed in as Habico Staff.

CHAIR MOLINA: Okay. Good morning, Ms. Kilborn. Ms. Kilborn, if you could please unmute yourself and start your testimony again.

MS. KILBORN: Hi, good morning to all.

CHAIR MOLINA: Good morning.

MS. KILBORN: I am here to testify for GREAT-44 in regards to public safety on the roadways with bike tours. I am a lifetime resident of Ha'ikū, and I love to see people riding bike and enjoying the area. I think it's good for the health of everyone. But I do believe that there should be regulations put in place, especially when it comes to the Ha'ikū Kokomo route. These roadways were not built for bikes. These roadways are risky even for those residents who live here. We never see residents on these...in these areas because it's not safe to begin with, and then we add it to an activity and offer it to visitors who don't know the area. They don't know the road; they don't know what they're getting themselves into. So I am definitely in favor of putting rules in place to help mitigate the risks. . . .*(phone ringing)*. . . My apologies. So one of the things I'm in favor of is the 9:00 a.m. to 2:00 p.m. time frame. Anytime we have school traffic, these are heavily used roads. There should never be any kind of bike rider, guided or self-guided, before 9:00 a.m. or after 2:00 p.m. I am also in favor of limiting the guided tours to one per hour. The roadways, again, aren't built for this kind of traffic. I'm okay with waiting behind, you know, the support vehicle one time down Kokomo Road, I'm all right with that, you know, I like to see them enjoying. One time I'm all right with, but any more than that, I believe it adds risk and frustration to the residents who live in the area. I'm also in favor of no children on this route. If they'd like to have children, please use Baldwin Road, where residents and local people are used to having the bikes. We know to look out for them. Kokomo is not the space to have a child on the roadway, especially during rainy times. You know, we're coming into wet season, often the area from Makawao all the way to Kokomo, there's a couple of uphill portions that kids cannot handle. We get potholes on the roadway, there's runoff coming down from the pasture. I mean, it's already risky for adults. Children should not be allowed, period, I believe. I recently had personal experience for fall break, we went up to San Diego, my family and I have a ten-year-old, we rented bikes. We did something similar, not from 10,000 feet high or 7,000 feet high, which is now allowed coming down, and even for us it was risky feeling. My ten-year-old's great on a bike, but it was new. We didn't know the area, so the whole time my heart's pumping. We were all feeling a bit tense, and

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thankfully we were in a spot where we could turn around and go back. But in the Kokomo route coming from Haleakalā, you can't turn around and go back to the operator who you rented the bikes from, you got a one-way stop. So it's like you either go or you don't. So you're caught, you know, once you realize like oh, this actually isn't the best spot for my ten-year-old to be in, or even for myself. So it's something that I really support putting in regulations in place. . . .*(timer sounds)*. . . Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Kilborn, and right on time. Members, any need to clarify Ms. Kilborn's testimony? Seeing none, mahalo for your testimony, Ms. Kilborn.

MS. KILBORN: Thank you.

CHAIR MOLINA: Thank you. All right, Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Ben Hall for Item 44, followed by Sam Small.

CHAIR MOLINA: Okay. Good morning, Mr. Hall.

MR. B. HALL: Good morning, Mr. Molina, and good morning to all the fellow Committee Members and residents of Maui. My name is Ben J. Hall, and I am the founder and owner of Haleakalā Bike Company. We do business today as Bike Maui, Cruiser Phil, and Haleakalā Ecotours. I started Haleakalā Bike Company...excuse me...25 years ago as an alternative to those guided tours. We had identified then that a big percentage of the downhill bikers wish to do other things than coming down in a group, getting on and off the road when they were told, going as fast or as slow as the cruise leader wanted. My clients were much more adventurous, we believed, and hence, we use mountain bikes. A lot of our clients go off road and make a day of it. So as an alternative then, we felt that we proposed a good alternative. Anyway, I'd like to talk a little bit about numbers this morning. Currently, the bike downhill tour business is probably less than a third of what it was a decade ago. And a decade ago, Maui County funded a bike study and they spent a quarter of a million. Kimura International in Honolulu did the study. Several things came out of that study that contradict the proposed ordinance today. One of the things in the proposed ordinance is they're trying to restrict or suggest that certain routes are unsafe. If one would consult the bike study, there was specific routes were examined using national criteria as far as roads being safe for bikers. Those specific roads were determined to be safe for bikers. Well, what makes them unsafe today? One might just observe the fact that on Hanamu Road, the County put in six speed bumps in less than a quarter of a mile. I'm sure that wasn't to slow the bikers down. The bike...the study also revealed that traffic on the route, local residents were exceeding the speed limit from 8 to 15 miles an hour. Well, I did my own study, it's actually more than that, but anyway...so what makes bikers unsafe? I don't think it's their operation. I think it's the cars and traffic. And quite frankly, this was revealed, and there's no enforcement in this area. Anyway, the idea that unguided tours . . .*(timer*

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sounds). . . or self-guided tours, I refer to them as independent riders, are categorically unsafe. There's no data showing this, absolutely none.

CHAIR MOLINA: Mr. Hall, I'm sorry, your time is up. I'm going to open up the floor now for any questions the Members may have with regards to your testimony. Members --

MR. B. HALL: Well --

CHAIR MOLINA: -- you have questions for Mr. Hall with regards to his testimony? Okay. Seeing none. Thank you for your testimony, Mr. Hall. Sorry, hang on, Mr. Hall, I'm sorry. We have a Member...

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Member Sugimura, you need to clarify Mr. Hall's testimony? Proceed.

COUNCILMEMBER SUGIMURA: Yeah. Thank you, Mr. Hall. Haleakalā Bike Company...and I wanted to know if your statement, bikers unsafe due to drivers, why is that situation occurring? Is there no route for you to be on, or are you...what causes that bikes being unsafe due to drivers?

MR. B. HALL: Would you repeat that question? I'm sorry, I didn't hear all of it.

COUNCILMEMBER SUGIMURA: So, sorry about that. So your statement, bikers are unsafe due to drivers, could you clarify that?

MR. B. HALL: It's impossible for me to understand you. I'm sorry. I'm trying to, but you break up a little bit.

COUNCILMEMBER SUGIMURA: I wonder if you would give me your phone number and I can call you.

MR. B. HALL: Oh, yes, okay. 808-268-9411.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any need to clarify Mr. Hall's testimony? Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mr. Hall. My question is about... you know, this...this...the bike rides have been going on for a long time. I remember when they started, I can't remember how many years ago it was, but this would be decades ago. Was there anything that was done to the road when they started doing these bike tours to make them safer? Because the road originally wasn't built for bicycles. So when the bicycle tours started, was it...were there any changes in the road?

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Do you know?

CHAIR MOLINA: Mr. Hall...are you able to respond? I think you're on mute...if you would unmute yourself.

MR. B. HALL: Come here, Jeremy.

UNIDENTIFIED SPEAKER: You know what, it's your testimony.

CHAIR MOLINA: Okay. Mr. Hall.

MR. B. HALL: I'm having an awfully difficult to understand the questions. I think it would...

CHAIR MOLINA: Mr. Hall, I'm going to let Member King ask the question of you again. So Member King has a question for you. Member King, please ask Mr. Hall the question again.

COUNCILMEMBER KING: Okay. Thank you, Chair. When the bike tours started--I don't know how many years ago that was, but at least two or three decades ago--were there any changes made to the road, to the highway, to make it safer for bikes? Because originally, they weren't...they weren't, you know, created for bicycle tours. So when those started, what did the State or the County do to make them safer for bicycles, if anything?

MR. B. HALL: Well, I haven't seen any evidence of the County making it safer. But I think thoroughfares are designed for all traffic, meaning there is multiple users on the mountain, meaning cars, tour buses, tourists, and bikers. Now --

COUNCILMEMBER KING: Okay. I think you answered my question.

MR. B. HALL: -- in the 2010 bike study that the County paid for...

CHAIR MOLINA: Mr. Hall, yeah, Member King stated that you've answered her question already. So thank you. Members, any other questions for Mr. Hall before we excuse him? Okay. Seeing none. Thank you very much for your testimony, Mr. Hall. Oh, I'm sorry, I'm sorry, Mr. Hall, we have...Chair Lee has a question for you. Chair Lee.

COUNCILMEMBER LEE: Thank you, Mr. Chairman. I'm wondering--there's a lot of reverberation--Mr. Hall, how long have you had your business, did you say?

MR. B. HALL: Ms. Lee, I've had my business over 25 years. We started out as a two-person operation.

COUNCILMEMBER LEE: Thank you.

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MR. B. HALL: Today, one of the things I'm proud of...

COUNCILMEMBER LEE: That answers my question. But since you've been in business for over 25 years, you would have known, maybe you forgot, that the County installed a number of pull outs on Baldwin Avenue as a way to slow down the traffic and to make the bike ride more safe...you know, the safety issue was paramount for the County, so that was done. Do you remember now about that?

MR. B. HALL: There is...if there is pull outs on Baldwin, I'm unaware of them. I know they were recommended in the 2010 bike study. The traffic on Baldwin is minimal as far as bike companies today.

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Okay. Thank you very much for your question for Mr. Hall, Chair Lee. Members, any other need to clarify Mr. Hall's testimony? Okay. Seeing none. Thank you for your testimony, Mr. Hall. Okay. Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Sam Small, followed by Lewis Upfold for Item 44.

CHAIR MOLINA: Okay. Good morning, Mr. Small.

MR. SMALL: Okay. I keep getting dropped off, but I will try and go through this as quick as I can. Thank you all; as always, an honor to be participating. With regard to Nāpili Bay and Greg Brown structures, why hasn't a stop work order yet been issued to Greg Brown when it's already been determined and documented by Maui's DSA senior building inspector that under Title 19, the County must classify Mr. Brown's project as three stories plus, which absolutely violates Nāpili Bay's District two-story limit. It's also been documented that Mr. Brown's actual square footage count is more than 7,500 square feet, which means he was never eligible to request the SMA permit exemption that he was granted--granted, by the way, by Planning Department officials who have recently and suddenly resigned. This project is a poster child of intentional mismanagement and corruption between developers, professional consultants, and County officials, and I can prove to you that Corporation Counsel will pull no stops to hide that corruption by lying to this Council and in court. Several past Councilmembers have admitted to me that Corporation Counsel intimidated them with the threat that if you take any action that results in our loss in court of our vigorous and costly defense of a Director's decision, even though it was demonstratively a faulty decision, that you will be on your own to be held personally liable for costs, and that we will refuse to represent you in your official capacity. Speaking today will be Director McLean, who has a rich 20-year experience with developments in Maui County on the developer's side. Over 20 years ago, Ms. McLean was the land planning consultant for Ken Smith, a private developer who partnered with past Public Works Director David Goode on a wildly inappropriate

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West Maui development that was ultimately rejected by the Planning Commission. It was Christopher Salem who blew the whistle to the Commission and got Ms. McLean's project killed. You can imagine how much tension Mayor Victorino stirred up when he hired Mr. Salem to write legislation to fix the very same accountability loopholes between Planning and Public Works that has allowed Greg Brown to get as far as he has today. Director McLean has repeatedly publicly stated that she had nothing to do with Mr. Brown receiving his SMA exemption and his building plan approval, and that she wished those things had never happened. She's talked of mistakes made by employees at the Planning Department, mistakes by the very same individuals who recently resigned. It's ridiculously premature for Director McLean to blame the Department for this mess, and I believe her saying so prejudices this Council to being amenable to a financial settlement with Mr. Brown . . . *(timer sounds)*. . . when he is ultimately forced to tear his construction down. May I have just one...a minute more?

CHAIR MOLINA: All right. Go ahead and wrap it up in 30 seconds, Sam. Thank you.

MR. SMALL: Thank you. In reality, Mr. Brown's own misrepresentations make him liable for his costs, and our tax rolls could actually swell if he's fined appropriately for his subterfuge. There is an inspection that Ms. McLean will probably tell you about that she has invited DSA inspectors to go Greg Brown's property to take measurements. That, I believe, is also an attempt to create an advantage legally for Mr. Brown because unless and until the Planning Department has declared that Mr. Brown is in violation, DSA is legally precluded from going to a property and taking measurements as a fishing expedition. I believe she is intentionally leading DSA into breaking the law to Mr. Brown's benefit. Thank you.

CHAIR MOLINA: Okay. Okay. Thank you very much for your testimony, Mr. Small. Members, any need to clarify Mr. Small's testimony? Seeing none. Thank you very much for your testimony, Mr. Small.

MR. SMALL: Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta, please continue with announcing our testifiers. Go ahead.

MS. ESPELETA: Chair, your next two testifiers are Lewis Upfold for Item 44, followed by Jeremy Hall for Item 44.

CHAIR MOLINA: Okay. Good morning, Mr. Upfold. Lewis Upfold, if you are on the call...okay, there you are. Go ahead.

MR. UPFOLD: Hi, good morning, Councilmembers, and Mr. Molina. Thank you for this opportunity to address GREAT-44 as it pertains to the bicycle tours on Haleakalā. I do have to mention real quick that Kimo Rice was going to use my device to testify next. I had submitted his name as well. I just want to make sure he's on the list there. I

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apologize real quick for sounding a little bit nervous. I am nervous to give this testimony, not because I'm afraid of public speaking, but because this pertains to my livelihood, my own well-being. This ordinance, as it is written, seeks to regulate and restrict bike tours, but in my opinion it will eliminate the bike tours, including the company that I work for that puts food on my table and my family's table. One of my biggest problems with this ordinance is the fact that we, as experts in the industry, have not been consulted in how to better the situation and the concerns. Had we been consulted, had we been confronted or at least had a conversation with those who are writing this ordinance, so there's a lot of things that would be learned. As it pertains to the ordinance, first off, it says to ban self-guided all together. Again, having a conversation with us or a thorough study, like the 2010 Kimura study which show that there is no discernable difference in safety between guided and self-guided, they are merely just different approaches to the ride. We are happy to take anybody on our tours and show them exactly how we operate. In terms of safety, they may be surprised that the steps that we do take to ensure the safety of our guests, as well as those on the road, other users. We have protocols and policies, we have safety briefings, we have procedures, we have documents that all address the issues. I'm a long-term resident of Ha'ikū, I graduated from King K, I have a family of six here, I'm well aware of the concerns of the local residents regarding these bike tours. But that also makes...has allowed us the opportunity to improve our own company to address these concerns. I'm concerned for my own family on the roadway, and I wouldn't be doing this if I didn't feel that it was safe for them, if I didn't feel that we have made strides in the industry to improve our operations. As speaking of the industry and its current state, again, had a conversation been had with us, they would know that the rides are great, the riders...the participants are greatly reduced from one to where we were in early 2000s in their heyday. A lot of the arguments come from people saying there's too many people on the road, too many bikers on the road. However, these arguments are a long-standing argument that existed in the early 2000s when it wasn't unusual to have each company have 12 convoys at sunrise. In 2005, that was restricted by the National Park to only allow two vans inside the National Park for sunrise. That reduced participants by 80 percent, it would seem. In 2007, they suspended bike tours inside the park. That reduced participants of the bike ride. In 2018, concession contracts were handed out by the National Park, and only one company that operates inside the park actually offers bike tours associated with it, again, furthering the reduction of the total participants in this activity on the road. And then, of course, in 2020, we saw the COVID-19 pandemic, which devastated local businesses, including ours. We are still reeling back from that, and we have not recovered. We have not seen the numbers that we . . . *(timer sounds)*. . . saw before. But all of this comes into play in showing that the industry is different than it was before, and that the regulations, the ordinances, as written, do not address these problems. I think further discussion needs to be made regarding it.

CHAIR MOLINA: Mr. Upfold, your time is up. So I'll open the floor for...

MR. UPFOLD: Can I make a close...yeah, a real closing statement on this?

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CHAIR MOLINA: Okay. Make it quick.

MR. UPFOLD: Real fast. Okay. Thank you. But again, the details in this ordinance, there's a lot that thorough study and conversation, the legislators might find out that we actually address a lot of these issues, and they are actually not relevant to as the industry is...stands today. Thank you very much for your time.

CHAIR MOLINA: Okay. Thank you very much, Mr. Upfold. Let me ask the Members if they have questions for you. Okay. Member Paltin, followed by Member Sugimura to clarify Mr. Upfold's testimony. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Upfold, for your testimony today. I just wanted to clarify on the parts where you were saying that Haleakalā National Park restricted the amount of tour operators and so forth. That...to clarify, that just reduced it within the park. My understanding, some operators started to then operate outside of the park boundary and still operate. So to clarify, the reduction was within the park, not on, say, the County roads?

MR. UPFOLD: Okay. If I may have a time to comment on that. Yes, that reduction took place in the park. But again, having...if the time was taken to understand our industry, they would understand that the National Park is...you know, it's a top attraction of Maui. The National Park visitation, specifically sunrise, in conjunction with the bike tour, is what sells the ride. Without the National Park, they would not be...there is much, much less interest in the activity. It's a combo deal that has generated incredible popularity with our visitors, our paying visitors who pay the local residents, you know, and everything. But without the National Park, it has greatly affected our ability to operate the bike tours, at least to that extent. Again, it's the activity as a whole that is popular, not necessarily just the biking from outside the park on down.

COUNCILMEMBER PALTIN: Okay. But that does occur as well, biking outside of the park?

MR. UPFOLD: It still takes place. And again, when these restrictions happen, that's what most companies had to rely on. But again, it is not nearly as popular as the park visitation combo...combo rides.

COUNCILMEMBER PALTIN: And you don't have any of the numbers pre and...

MR. UPFOLD: If you look at the Kimura study, they actually list some of those. Again, well, we know for a fact that after the park stopped biking within its limits, the Kimura study says there's a drop in about 65 percent of participants. The concession contracts issued out in 2018 was a huge blow, again, there was 17 operating seaways (*phonetic*) in the National Park, about...I think seven of them were bike companies. That reduced to four companies that can provide tours at the National Park, and only one of them, us, actually had a bike activity in conjunction with it. So all the other companies do not include the National Park visitation. We are the sole providers, basically, of that combo

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tour. And because of that, the industry has seen an incredible reduction. Oh, if you want to know the impact...

CHAIR MOLINA: Mr. Upfold, I think you've answered...sorry, you've done a good job in answering Member Paltin's question. Member Paltin...

MR. UPFOLD: There's important note on that --

CHAIR MOLINA: Sorry, Mr. Upfold, thank you . . .*(inaudible)*. . . --

MR. UPFOLD: -- concession contract, and that's the fact that Maui Downhill, the largest...

CHAIR MOLINA: -- Mr. Paltin *[sic]* . . .*(gavel)*. . . Mr. Paltin *[sic]*, you need to stop, okay. I have other Members that would like to ask you questions, okay. You did a great job in responding to Member Paltin but, you know, you don't need to go that far, all right. And besides, when we get to the item, we'll have much more discussion on that...on those details. So, all right, Member Sugimura, question or clarify Mr. Upfold's testimony...and before I do that, Ms. Espeleta, how many testifiers do we have at the moment still waiting to testify?

MS. ESPELETA: Chair, we have about 35 testifiers.

CHAIR MOLINA: Okay. Members, as you know, we're quite limited today as far as time. So again, if you can keep your questions brief...and testifiers, in responding to the questions, if you can keep your answers as brief as possible so we can accommodate all of our individuals who are waiting to testify today. Okay. Just an FYI, courtesy reminder to all. Member Sugimura, proceed with your question to Mr. Upfold.

COUNCILMEMBER SUGIMURA: Mr. Upfold, can you tell me the bike company that you are, own, or do you work for, that you've mentioned?

MR. UPFOLD: I work for...actually I'm the COO of Haleakalā Bike Company, DBA Bike Maui.

COUNCILMEMBER SUGIMURA: It's called COO of what?

MR. UPFOLD: Haleakalā Bike Company.

COUNCILMEMBER SUGIMURA: Bike Company.

MR. UPFOLD: DBA Bike Maui, yeah.

COUNCILMEMBER SUGIMURA: Oh, okay. Bike Maui. And do you...did you submit written testimony? I'm looking through it, I don't see yours...if you could.

MR. UPFOLD: I did, actually. Yes, I did.

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COUNCILMEMBER SUGIMURA: Okay. I'll look. Thank you.

MR. UPFOLD: Thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Members, any other requests to clarify Mr. Upfold's testimony? Committee Vice Chair Rawlins-Fernandez, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Upfold. And I'll just preface this with...before my question that if you feel that you have more information that you can provide us after our questions have been answered that you would...you're, you know, welcome to email the Committee, and then we'll get that additional information so that you're not speaking over the time because we...

MR. UPFOLD: Thank you. Thank you very much.

VICE-CHAIR RAWLINS-FERNANDEZ: So my question is in regards to the part of your testimony where you said that you were well aware of the community's concerns. So as a commercial enterprise that makes money off of the commons, I would think that it would be in your interest to communicate with the community the improvements and ways that you're addressing the community's concerns so that they're not coming to Government to try to intervene to make sure that their concerns are being addressed, which is where we're at now. So my question is, how often...or do you have community meetings so that the community is able to express their concerns directly to your company, and your company can share how you're addressing their concerns?

MR. UPFOLD: We don't have any regular meetings. I'm not familiar with the Ha'ikū Community Association been holding meetings, but we had participated in many...like Kula Community Association, Makawao, meetings as well in regards to this subject. We've reached out many times to have this discussion, both with the community leaders as well as the politicians; but oftentimes, you know, no response or, you know, there's no action taken. We are happy to have been able to speak with Mr. Molina the other day, but that was after several requests. We would like more conversation before this step happens, you're absolutely right.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Upfold, the question was how frequently do you talk with the community, not with the elected officials. Because by the time it comes to us, that means that they feel that their concerns aren't being addressed by you, and that we need to step in to address their concerns. So that's just a clarification. And then I'll yield back to the Chair.

MR. UPFOLD: We don't offer frequent meetings for the community, but we invite everybody to come and speak with us. When we receive phone calls regarding concerns, we invite them to come and speak with us in person. We invite them to participate in one of our activities so that they know exactly how we operate and the things that we do to address

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those concerns, which is very...it's numerous. And we can give you some of those ideas in an email or something at some time. But whenever anybody addresses concerns, we ask them to...

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

MR. UPFOLD: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm going to give the time back to the Chair. Mahalo, Mr. Upfold. Mahalo, Chair.

MR. UPFOLD: Thank you.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. And before I recognize Member Sugimura with a need to clarify Mr. Upfold's question, Mr. Upfold, you mentioned in your response to Member Rawlins-Fernandez that you made several requests to meet with my office. Let me make a correction, sir. I did outreach with Mr. Feliciano from your industry, I communicated with him first, and then when you guys wanted a meeting with me, we responded. So I just want to make that clear because it sort of gave the impression that I'm trying to stall you and delay you. That is not the case, sir. I'm being open and transparent. Okay. Let's go to Member Sugimura, questions for Mr. Upfold.

COUNCILMEMBER SUGIMURA: Thank you. So just on that you connected with the Kula Community Association. So just for your information, the KCA is reaching out to all bike companies. So I hope that you will then, you know, talk...I mean, get back with us because that's part of our process that we're going through right now with this exact issue. So thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. All right, Members, any other need to clarify Mr. Upfold's testimony? Seeing none. Thank you for your testimony, Mr. Upfold.

MR. UPFOLD: Thank you.

CHAIR MOLINA: Ms. Espeleta, please announce our next testifiers. Oh, I'm sorry, I believe we had a testifier online earlier. Go ahead and announce his name and then proceed with the next testifier in order after that person who had requested to testify early on. Ms. Espeleta, go ahead.

MS. ESPELETA: Yes, Chair. That individual is Kimo Rice for Item 44, followed by Jeremy Hall for Item 44.

CHAIR MOLINA: Okay. Good morning, Mr. Rice.

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MR. RICE: Aloha, guys. I just want to say that I have been with this company for 14 years. It's how I put food on the table, and I love my job. You know, I've never had a job that I love, and I finally found it. I understand that the safety issues that we have and the traffic concerns, and I would love to get together with the other bike companies to try to get better safety, and maybe areas that we could go over on the route where we could have a mandatory pull over to let traffic by so traffic can flow freely. You know, I've been doing this, and I've witnessed cars going excessively fast on these highways, and I've seen them come around our bikers and pull right into the parking lot and go in and get coffee, and it just blows my mind. Other than that, you know, I think we're doing a great job here. We have an amazing safety briefing and we go over our bikes before we even leave the shop, and then we also do another safety briefing minutes before they get on their bicycles. And from what I've gathered is when we do this, our bikers are being safe, and they have good road and biking etiquette, and we let them know about the traffic and the residents. And our guided and our self-guided are always, you know, looking out for other motorists and trying to be as safe as we can. So with that being said, I also have heard from many community members that I've talked to that a simple solution would just be adding on two or three feet of pavement to the existing shoulder. That way bikers can ride freely, and traffic can just flow right by without even having to slow down. So that was one...one issue that we talked about. And other than that, you know, thank you for listening to me, and I hope we can come to some sort of solution here.

CHAIR MOLINA: Thank you for your testimony, Mr. Rice. Members, any need to clarify Mr. Rice's testimony? Seeing none. Thank you for your testimony, sir. Okay. Ms. Espeleta, please continue with announcing our next testifiers?

MS. ESPELETA: Chair, your next testifiers are Jeremy Hall for Item 44, followed by Lisa Darcy for Item 42.

CHAIR MOLINA: Good morning, Mr. Hall.

MR. J. HALL: Good morning. My name is Jeremy Hall. I also...I'm a part owner with Ben Hall for Haleakalā Bike Company, Bike Maui. Again, the reason why we're talking with you guys today is that this does...I feel that this bill is overreaching, it's anti-small business, it's anti-tourism. We've been operating for...like my father said, for plus 25 years. We've been part of this community for 25 years, almost 30, we actually opened in 1992. We've done self-guided tours, we've done guided tours. We've seen the industry change, like as Lewis mentioned, from the big 2000s all the way to what it's today. We pride ourselves on safety. We cover safety to...as much as we possibly can. We instruct our guests as much as we can to accommodate local drivers. We are part of this community. Our guests stop in Upcountry Maui, a way that they would never do in a car. A lot of this bill is about trying to make the ride safer. It's not...this bill does not make any...doesn't offer any safety advice, it's as limiting and reducing. The restrictions are designed there to make it impossible for a company to operate. The limits of...if you read the regulations, you guys want less than ten people a day, very few companies can

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operate. You are required double the insurance. This is something that we already have insurance that it covers us. Like Lewis said, we try to work with the community. We talk to people, we encourage people to come into our shop, we encourage our employees to talk with other people on the hill. We're not some mainland company that's popped up and taking money out of the community and stealing, abusing all the public resources. No, we're a people who live Upcountry, my employees live Upcountry, I live Upcountry. I drive to and from the same route that all the other cars do every morning. I see and check on my riders as they come down the hill to make sure they're having a good time. We have thousands of reviews of people having wonderful times. We have self-regulated over the years; we've changed our group sizes to smaller amounts already. We got rid of young riders in our groups, we don't take kids under 12. So we are making changes. What's not happening is the County's...again, we're not hearing people talk to us unless they're coming in and flipping us off and yelling at us. We can't work with somebody that yells...is screaming at the top of their lungs. What we ultimately have up here in Upcountry is a traffic issue, like the studies that were mentioned earlier. We need better planning. The County has spent money on bike paths. Look at Pā'ia, they're talking about putting the bike paths from Lāhainā to Kā'anapali, they're looking at making biking friendly, they have ordinances, the Central Maui biking routes. These are all things that they're trying to do to promote biking. But instead of trying to make the roads safer Upcountry for all users, people riding up the hill on their road bikes, guided tours come down . . .(timer sounds). . . and cars...they'd rather limit like a certain user base because they're tourists.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Hall. Members, a need to clarify Mr. Hall's testimony? Councilmember Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair, and aloha, Mr. Hall, for your testimony this morning. So the majority of your tours are coming during the sunrise tours that are prior to 9:00 a.m.?

MR. J. HALL: Our sunrise tour obviously varies between summer and winter. Our guests are probably entering the Kula area probably around 8:00, 9:00 in the morning, depending on whether it's summer or winter, just because of how the time is . . .(inaudible). . .

COUNCILMEMBER SINENCI: Okay, and then...okay, thank you. And then do you have like a weather permitting, you know, if it's raining or if it's pouring, do you guys cancel some of your...if weather is an issue?

MR. J. HALL: Of course. Safety is always a concern. We will gladly cancel a tour if it's unsafe.

COUNCILMEMBER SINENCI: Okay, all right. Thank you for that. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. Members, any other need to clarify Mr. Hall's testimony? Seeing none. Thank you very much for your testimony, Mr. Hall. Okay, Ms. Espeleta, please continue with announcing our next testifiers. And at this point, I've been told we have about 30 more to go.

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MS. ESPELETA: Yes, Chair. Your next testifier is Lisa Darcy for Item 42, followed by Kanamu Balinbin.

CHAIR MOLINA: Okay. Good morning, Ms. Darcy. If you could please unmute yourself, Ms. Darcy.

MS. DARCY: I don't know why it's not muted.

CHAIR MOLINA: Okay, you're good.

MS. DARCY: Can you hear me now?

CHAIR MOLINA: We can hear you now. Go ahead.

MS. DARCY: Okay. Wonderful. Good...I guess it's morning. My name is Lisa Darcy, I'm the founder of Share your Mana. I am not a paid lobbyist, and I'm here to testify...oh, I'm also a Commissioner on the Commission for Healing Solutions for Homelessness. I'm here today to testify on GREAT-42, and I'm actually going to speak on GREAT-44. The first is Authorizing the Mayor to Enter into an Intergovernmental Agreement with the U.S. Immigration and Customs Enforcement Homeland Security Investigations. A couple of my colleagues testified earlier, and I am really happy to hear the points that were made. And I don't really think I can add much to it, other than as this Council knows, I have been working tirelessly to connect silos versus keeping them together, and this bill, to me, raised a lot of flags in terms of not recognizing the collateral damage that can happen to the unhoused community, which really keeps them in cycles of poverty. And anytime a bill or something comes forward that would really cause them to not use the system that is there to protect them, anything that would hinder that is something that I'm really grateful that we take a deeper look at. So I appreciate the discussion that happened earlier, and I will move on to Item GREAT-44. This is interesting too, in terms of silos, as somebody who has lived Upcountry for almost the entire time I've lived on island, almost 19 years. I actually had my car totaled on Haleakalā Highway, and it was because I was stopped for a bike company coming down the highway. I was stopped and ironically, I was rear ended by another bike company, and totaled my car, and has given me lifetime back issues. I don't even think this really got reported as other than an accident, but it was very clear it was due to navigating the safety of more like pedestrians on areas where it's extremely unsafe for even cars where there is no actual bike lane. So I just have to say that I am so excited that this on the calendar, and that you are looking and listening to this. As somebody who oftentimes will like go different directions so that I don't have to go on those pieces of highway because I feel they are so unsafe because of the bike companies. I wish bike companies would go in places there where you had visibility and where there was clear safety. And I really hope that this Council focuses on that. And, you know, the fact that my accident was probably never checked under the box which had...it was . . . *(timer sounds)*. . . it was...it's avoidable. So thank you for that, and I appreciate all of your consideration.

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And I'm testifying not from the Island of Maui, but from the Island of Manhattan. So thank you.

CHAIR MOLINA: Okay, mahalo for your testimony, Ms. Darcy, and I appreciate you letting us know what island you are testifying from, and safe travels to you. Members, any need to clarify Ms. Darcy's testimony on either of the two items she testified on? Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Darcy, for your testimony. So just wanted to clarify, so you're in support of the proposed legislation regarding the bike tours?

MS. DARCY: Yes. I believe that is...well, you know what? I'm going to say I don't have it in front of me, but anything that helps to make vehicle and individual safety stronger, then yes.

COUNCILMEMBER PALTIN: Okay. Thank you for that clarification. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Members, any other need to clarify Ms. Johnson...I mean, Ms. Darcy's testimony? Okay. Seeing none. Thank you very much for your testimony, Ms. Darcy. Okay, Ms. Espeleta, please continue by announcing our next testifiers. Go ahead.

MS. ESPELETA: Chair, your next two testifiers are Kanamu Balinbin, followed by Elle Cochran for Items 36, 39, 42 and 44, followed by Phil Feliciano for Item 44.

CHAIR MOLINA: Okay. Good morning, Mr. Balinbin. Mr. Balinbin, if you could unmute yourself. We cannot hear. Mr. Balinbin, if you can hear us.

MR. BALINBIN: Yes. Can you hear me?

CHAIR MOLINA: Yeah, we can hear you now. Go ahead.

MR. BALINBIN: Okay. Hi. Aloha, my name is Ernest Zachary Kanamu Balinbin. I'm here on the...what hole are we on? We're on the 13th hole of the Kā'anapali Golf Course. But I'm testifying about the Greg Brown house. You know, it sounds small...it's pretty much...could have summed it all up. What the community...the people of Nāpili want out of West Maui, they just want...they want Michele McLean to just do a stop work order on this monstrosity. I'm the one that has the...that got the emails that Sam Small was talking about from the building inspector. You know, the whole thing is, is that we've been having meetings and trying to get some clarification and a stop work order like about eight months ago, and it's kind of frustrating for the people in Nāpili to see Greg Brown still being allowed to keep working and, you know, he had a crane there the other day, and looks like he's going up another story. It's crazy how the...it's like there, you know, some sort of corruption going on and, you know, I don't think you guys can

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prove us wrong that there isn't any corruption. You know, I'm still surprised that nobody has contacted me about the...about what I said the last time I testified about being...you know, about things that I know about in the Planning Department and, you know, if you guys want to call me up, Tamara has my number. I sent the email to Tamara that I got from the Building Inspector talking about there being a third story and that...after reading...reviewing the SMA permits...

CHAIR MOLINA: Okay, Mr. Balinbin, if you're still there...oh, go ahead. Continue. We can't hear you right now. We can see you.

COUNCILMEMBER KING: He's muted now.

CHAIR MOLINA: Yeah, could you unmute? Mr. Balinbin, if you could unmute...

MS. ESPELETA: Chair, Staff...Chair, Staff is trying to unmute him on our end.

CHAIR MOLINA: Okay.

MS. ESPELETA: I think he needs to unmute on his end.

CHAIR MOLINA: Okay. Mr. Balinbin, yeah, we're trying to unmute you as well, but if you would continue to make efforts to unmute so we can hear you. We can see you fine, but we cannot hear you. It seems like we're still having some difficulty with hearing from Mr. Balinbin. Mr. Balinbin, if you can hear me, we'll come back to you, okay, and hopefully we can get your technical difficulties fixed. So in the meantime, stand by, Mr. Balinbin. We're going to go to our next testifier, and after our next testifier is done, we'll come back to you, okay? All right. Ms. Espeleta, please announce our next testifier, and we'll go back to Mr. Balinbin once we get all of his technical matters addressed. So go ahead, Ms. Espeleta, announce the...

MS. ESPELETA: Your next testifier is Elle Cochran for Items 36, 39, 42 and 44, followed by Phil Feliciano for Item 44.

CHAIR MOLINA: Okay. Good morning, Ms. Cochran. Ms. Cochran, if you're there.

MS. COCHRAN: Yeah. Hang on. Am I on?

CHAIR MOLINA: There you are. You're on.

MS. COCHRAN: Can you see me?

CHAIR MOLINA: Loud and clear. We can see you too. Go ahead.

MS. COCHRAN: Aloha. Bula Vinaka. Aloha. Fiji is where I got married and love it down there, so Bula Vinaka. And I'm testifying first on GREAT--I love that acronym--GREAT-

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44, and I sent like, I don't know, 5,000 words in a written testimony. So please, Members, when you get a chance to look that over, so I'll just briefly summarize. I have done the bike tours myself personally, probably about 15 years ago three times, and I experienced nothing by professionalism. The companies were Mountain Riders and Maui Mountain Cruisers back then. They paid strict attention to the rider's safety, and also the traffic flow. Anytime...I never saw more than two cars probably pile up behind the group, and they would pull over when it was safe and let the cars go by. But you know, I'm talking a lot of years ago. And I'm also not envying this Committee going through this item because it's a longstanding issue. I tried to deal with it in my IEM Committee back in the day, and that 2010 bike study has been around, yeah, a long time. But I think we need to focus on real time, today's concerns and issues. Times have changed since 2010, you know, and yeah, I got to ride through the...from the summit down to the ocean. That was an awesome tour, but they've banned the eight miles up at the summit. It's...you know, now you have to have reservations to go and see the sunrise. Tourism needs management, and this is a way the National Park Service is trying to address it. This hasn't stopped the visitors from doing this bike tour. I am currently a concierge, so I'm not bashing the tours. Again, you know, maybe this is a case of a few bad eggs, you know, ruining the bunch kind of thing, but I personally have not been a fan of unguided tours. As a concierge, I would never bring it up unless the guest did, and I would explain the realities of it. I was Upcountry, and I'm out there all the time, but I got stopped by unguided bikers. They were totally lost. They didn't know where they were going, and so it is dangerous. Now we're putting our visitors in a dangerous, potentially, you know, very scary predicament. So the first testifier this morning in the Ha'ikū area and having kids on that route and rainy season and this and that, yeah, again it's about safety...yes, for the riders and our visitors to utilize the tours, but really, our residents. I never could understand how a private company is benefitting pocketing, you know, profits off a public right of way...a public roadway. The two big challenges with that study that I recall in my committee was one, enforcement, right? The companies...we were hoping the bike companies would police themselves, and obviously that hasn't been working out. And they have the Staff, MPD, or rangers, and anything of that sort. So I see that proposal in the reso, which I support. And then the other was, you know, the improvements to the highway. So perhaps the bike companies can kick in and do that since it's their businesses benefitting from it and . . .(timer sounds). . . you know, but they didn't want to pay for it, the State didn't want pay for it, the County didn't want to pay for it. So in essence I support the resolution...it's a resolution to urge the Administration to address the situation. So that's for that.

CHAIR MOLINA: Okay. Thank you, Ms. Cochran I'm going to stop you for just a second. I know you've got a couple of other items you want to testify on. Let me ask the Members if they have any need to clarify your testimony on the first item. Okay, we have a question from Member Sugimura to Councilmember Emeritus Cochran. Go ahead, Member Sugimura.

MS. COCHRAN: Aloha.

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COUNCILMEMBER SUGIMURA: Hi, Elle. Thank you for being here. I wanted to just clarify, you said unguided tour...you mentioned unguided tours, so are you saying you are opposed to unguided tours and you support guided tours?

MS. COCHRAN: I'm...I support the activity being, you know, safe and respectful of our residents, you know, in general. I have not been a fan of unguided tours because you have visitors who are not familiar with our roadways, right, and they're trying to find where are they going, how do they get there, and I personally never have been a fan of it.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thanks for that.

CHAIR MOLINA: All right. Thank you very much, Member Sugimura. Members, any other need to clarify Ms. Cochran's testimony on GREAT Item-44? Okay, seeing none. Member...excuse me, Ms. Cochran, please proceed with your testimony on our next items.

MS. COCHRAN: Okay. Thank you, Chair Molina. Just real briefly, GREAT-36, yeah, that project is a monstrosity. That's all I have to say about that. And then the next is...what is the next...Item-39...GREAT...oh, GREAT...sorry, getting back to GREAT-36. That particular corner lot...my...I wanted for...I wanted the County to purchase that lot and to create like a nice parking for people...our beach users of Nāpili Bay. Maybe a little shower, a comfort station, or something like that. Then the next thing you know, here's that monstrosity being erected. So that was my thought back in the day for that. And the other, is it...what am I on...GREAT-36...sorry, GREAT-39. I am really, really excited about the establishment of the Sister City with Galapagos Island...and yeah, we do have a lot of similarity. I in particular resonate with the fourth whereas where, you know, we can learn from their globally recognized efforts for implementing responsible tourism, which priorities [sic] the needs of local communities and establishes strict best practices to preserve and conserve natural resources. That, for me, encapsulates where I'd like to see us going. And the President of Ecuador last Tuesday just announced...where Member King was up in Glasgow, he was a speaker up there, I believe, and he just expanded their marine reserve by 23,000 more square miles, which is added to the 50,000 square miles they already have. So I mean, it's incredible things they are doing. And, you know, we got to be strict. I mean, this is our...if our oceans thrive, we thrive. That's the motto when you walk into the newly established Ocean Center at Whaler's Village that Hawai'i Wildlife Fund opened up, it is, I think, words that we need to live by, and words that we need to stand by. So please keep all that in mind. And then lastly, it's GREAT...what is the last GREAT...was that it? Are those all the items, sorry.

CHAIR MOLINA: There's a GREAT-42, Ms. Cochran.

MS. COCHRAN: Oh, GREAT-42, I just...I think for that one, I agree that perhaps if there's no deadline on this agreement to be completed, if we can wait for the new Chief Pelletier to

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have a say and to chime in on that, and that's all I wanted to comment on that item. Thank you for your time, Members.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Cochran. Members, any other need to clarify Ms. Cochran's testimony on our agenda items. I think I saw...Chair Lee, did you have your hand up or you're just waving aloha? Okay.

MS. COCHRAN: Aloha.

CHAIR MOLINA: All righty.

MS. COCHRAN: Vinaka vaka levu, Vinaka vaka levu. Thank you very much, and sega na leqa is my favorite Fijian slang, which means no problem. Sega na leqa. Aloha, Members.

COUNCILMEMBER LEE: Take care.

CHAIR MOLINA: All right. Aloha, Ms. Cochran. Well spoken. All right, Ms. Espeleta, let's go back to our previous testifier, Mr. Balinbin, if he's...okay, there he is. All right, Mr. Balinbin, if you could go ahead and unmute and continue with your testimony. Okay. Looks like we're still having a muting issue. Staff, we've...Ms. Espeleta, we've unmuted Mr. Balinbin on our end?

MS. ESPELETA: That is correct, Chair.

CHAIR MOLINA: Mr. Balinbin, if you could maybe turn off your video. Maybe you could...at least we could hear you. I don't know if that might be a potential problem as to why we can't hear you.

MR. BALINBIN: Can you hear me now?

CHAIR MOLINA: Oh, very good. Continue.

MR. BALINBIN: Okay. Sorry about that. You know, this is...I'm in a dead zone here in Kā'anapali. I'm on the golf course. I stay in the bushes now because no more sun. I mean, you can't see me. Okay, so what I wanted to say is that, you know, we...I've sent Tamara the email from the building inspector and, you know, it's crazy how I have another email from Michele McLean that they were waiting for the framing to be completed enough so that they can do their...do an inspection on the project. I believe that if this has to be...if this has to be broken down with the taxpayer's money, you know, she could have done it a long time ago. You know, I wanted to add that we...the Nāpili community, we already have multiple lawyers with multiple plaintiffs ready to proceed and take action against the powers to be who makes the decision on these projects. So I really want to thank you guys for letting me testify. This Nāpili project, Greg Brown project, has been really a...it took a lot of time from a lot of different people from their jobs from...like for me, from coaching football and from spending time with

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my friends on the golf course right now. Lucky I just parred the last hole so I'm happy. But you guys all take care. Tamara, if you're still there, you know, I made some comments on my thing yesterday that warranted a box of petition, and my wife just gave me that information when I just woke up and I didn't research it, so I apologize for that. You guys all have a good day. I going go back to the golf course. I'm opposed to the Greg Brown project. You guys take care. And I just hit one on the green, you know, when I'm in a hurry, I guess I golf good. You guys have a great day. Yeah, we got lawyers and we got plaintiffs, we're ready to go...to proceed if Michele McLean doesn't stop this project today. Thank you very much. Aloha.

CHAIR MOLINA: Okay. Mahalo for your testimony, Mr. Balinbin. Just stand by for just a second before you get back to your game. Let me ask the Members if they need to clarify your testimony. Okay, seeing none. Mahalo, Mr. Balinbin, and good luck with your game. Aloha.

MR. BALINBIN: Aloha.

CHAIR MOLINA: Okay, Ms. Espeleta, please continue with our next testifiers.

MS. ESPELETA: Chair, your next three testifiers are Phil Feliciano for Item 44, followed by Michael, followed by Billy.

CHAIR MOLINA: Okay. Good morning, Mr. Feliciano.

MR. FELICIANO: Good morning, Members. I'm trying to get my video to work.

CHAIR MOLINA: Okay, we can hear you fine. There you go.

MR. FELICIANO: I want you to see me. Here we go. Good morning, Members, Councilmembers, Chair Molina, thanks for letting me speak. My name is Phil Feliciano. I've been involved in the bicycle tour business pretty much from the beginning, okay, when the company called Cruiser Bob's started up. And then my cousin started up a company called Maui Mountain Cruisers, and I went to work for them full-time, part-time throughout the years. So this is from the early '80s. So I'm very familiar with pretty much what has happened to the industry during these years. I presently work for a company called Bike Maui simply because the National Park changed the rules. So everyone had a permit...all the bike tours had a permit to go in the park...they changed that to a concession system, and only four companies got that. So a lot of companies went out of business as a result of that. I was fortunate enough to merge my little company called Cruiser Phil's, which was a guided tour, into Haleakalā Bike Company, now called Bike Maui, which provided unguided tours. So now we're a full-service tour company. Now, as a result of the concession, companies went out of business. The largest bicycle tour company on Maui, called Maui Downhill, and Mr. Uphold was trying to get that in, folded because they couldn't do that. Bike Maui eventually shut down, and my company, Cruiser Phil's, merged with them. So what

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we're trying to say is along the way, the bike tour companies have gotten smaller, smaller, and less people on the road. There's always mentioned--because this has been in front of you guys so many times in the past--the pull out issue. Member Lee mentioned that the County built pull outs on Baldwin Avenue. I beg to differ. There are no pull outs on Baldwin Avenue. There have been road improvements where they've widened the shoulders from time to time, but no real pull outs. Baldwin Avenue, Crater Road, Haleakalā Highway. Those are the real improvements that the County can make if it's considering safety. People can get off the road. Self-guided people can ride in the shoulder, get in the pull outs...guided groups can pull over also. So obvious, I oppose this bill the way it's written. Now somebody mentioned about community, do we reach out to the community. Until the Kula Community Association had their meeting a couple of weeks ago, we were unaware that there were any issues, that people wanted us banned, and that's when we started to get active calling you, Mr. Molina, to see if we could get involved because we were blindsided by that. You know, to know that any member of the community can just go draft a bill, and then you guys consider it without talking to other people about it . . . *(timer sounds)* . . . you know, that infuriates me. So I know my time is almost up, but a lot of the points in your thing needs to be tweaked. We need to talk about that. And about companies...bike companies making profit on the roadway, roads were built. Every time a delivery van goes...UPS, FedEx...they're making money off our roadways. That's what they're for, commerce. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Feliciano. Members, any need to clarify Mr. Feliciano's testimony? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Mr. Feliciano, can you tell me the name of the company...your history, and the merging...and what is the company that you're representing?

MR. FELICIANO: Well, my company used to be called Cruiser Phil's Volcano Riders, and then I merged with Haleakalā Bike Company.

COUNCILMEMBER SUGIMURA: So today you're Haleakalā Bike Company. That's what I want to know.

MR. FELICIANO: Haleakalā Bike Company, Bike Maui...yes.

COUNCILMEMBER SUGIMURA: You are Bike Maui today. Okay.

MR. FELICIANO: Yes.

COUNCILMEMBER SUGIMURA: And please keep in touch with Kula Community Association because we are doing that with all bike companies and reviewing this bill. So thank you very much.

MR. FELICIANO: Thank you.

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CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. We have Vice-Chair Rawlins-Fernandez with a question for you, Mr. Feliciano. Proceed, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Feliciano. Mahalo for your testimony.

MR. FELICIANO: Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: I just wanted to clarify. So we heard earlier from a testifier that...who is a CEO...COO for companies, that he is fully aware of the community's concerns. So in your testimony, you asserted that you didn't know that there were any problems. So you're not aware of the concerns of the community regarding bike tours?

MR. FELICIANO: No, the community...the community has not come to us in any formal manner with concerns. We get calls every once in a while, hey, you got a lost rider. We go rescue them. Hey, you guys were holding up traffic today. And we address those issues when they happen with the callers. But as a whole, you know, nobody is coming to us and saying, hey, can you speak to our community meetings?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So as a commercial enterprise, do you not agree that it would be in your interest to address the community's concerns proactively instead of waiting for the community to become so outraged that they come to Council to pass laws to restrict...for further restrictions?

MR. FELICIANO: I would agree with that. If we were invited in, we'd gladly go and speak.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I mean, would you not proactively and continuously address the concerns of the community on your own together as a bike tour industry?

MR. FELICIANO: We already have. We've reached out to Dick Mayer of Kula, and we are going to be talking more with him. And you're right, it would be in our best interest to maybe reach out to the Ha'ikū Community Association to let them know what we do on a daily basis.

VICE-CHAIR RAWLINS-FERNANDEZ: Because as I'm sure you know, and the Councilmembers know, and other testifiers have stated this back, like this has been an ongoing problem for years. And so I would think that if you would want this industry to continue on Maui, that you would continue to work with the community to address their concerns, and communicate how those concerns are being addressed so that it doesn't have to come to Council.

MR. FELICIANO: Yeah, you're absolutely right. And I don't mean to be off putting, but the County has had numerous time over the years. They had the Kimura study, and that

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was issued to the County in 2010 with all kinds of great suggestions, but they've done nothing. Only when they get some complaints, then this rears itself again. So we all need to get together.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Feliciano. Mahalo, Chair.

MR. FELICIANO: You're welcome.

CHAIR MOLINA: Okay, mahalo Vice-Chair Rawlins-Fernandez. We have a question for Mr. Feliciano from Member Kama. Proceed.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Feliciano, for being here and for being so open to the discussions with your community. I would also want to ask because earlier...and, you know, I took some notes, but I didn't write down every testifier and every company...bike companies that they worked for, but it seems to me that the complaints that come are probably what many of the companies such as yours are responding to. But at the same time, would it be helpful if the bike companies themselves got together and figured out to be more consistent in your application towards the community's concerns that, you know, nobody gets blamed for somebody else's bad movements on the road, but that it would probably be helpful if the companies all got together and worked together alongside with the community so that your industry could be self-regulated and that the relationship with your neighbors would be one that would be very helpful. Do you think that would be helpful to your industry?

MR. FELICIANO: Absolutely, and thank you for that question. We've tried in the past, and on a daily basis, the guides that are working in the industry talk about how to do things on the road. But you're absolutely right. And now is the time for all the bicycle tour companies to get together. And I encourage them to give me a call, or give Lewis a call, and we can set that up.

COUNCILMEMBER KAMA: Thank you. I think that this Council would probably urge you to do the same too, so that we don't have to have these kinds of discussions where you folks come to us that...you know, in the self-regulation of your own industry that you'd be able to take care of that. So thank you very much. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. And Members, for your information, I've known Mr. Feliciano for many years. And if and when we get to the item, hopefully today, I will be asking for your consideration to have Mr. Feliciano as a resource that you can ask questions with regard to the industry. So just an FYI, down the road so to speak, yeah. Okay, seeing no other questions for you, Mr. Feliciano, we'll excuse you. And Members, we will take one more testifier, and then we'll take our mid-morning break and continue with more public testimony. Ms. Espeleta, please announce the next testifier, as well as the person who will be testifying after our last testifier before the break. Go ahead, Ms. Espeleta.

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MS. ESPELETA: Yes, Chair. Your next testifier is an individual signed in as Michael, and he'll be followed by Billy after the break.

CHAIR MOLINA: Okay, good morning, Michael.

MR. STIEFEL: Good morning, my name is Michael Stiefel. I am a...I live in Kula. I come to you as someone who has not used bicycle tours, but I am a cyclist on Maui. I've cycled all over Maui, as well as driven a car. I want to say first of all, there are no pull outs on Baldwin Avenue. And as I ride or car drive, I've never had a problem with the guided tours coming down Haleakalā, whether I'm going up Haleakalā or coming down Haleakalā. I have had some problems with the self-guided tour cyclists who are not under the control, and very often do...oh, I wouldn't say very often...have done unsafe things. I have, of course, had problems with drivers. The real problem, even in the police attachment, which I read from your proposal, is basically the drivers are doing unsafe things. And I think it basically boils down to whatever you do, there has to be enforcement. Because the problem is, if the police are not...and it's . . . *(inaudible)*. . . driving past Grandma's on the Kula Highway. There's no police enforcement. You can have all the wonderful rules in the world, it's not going to matter. And that's basically all I have to say.

CHAIR MOLINA: Okay. Thank you very much, Michael. Just for the record, can you...Staff has asked me to have you spell your last name for the record.

MR. STIEFEL: S-T-I-E-F as in Frank, E-L.

CHAIR MOLINA: Okay. Thank you very much. Members, we have a question from Member Paltin for you, Mr. Stiefel. Ms. Paltin, go ahead...[Stif-fel].

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Stiefel for your testimony. I just wanted to clarify your area of residency. I too have not had any problems with the downhill tours, but I live in Nāpili, so I just wanted to clarify.

MR. STIEFEL: I live in Kula. I'm in Kula.

COUNCILMEMBER PALTIN: Oh, okay. Okay. Thank you.

MR. STIEFEL: And I will ride down...I will, you know, drive down to Pā'ia Park in the Pā'ia parking lot and ride up Haleakalā so, you know...

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. STIEFEL: So I'm riding in the Pā'ia area, I'm riding, you know...you know, in Pā'ia as well.

COUNCILMEMBER PALTIN: Thank you.

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CHAIR MOLINA: Okay. Thank you very much, Member Paltin. We have a question for you, Mr. Stiefel, from Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Aloha, Mr. Stiefel. Are there any bike lanes going down Baldwin Avenue?

MR. STIEFEL: No.

COUNCILMEMBER SINENCI: Just one way. Do they have a shoulder...a shoulder should people...

MR. STIEFEL: In some places, it's wide enough that there could be a shoulder, but let's say the switchbacks...in other words, you know, there's a...it's right after the park, Rainbow Park, going up Baldwin there's a switchback there and, you know, it's basically you and the cyclist and the road. And basically what I do there is I go to the center of the road so I have maximum visibility for someone coming around the corner, and then I move over when I get past the switchback...move over to the side of the road.

COUNCILMEMBER SINENCI: And then how many schools do you pass?

MR. STIEFEL: I beg your pardon?

COUNCILMEMBER SINENCI: How many schools are on that...how many schools are on that route?

MR. STIEFEL: Okay, there's a school when you come up from Pā'ia. There's a school...I forget the name of the school, it's an elementary school, it's right before you exit Pā'ia. And then by...there's the Waldorf School that is by the Hui.

COUNCILMEMBER SINENCI: Okay, so about three schools.

MR. STIEFEL: Yeah, I think so.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Mr. Sinenci. Let's go to Vice-Chair Rawlins-Fernandez, questions...go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Stiefel. Mahalo for your testimony. My question is just for further context. Are you one of the parents that are rushing to get their kid to school on time in the morning, and to pick them up from school?

MR. STIEFEL: No.

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VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

MR. STIEFEL: No, I'm not, although I have certainly driven past the King K High School in the morning, you know, and I understand how crowded that can be.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Stiefel. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Okay, seeing no other request for clarification of your testimony, Mr. Stiefel, thank you very much for your testimony.

MR. STIEFEL: Thank you.

CHAIR MOLINA: All right, Members...thank you. So Ms. Espeleta, before we break, again, the next testifier after our morning break is...can you state that for the record again?

MS. ESPELETA: Sure, Chair. The individual signed in under Billy has since dropped off the call, so your next testifier after the break is Aja Eyre.

CHAIR MOLINA: Okay, Aja Eyre will be our next testifier after our morning break. So with that said, Members let's take our morning recess and come back sharp at 10:50 a.m. The GREAT Committee Meeting for November 15th [*sic*], now in recess again until 10:50 a.m. . . .(*gavel*). . .

RECESS: 10:38 a.m.

RECONVENE: 10:51 a.m.

CHAIR MOLINA: . . .(*gavel*). . . The GREAT Committee meeting for Tuesday, November 15th [*sic*] will now...excuse me, is that November 15th...November 16th will now come back to order. We're in the process of taking public testimony for all of our agenda items today. And when we last left off, we have Aja Eyre, who will provide testimony on our agenda items today. Good morning, Ms. Eyre.

MS. EYRE: Good morning and bula bula.

CHAIR MOLINA: Bula bula.

MS. EYRE: I know we have a lot of testifiers, so I'm going to just bullet point. I am nervous because I feel like I'm going to make a lot of enemies when I say I oppose...I vehemently oppose the ordinance for GREAT-44, which is for the bike company further regulations. I live a half block off the route, at one point I was driving kids in the morning and afternoon to Pā'ia and Makawao School and Kekaulike. Now, thank goodness, I only have them in Makawao and Kekaulike, so I'm very familiar with the traffic. I am in the rush all the time, and I live on probably the most difficult part of the route for bikers to

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maneuver, which is the Makawao Ave. as it turns into Kaupakalua as it goes up to Kokomo. I'm also an avid biker and road walker, and I have biked almost every inch of the route...actually every inch of the route that the bikers do, and it is scary and dangerous to ride on our roads. But drivers...every driver listening, you need to remember that roads are not just for cars. If we have...if we have any future that is energy independent and we want to decrease carbon emissions, we have to be more friendly to bikers, and we have to encourage biking and walking more. You know, the thing about these bike tours, even though it's frustrating sometimes to get stuck behind them is I always think, you know what? Each one of these tourists hopefully will go home and ride their bike more and drive a car less. It is up to Maui to be a leader in environmentally responsible tourism. And honestly, I would rather have 16 tourists on a bike than 8 tourists in a car on these roads that I use multiple times a day. And just keep in mind, this is outside my doorstep. I am with those bikers every single self-guided, guided tour that goes by. I talk to them, I see them, I'm on the sidewalk walking when they're pushing their bike up the hill, and I also have kids that are bikers, so I can really address a lot of the questions that have come up from the Councilmembers to the testifiers. But I am also a small business consultant. And although I do not consult any of the small businesses that are speaking here today, I am very concerned by this ordinance. You know, our local businesses, these ones especially are employing local people, they're owned by local people, and when 80 cents of every tourist dollar leaves the island, we have to take care of our local businesses, especially our local tourism businesses. And if we want to diversify the economy, we also have to diversify the tourism economy. So it's important that we take into account their concerns about this ordinance. And some of the concerns I've heard today is that they were not directly consulted about how to make this ordinance. They...you know, as far as I know, that this was something that was kind of brought up between Kula Community Association and the Councilmembers, but we need to make sure that we are consulting local businesses whenever we seek to regulate them. Also, you know, this isn't a big industry. This is...it's what, five companies? So they can't pay for lobbyists. They don't make a ton of money, and we need to be cautious of that. And then the other thing I just want to say is this needs to go back to the drawing board. If this is about safety, then the ordinance needs to be about safety. I feel like it's kind of a personal vendetta. Yes, people have been bringing up concerns. I've called the bike company about concerns, they always address them with me personally. But the people who have been bringing up concerns over the last 10 to 15 years, it's the same people that are bringing it up. They are people that have a voice in the Council, they are people that have a voice in the County, and so they sound loud and noisy. But most of us drive by these bikers . . . *(timer sounds)* . . . every day, and we are just fine. So I encourage you to take it back to the drawing board and make this ordinance about safety, if that's what the concern is, and not about putting these small businesses out of business. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Eyre, for your testimony. Members, any need to clarify Ms. Eyre's testimony. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So thank you for your testimony. I just wanted

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to confirm that the Kula Community Association is reaching out to...or has reached out to bike companies, and I hope that you will join us.

MS. EYRE: Thank you. Thank you. I would love to.

CHAIR MOLINA: Okay. Thank you very much, Ms. Sugimura. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Eyre. Mahalo for your testimony.

MS. EYRE: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: So I guess mine is a two-part question. One is, if you've been following this...well, I don't know how long this has been going on, but if you've been following it for more than a few years, and if you knew that this or a very similar proposal was scheduled under IEM, former Councilmember Cochran's Committee, and the bike tour industry businesses were consulted.

MS. EYRE: Yes. The ordinance as it's written right now, to me, it doesn't take into account, for example, the interplay between the bike companies and the small businesses in Makawao and Ha'ikū. And so they have this time frame where they all had to come, but that really jams everybody, and it kind of funnels everyone into a shorter period of time, and it doesn't allow the small businesses that service the bikers the time to kind of spread that out. So it would bring...and then it decreases the number of bikers coming in that short period of time. So I don't know. If we had consulted with the businesses, with the bikers in this case, they would have said, well, you know, if the concern is that too many people are coming between 7:00 and 9:00, right now there's only, you know, two tours that are coming through between 7:00 and 9:00, so is it really necessary to put that time frame on there. And it helps the...you know, I see the restaurants in Makawao every morning, and they get bikers, and then they get other bikers, and get other bikers, it's nice to spread them out throughout the day. But I don't think we need to spread them out two hours, and we don't need to spread them out so that they're only coming between 9:00 and 2:00. I mean, I...does that make sense? Like that's just one aspect of the ordinance I feel like is not really working with the businesses that are involved.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Eyre. I was just responding to the part in your testimony where the bikers...the bike companies weren't consulted.

MS. EYRE: If this ordinance...well, does this ordinance copy exactly the one that was brought forth by Elle? Because as far as I know, there has been changes in this one. So I'm just not informed on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Eyre, and mahalo for the additional information. Mahalo, Chair.

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CHAIR MOLINA: Okay, mahalo Vice-Chair Rawlins-Fernandez. Members, any other need to clarify Ms. Eyre's testimony? Seeing none. Thank you very much for your testimony, Ms. Eyre. Aloha.

MS. EYRE: Yep...bye.

CHAIR MOLINA: Okay, Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Leslee Matthews for Item 42, followed by Daniel Logtenberg for Item 44.

CHAIR MOLINA: Okay, good morning, Ms. Matthews.

MS. MATTHEWS: Good morning, Chair. Good morning, GREAT Committee. I'm here to testify on agenda Item 42. As I am an attorney and a social worker, and one of the main reasons I went to law school was to be able to better advocate for undocumented Americans. And I want to speak in opposition to GREAT-42. ICE opened its doors in March of 2003, and ICE has had a very turbulent history. And various bodies have questioned ICE's necessity as a standalone agency, including conservative Heritage Foundation. And according to the Center for Migration Studies, the average number of immigrants ICE detains daily has doubled since its inception. In recent years ICE, which is Immigration and Customs Enforcement, has detained and deported record numbers of people from the United States, and 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 circumstances. So I want to echo some of the things that Kevin Block said, that this has unintended consequences. And 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 to due process, and the Constitutional guarantee to equal protection and freedom from discrimination based on race, ethnicity, and national origin. And I want to put it in context to how this affects Maui County specifically. As I've shared in other Committee meetings, I have the opportunity to do outreach with our community that's houseless. In recent months I've had an opportunity to meet someone, and we'll call her Maria to safeguard her identity. She's been living houseless for two years. She's 58 years old, and she is not a citizen. She has not been able to reach out for help. And as she shared, one, she doesn't speak English, so it makes it more difficult; but she's also afraid to get help because she doesn't know what type of implications that will have on her being here. And so we've gathered together as community members to help her...to help get her into safe housing, and to get her the things that she needs. A lot of this bill talks about wanting to have training for officers for body-worn cameras. The Bureau of Justice Assistance says that, Police One also. Department of Justice Community Oriented Policing Services Agency does training for body-worn cameras. So I'm asking that this bill be tabled for now so we can have some more thought into it. And one of the things that I have been talking about

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with others that are concerned about our immigrant community is the agreement needs to clarify the scope of MPD's duties and authorities under the HSI, and needs to sufficiently provide for safeguards to the immigrant community here on Maui County. Failure to do this will erode trust between immigrants and law enforcement and . . . *(timer sounds)*. . . vulnerable people will be afraid to report crimes and seek help. And so for that and other reasons...I had a few more bullet points that I wanted to touch base on...if I can just briefly conclude. What duties will be assigned to those deputized? When are MPD officers authorized to ask for suspects, victims, and witnesses questions about their immigration status? And does the Council have a plan for oversight and accountability and transparency. And in conclusion, this is being asked of our Maui County police officers with no additional funding, and they are already stretched thin. So I don't support this, and I thank you for the time to comment on this matter.

CHAIR MOLINA: Okay. Thank you very much, Ms. Matthews. Do you have your testimony or comments in writing as well? It would be great if you could send those to the Committee if that's possible.

MS. MATTHEWS: Yes. I will write something up and submit those to the Committee, Chair.

CHAIR MOLINA: Okay. Thank you very much. Let me open up the floor for questions from the Members with regards to your testimony. I see Member Paltin, questions for Ms. Matthews.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Matthews, for your testimony. I just was wondering if this...if you knew, because you seem pretty informed about the issue, if it has anything to do with the previous press release from DHHC about no longer being able to help with immigration issues, or is it two completely separate issues?

MS. MATTHEWS: Thank you for the question. I apologize, I'm not familiar with the press release that came out, but it...you know, a lot of...in one of the articles that I was reading, a lot of police chiefs think that it's a net negative for local cops to...local law enforcement to help enforce these types of immigration policies, and a lot of cities have become sanctuary cities for people that are undocumented. You know, there is this...I think that there is this idea that we have this overwhelming influx of undocumented Americans that we can't serve, and that's just a misnomer. And so I would have to look at the press release that you are talking about. If I can get a copy of it, I'd be happy to write in my comments as it relates to that.

COUNCILMEMBER PALTIN: Okay, I'll try and forward it to you. Thank you.

MS. MATTHEWS: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Members, any other need to clarify Ms. Matthews' testimony? Seeing none. Thank you very much for your testimony,

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Ms. Matthews.

MS. MATTHEWS: Thank you. Have a great day.

CHAIR MOLINA: You too. Thank you. Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, continuing with Daniel Logtenberg for Item 44, followed by Marlon Espinoza for the same item.

CHAIR MOLINA: Okay, good morning, Mr. Logtenberg.

MR. LOGTENBERG: Hello, Chair. Hello, Committee. I also want to testify now on 42, because I just found out about this. And this is kind of how some of these things occur, is that we don't find out until it hits these kind of critical junctions. We should not be deputizing officers to enforce ICE, so I want to put that clear on the side there. Going on to GREAT-44, my background is in...I'm the Treasurer of the Sustainable Tourism Association. I do marketing and sales for over 40 tour and activity companies across Hawai'i. I lived on Crater Road for many years. The bikers would stop in our driveway, and it's something that's needed. These types of activities are important, and diversity of these activities are important for our island and for our tourism industry overall. Some of the approaches including, you know, what we can do to make the biking safer, and that definitely comes down to maintaining that road. I've driven down that road. I have two young children going to school, and coming down Kula Highway every day and up it, there's always bikers. Always, always bikers, no matter what time of...you know, 6:00 a.m. to after dark sometimes with their little lights. So the road needs to be trimmed fully more often. You know, so much of that grass is impeding into the shoulders, that's why the bikers have to slow down traffic. They have to take all these extra precautions that when we have the systems in place to make those roads safer, we're not doing it often enough. In terms of the companies not putting money into tourism, that's all we do. I mean, that's all our taxes, that's our PUCs, that's our permits and so on. I worked with one of...or I still do with Valley Isle Excursions. We run Hāna Tours, you know, we were the largest Hāna tour company for many years, plus we do sunrise tours. And we worked with other bike companies because we couldn't get enough people up to the mountain to strictly watch the sunrise in our guided tours. They preferred to drive themselves. So these combinations of tourists are incredibly important to all of the other companies to kind of survive because it gives visitors an idea of the things they can do. And they say, well, yeah, I really want to go for a sunrise...oh, and it has a bike too? That's great. And sometimes it's like, you know what? I don't want to go on a bike. But the bike companies and these other ones who are pushing these aspects are letting the overall community or the visitor population know that sunrise is an option to go up and do. If you take that away and you limit in this proposal, that will effectively hurt all the sightseeing companies. And now you'll have a lot more drivers who don't know that road, who are more dangerous than any of the bikers, using it a lot more often. The one thing that we want to kind of look at too

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is that when we talk about interacting with the community, we're dealing with small businesses. I attended a ton of Hāna Community Councils. I did the code of conduct for Road to Hāna, you know, one of the first ones that kind of signed on for that. It was a lot of work, it's a lot of time. And us small businesses, we don't...we can't keep up with this. We rely on the communities and that to kind of help fill us in and give us kind of platforms to then get the concerns back to us and translate what our issues and what we've done back to the community. And a lot of those platforms, we don't necessarily have access to readily. You know, half the meetings I can't attend anymore just because we're so busy. I mean today, it's amazing that I could actually be on for this long. So what I wanted to stress was that the companies are trying, but there's so many things involved that we can't...we can't quite keep up with all of this...all of these new regulations. One thing about going back to the actual regulations itself, this was written to specifically hurt companies. If you put all of this in place, the industry is dead in that regard. There is no way we can be profitable. Running tourism that way, especially these bike tours, even new companies at \$3 million for insurance, no new company can get that, and that's way beyond what is really necessary anyway. Not even the National Park requires 3 million. So there's so many things that I oppose with this ordinance, or this regulation that's coming in, and I have a lot of info here to fill you in on, but that's enough.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Logtenberg. We have...well, questions for you from three members. First, Member Johnson, followed by Member Sugimura, then Member Sinenci. Mr. Johnson, you have the floor.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Logtenberg. I'm sorry, I didn't hear your...the name of the company you work for. Are you like a...can you explain what that is?

MR. LOGTENBERG: Yeah, so I'm a Marketing and Sales Director for about 30 to 40 tour and travel operators across Hawai'i.

COUNCILMEMBER JOHNSON: Okay, so that includes these bikes?

MR. LOGTENBERG: No, I don't work...so they are kind of our partner. I don't work for them specifically. I work for Valley Isle Excursions, which has a permit up to it, and we combo with Mountain Riders.

COUNCILMEMBER JOHNSON: All right. Well, the path that I'm heading in this line of questioning is, do you have that data, or do you know who has that data, on any kind of incidents or accident reports for bike...for...specifically for bike tours.

MR. LOGTENBERG: Specific...well, I don't know if that's been actually tracked, you know.

COUNCILMEMBER JOHNSON: So no one knows how many accidents there's been?

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MR. LOGTENBERG: As a combination, we keep records individually, right. And so because we have, you know, all of these safety protocols because we don't want to get sued, right.

COUNCILMEMBER JOHNSON: Right, right.

MR. LOGTENBERG: So we have waivers, we have the instructions, and we have all these things. So if there is something happened, we record that on an individual level. But we don't, as the community, put it together.

COUNCILMEMBER JOHNSON: Okay. So can I ask how many times have you been sued?

MR. LOGTENBERG: We've never been sued for bikes.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you. Thank you so much, Chair. I have no further questions.

CHAIR MOLINA: Okay. Thank you, Mr. Johnson. We have Member Sugimura, followed by Member Sinenci.

COUNCILMEMBER SUGIMURA: Thank you, Chair. That was my question. I wanted to know what company you were with. And I'm looking it up now so I can get more information. Thank you.

MR. LOGTENBERG: Yeah, Valley Isle Excursions.

CHAIR MOLINA: Okay. Thank you for that. We have Member Sinenci, any need to clarify Mr. Logtenberg's testimony.

COUNCILMEMBER SINENCI: Thank you, Chair, and mahalo, Mr. Logtenberg. Yeah, as part of your added information, do you have like a...we had a testifier that mentioned that she was involved in a car crash involving, I guess...or caused by some of the bike tours, not necessarily yours...but do you have data about any traffic accidents?

MR. LOGTENBERG: Again, they're not separated out. So an accident on the road, especially if, you know, is classified as a road accident. So they don't necessarily identify that it was a tour company or a bike company in that regard, so...

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. Members, any other need to clarify Mr. Logtenberg's testimony? Seeing none. Thank you very much for your testimony, Mr. Logtenberg. Okay, Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Marlon Espinoza for Item 44, followed by

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Susan Perreira, followed by Tia Mansoor.

CHAIR MOLINA: Okay, good morning, Mr. Espinoza.

MR. ESPINOZA: Yeah, good morning, I don't know if you can hear me or see me? Okay, so first of all, thank you for letting me testify. I'm actually against it, this Item 44. I've been with the industry, working for them since 2006 and literally have raised my kids...I have three kids, one of them just graduated from high school, one is 14 and the other one is 9. Now, this ordinance 44 will definitely jeopardize our job. Now, ever since I've been working with most of these companies, right now I'm working for Haleakalā Bike Company, I've been employed with this company for about five years now. And ever since I've been with this company, we do a lot of safety...we're all about safety when it comes to our riders. When we go up, I do...most of the time I do a sunrise and we take either our guided or self-guided people, and we literally hammer these people on the way up about safety, about being courteous, about showing aloha to the community over in Ha'ikū and Makawao. And I'm not gonna...I'm not gonna lie, there's always at least one bad apple out there, but 99.9 percent of the time, most of our riders do listen to our safety tips on the way up and on the way down. And so I'm actually begging you literally not to go through this ordinance because it will jeopardize our job. It's not just me, but there's a lot of other workers that will lose their job because of limiting the amount of people going up there...the amount of people that we can take up there. That's about it. Thank you.

CHAIR MOLINA: Okay. Thank you for your testimony, Mr. Espinoza. Members, any need to clarify Mr. Espinoza's testimony. Seeing none. Thank you for your testimony, Mr. Espinoza. Okay, Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, your next few testifies...I'm sorry, testifiers are Susan Perreira, followed by Albert Perez, followed by an individual signed in with the last four digits 0002.

CHAIR MOLINA: Okay. Good morning, Ms. Perreira. Please proceed with your testimony.

MS. PERREIRA: Good morning. I guess there was a mix up. I won't be testifying today.

CHAIR MOLINA: Okay, we appreciate that. All right. Let's continue, I believe, with Mr. Perez, good morning. Please proceed with your testimony.

MR. PEREZ: Good morning, Chair Molina. Good morning, Members of the Committee. I'm Albert Perez, and I'm testifying on my own behalf today. Upper Kula Highway is a winding steep highway with many sharp curves, narrow bridges with no shoulders, and limited sight distance. Bicycle tours go slowly, and the behavior of the tour operators and their clients is inappropriate and unsafe. They dominate the road, create stress for residents, and there are many accidents resulting in serious injuries and even fatalities. Sometimes there are as many as five bike tour groups going down the hill, and just as many coming back up. Tour vans go behind the bicycle riders, and I have clocked them

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going as slowly as five miles an hour. There are only a couple of pull outs, and when the vans do pull over, their riders keep going. So you as a driver, when you pass the van, you're trying to pass a pack of 10 or 20 bicyclists who are stretched out over several hundred feet, weaving all over the curvy roadway, even going into the oncoming lane. As a motorist, you're faced with a situation of continuing to drive alongside weaving bicyclists until you come to one of the few passing zones, or as many motorists do, passing on blind curves. Unsupervised tours without escort vans are different, but they're no less dangerous. Bicyclists ride slowly in the middle of the lane, and motorists come upon them suddenly around the blind curves. I have seen children as young as five or six years old who can barely ride a bike, and they're exhausted and wobbly after coming miles down Haleakalā. Coming up the hill in the opposite direction around the blind curves and over the narrow bridges are other vehicles...trucks, busses, and other bicycle tour vans. These vehicles are also veering into the oncoming lane to pass recreational cyclists who are coming uphill very slowly. So you got people trying to pass bicycles uphill and downhill, and this is an extremely dangerous situation that's being created by these bike tours. It's super scary, and it's stressful for residents. I see accidents, and they aren't reported in the news. The last time, someone was down on the side of the road, and then other bike tourists were milling around on the road. I had to go into the oncoming lane to avoid hitting them. As far as climate impacts, let's remember these bikers are being driven up Haleakalā in fossil fueled vans. Unlike other cyclists, these people are not eliminating CO2 emissions. Self-regulation by the bike companies won't work, there's always an incentive to violate voluntary agreements, and there's no enforcement mechanism. Partial regulation won't work either. There aren't enough police officers to enforce the rules, the roads are too narrow to see violations or pull people over. These tours need to be banned completely. We need to provide protected bikeways for recreational riders, and we need to stop these bike companies from taking advantage of public roadway facilities while endangering the public. Thank you.

CHAIR MOLINA: All right. Thank you very much for your testimony, Mr. Perez. Members, any need to clarify, Mr. Perez's testimony? Seeing none. Thank you very much for your testimony, Mr. Perez. Oh, I'm sorry...hang on, hang on, Mr. Perez, we have a request for clarification from Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez, for your testimony. When you mentioned the injuries or fatalities, I just was wondering if you had any source for statistics.

MR. PEREZ: I'm looking at that bike study that was done, the Kimura Study, and I just pulled a couple of numbers...so there were 86 bike related accidents in 2006, 77 in 2007. And I don't know, tourism has grown a lot since then. I would suggest that someone reach out to the people at Maui Memorial Hospital. I have heard anecdotally that they have their own names for these bike companies with their emergency room references, but it's not an infrequent thing. So I don't want to go on and on, I think that answered your question. So the bike study has information, but I believe it could be updated, but I

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don't think it needs to be because it's clear. This is a really dangerous activity, and accidents are still occurring.

COUNCILMEMBER PALTIN: Okay. Chair, maybe at the appropriate time, we can reach out to Bridgette Velasco at the hospital if they have any updated statistics.

CHAIR MOLINA: Yeah. Okay, would you like to...I guess we'll send a letter requesting information on that. Certainly, this Chair will definitely do that. Okay, Members, any other need to clarify Mr. Perez's testimony? Seeing none. Thank you very much for your testimony, Mr. Perez.

MR. PEREZ: Aloha.

CHAIR MOLINA: Aloha. All right, Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next testifier is an individual signed in with the phone number 9964, followed by Dick Mayer for Item 44.

CHAIR MOLINA: Okay, testifier...I guess phone number 9964 if you're there, please proceed with your testimony and state your full name for the record. Testifier 9964, last call if you're...

MS. RUGG: Good morning and aloha.

CHAIR MOLINA: Okay, go ahead, proceed.

MS. RUGG: Good morning and aloha, Chair Molina and Councilmembers. Remember me? My name is Adele Rugg, and I'm asking for your support of GREAT Committee number 39, Establishing a Sister City Relationship with San Cristobal Island, Galapagos, Republic of Ecuador. In April of 2005, the County of Maui created the first ever friendship city with San Cristobal because the County of Maui and the Galapagos have many areas of mutual concern. And we can learn from each other, such as monitoring their tourism, environmental issues, and the possibility of studying abroad programs between UH Maui College and the University in San Cristobal, Galapagos. Did you know that the Galapagos Island is 97 percent National Park, one percent fishing, one percent ag, and one percent tourism? Also, in 2017, the Hokulea visited San Cristobal on her around the world tour, and the purpose of that visit was to recognize the island's sustainability efforts as it parallels with Maui, and the importance of bringing attention to science and protecting their fragile, natural resources. Again, I appreciate your support for GREAT-39 and making San Cristobal a Sister City to the County of Maui. Again, thank you so much for all you do for the citizens of Maui. Aloha.

CHAIR MOLINA: Aloha. Thank you very much for your testimony, Ms. Rugg, and nice to hear from you. Members, any need to clarify Ms. Rugg's testimony? Member King.

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COUNCILMEMBER KING: Thank you, Chair. No, I don't think I need to clarify, but it doesn't look like we're going to get to this item today. And so I just wanted to ask, if there are no objections, if we could...when we do get to this item if we could bring Ms. Rugg back as a resource person since she's been working on this longer than anybody that I know.

CHAIR MOLINA: Okay, yeah. The Committee will certainly consider that when and if we get to that item today. All right. Thank you.

MS. RUGG: Thank you so much.

COUNCILMEMBER KING: Okay. Thanks, Chair.

CHAIR MOLINA: Members, any other requests to clarify Ms. Rugg's testimony as it relates to this item? Okay, seeing none. All right. Thank you, Ms. Rugg. All right, Ms. Espeleta, please announce our next two testifiers.

MS. ESPELETA: Chair, your next testifier is Dick Mayer for Item 44, followed by an individual signed in with the last four digits 3082, and they do need to press star four to unmute via phone.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. Aloha, Mr. Mayer, please proceed with your testimony.

MR. MAYER: Good morning, Councilmembers. As you may know, I'm on the Board of the Kula Community Association, which is looking into this issue and has been working on an ordinance in parallel with what you're doing today. Let me give some background to why this is an issue. It involves the safety of the bicyclists themselves, the safety of residents and young drivers going to school early in the morning or coming home in the afternoon and meeting these tours, congestion on the road and the backing up of traffic, the need for pullouts and other safety measures that should be considered, and the ability to enforce any final legislation that you adopt. There are two ordinances right now that are being considered: this one today that Councilmember Mike Molina has proposed; and secondly, the Kula Community Association version, slightly different, that updates the present County ordinance. The Kula Association has reached out to the community associations in Makawao, Pukalani, Ha'ikū, and has asked for feedback, and also to all of the downhill bike companies for feedback. I ask that you...and by the way, we are getting considerable feedback from the bike companies in particular. I ask that you take the testimony from today and the promise that the Kula Community Association will provide you feedback from their version of the bicycle ordinance in early December...given the December 1st deadline to get input. And also for you to look at the written testimony from your own directors, Police, Planning, Prosecuting Attorney, all of whom have submitted written testimony to today's meeting. Thereafter, we ask that you allow the Councilmembers and the Staff who represent the Upcountry area, Councilmembers Molina and Sugimura, to develop a single ordinance that you will be able to adhere and hopefully adopt in January. So far the feedback that we have

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received indicates that we have actually...we actually have several different industries that are being considered here that may be affected by this ordinance. The downhill bicycle tours, companies that rent to individuals...bicycle riders, bicycle rentals taking place perhaps elsewhere on the island in South and West Maui, and bicycle shops that service the bicycle needs of local residents, all of whom may, one way or another, end up being affected. Let me give one example of an item that needs to be integrated into the ordinance which isn't considered. Much of the traffic is on State highways, not County highways, and as your ordinance starts off today, it talks about utilizing the State HRS to justify the County getting involved in this issue. And therefore, I would think that you would also want to make sure that traffic...the bicycle operations on State highways, which form a large part of this activity, be also considered in the ordinance. So please table this ordinance until early next year when all the input can be integrated into some long-term overdue legislation. And in the meantime, as was just suggested, please reach out to the hospital, to the ambulance companies that operate Upcountry, and to the Fire Department, which also tends to these issues, and try to get from them some indication of the accident record on these hills. The ordinance that Kula is proposing does take a look at the operations themselves, and I'm hoping that Councilmembers Sugimura and Molina's office will be able to work together to get a good ordinance that meets the needs of our community, also working with the bike companies who are providing us with their input. Thank you.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Mayer, as well as your work on the bill from the Kula Community Association. I'd just like to ask you a quick question. As a longtime resident of Kula and, you know, the bike study was done in 2010, from your own estimation, you've traveled that road many times. Since 2010 until now, have you seen an increased amount of traffic that's been going up and down the hill? And how would you, I guess, characterize the relationship between traffic and the bike tours with the increase in population?

MR. MAYER: Well, the population certainly of Maui has increased over the years. The number of tourists, except for the COVID period, kept increasing, but the number of bike companies that operate and the number of tours probably has decreased over the past decade, largely because the National Park put a limit on who could use the National Park roads. And so now the bike tours do not begin...many of them do not begin in the park itself at the top of the mountain, but rather at around the 7 or 8,000 foot level, just before the entry into the National Park. And so the whole thing has been reduced, but there has been an increase in the number of people who rent bikes individually, you know, and actually become mini groups. I mean, we'll see family groups of three or four people going down the mountain as a group. They're not guided, they're not under any particular controls, and that's...that is a concern. The main issue really is that the roads were never designed and are not safe for this kind of traffic. As you know, the road is very windy, and people going up the hill do not know that there are bike tours coming down the hill where people may be going over the line to get around some of these bike tours. We need...we need...and I think...I would hope even the Federal funding for transportation would provide money for pullouts along the highway every

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one mile that would be required to be utilized. So those are the things I would hope that your final ordinance has a chance to take a look at are things like the funding and the capital improvements that would be needed to make the activity safe if the industry is to continue. Those are issues...and I'll just add one other thing for...right now you're looking at the Upcountry district and the Ha'ikū/Makawao areas...well, your two residential districts. I would think that Mr. Sinenci, Councilmember Sinenci might also be concerned that bicycle tours, if they're somewhat feeling displaced in these areas, would all of a sudden start transferring their activities to Hāna Highway...and not only the Hāna Highway, but the backside of Kaupo, Kipahulu side as well. And so you may want to include that eventually within the rules of this ordinance.

CHAIR MOLINA: Okay. Thank you very much for your responses, Mr. Mayer. Members, any need to clarify Mr. Mayer's testimony? Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Mr. Mayer, for testifying. And we've been hearing that KCA...or I've been saying because we are reaching out to bike tour companies or people who are concerned. Can you share with the audience how to get in touch with you--and call my office also, but can you share your contact information?

MR. MAYER: I would be glad to. I can give a phone number. I'm in the phonebook, Dick Mayer, and the last name is spelled M-A-Y-E-R. Please feel free to give me a call, or you can email me at dickmayer@earthlink.net. I would appreciate getting information and having people contact me. Already we've got lots of comments, and you will notice you have eComments on this today, got so many comments, both pro and con, and with additional information. So there's a wealth of information out there by people who have input into this legislation.

COUNCILMEMBER SUGIMURA: And are you working with a deadline for people to get in touch with KCA by...

MR. MAYER: Yes.

COUNCILMEMBER SUGIMURA: What is the deadline?

MR. MAYER: The deadline is December 1, and that will allow us about a week later when the KCA Board meets, we will take these items in and make some kind of recommendation to the Council, at least as we see it, and what kind of legislation we would like to see integrating Councilmember Molina's version and the one that we've already been working on.

COUNCILMEMBER SUGIMURA: Thank you very much.

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CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any other need to clarify Mr. Mayer's testimony? Seeing none. Thank you very much, Mr. Mayer for your --

MR. MAYER: Mahalo.

CHAIR MOLINA: -- thoughts on this very important matter. Okay, Ms. Espeleta, my understanding we did have some folks that I guess were on initially, and I guess were having difficulty getting on. So if you would like to go ahead and announce those testifiers if they are currently available now to provide testimony, please go ahead.

MS. ESPELETA: Yes, Chair. Returning to testify are Russell Reinertson. He dropped off the call but has since returned, and he'll be followed by an individual signed in with the last four digits extension 3082.

CHAIR MOLINA: All right. Mr. Reinertson, if you're available, please proceed with your testimony. Mr. Reinertson, going once, twice, please proceed.

MS. ESPELETA: I apologize, Chair...

MR. REINERTSON: Hello my name is Russell, I'm here.

CHAIR MOLINA: Okay, go ahead.

MR. REINERTSON: I have my video going. My name is Russell Reinertson. I'm testifying on behalf of myself. I have spent 25 years almost working as a downhill bike tour guide, either full or part time. I've also spent many years working as an occupational safety and health consultant and trainer, traveling all over the State. I figure I probably brought close to 40,000 people down that mountain, and I think I'm uniquely qualified to testify on some of the aspects of this bill. Some of the things I've mentioned in my written testimony I've already submitted. My biggest concern, I feel, is the unsafe drivers Upcountry. The bicycle tours make every effort to pull over at a reasonable time in a safe place to get those vehicles by us in a safe manner. We can't always send traffic if we're rolling into a blind turn and...but some impatient drivers still try to pass us. There has been many instances of unsafe driving going on, as evidenced by the Police Department's crackdown on speeders. A friend of mine was recently killed, a local resident, out for a bike ride in Ulupalakua and got run over by another local resident driving recklessly. Sadly, I knew both parties involved. A few years ago my other friend, Dr. Janssen, the chiropractor, got run over . . . *(inaudible)*. . . on his own, out for a bike ride. It's the unsafe drivers. It's not the roadways. The roadways were built to DOT standards, they're designed for multiple users, including bicyclists, and the roads themselves are not unsafe. And if you care to go take a look at the Bike Plan Hawai'i, which is the State Master Plan on how they want to develop and promote bicycling throughout the city...or I'm sorry, the State of Hawai'i, including Maui, all of the roads currently being utilized for the tours are all listed as bike facilities. So if you're going to

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try and ban self-guided riders, that means that I can't go rent a bike and ride with my friend...and we're now a self-guided tour if it's two people, according to your definition. It's just...it's not right. It's not bicycle friendly. It's not business friendly. You go to Kula or you go to Makawao and Kula and look at all these new businesses opening up, Sunrise Market is about to reopen, Ohana Island Grinds is a brand new business, all those coffee carts in Makawao, they all rely on the bike tours. There's other businesses we support indirectly, whether it's paying for Tae Kwon Do for my child, or any of the other activities that we do around the island, you know, we're supporting the community. The money I earn is going right back into the community. This bill is not about safety. There's rules in there--they're not about safety, they're about regulation and about punishment. They're not safety ordinances in there. I've read that rule, and it's not. And it's not anything also...anything like the Kula Community Association, the bill they heard. So when you hear some of these bike companies talking about how they're not being involved, that's why they're not being involved. The bill we looked at two weeks ago with Kula Community Association is completely different than what you have right here in front of us now. . . .*(timer sounds)*. . . In summary, I think this bill is anti-business, anti-bicyclist, and just anti-American all the way around. Thank you.

CHAIR MOLINA: Okay. All right, thank you for your testimony, sir. Members, any need to clarify Mr. Reinertson's testimony? Oh, Member Sugimura, proceed.

COUNCILMEMBER SUGIMURA: Thank you. Could you tell me the study that you referenced in your testimony? I didn't get it.

MR. REINERTSON: I'm sorry. I don't remember referencing any specific study.

COUNCILMEMBER SUGIMURA: You said that the bike...or the roads are referenced as bike facilities.

MR. REINERTSON: Oh, yes. That would be the Bike Plan Hawai'i, it's under the State DOT website. You can look that up online, Bike Plan Hawai'i.

COUNCILMEMBER SUGIMURA: Thank you.

MR. REINERTSON: And they have multiple pdfs there on both proposed and existing facilities.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Members, any other need to clarify Mr. Reinertson's testimony? Seeing none. Thank you very much for your testimony, Mr. Reinertson. Okay, Ms. Espeleta, please continue with announcing your next testifiers.

MS. ESPELETA: Chair, your next testifier is an individual signed in with the last four digits 3082, they will need to press star four to unmute, and they will be followed by Josh

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Downer for Item 36.

CHAIR MOLINA: Okay, testifier 3082, please go ahead and press star so you can unmute yourself and start your testimony.

MR. DOWNER: Hello there. Thank you. Can you hear me?

CHAIR MOLINA: Yes, we can hear you fine.

MR. DOWNER: Wonderful. Thank you for hearing me today. My name is Josh, I'm a resident of Nāpili. I want to speak about the Brown development, and I know that this is something that this Committee is well aware of and that has been in discussion. I want to speak to an alarming and concerning reaction that I'm seeing to the continued building of the development, which is really a sense of breach of trust and lack of...almost a disillusionment arising in the community from the continued construction of a project that is so blatantly and brazenly a violation of ordinance, and law, and community norm. I don't think I need to, you know, go over the myriad ways that this structure violates the basic principles and ordinances of the community, I'll just mention one. The ordinance is very specific that no new construction can be more than two stories high. This development is clearly four stories high. And this...why it got to this place, the administrative breakdown of what happened is...has also been the matter of great discussion. I think that the concern of the community is that whatever the reason for the breakdown, that right now, as the building continues to get built, it represents a failure of our community to self-govern, to apply the principles and the laws that we passed, and to hold everyone to that standard. And it's heart wrenching because the reason for this ordinance is to preserve the natural beauty of Nāpili. When you look at the mountain from the water, and you see the beautiful clouds over, and you see the trees and the uniform, you know, homes and small developments that exist under it, and this flagrant giant eyesore emerging from it. Every time you see it, it's a reminder that our system has failed and that we are failing ourselves. And I cast no aspersion to no individual, to no...even entity within the Government or within the administrative system, except to say that unless something is done to stop it and reverse it, the sense of broken trust will continue within the community. And so my view, and I think the view of the community, is that this building must come down...board by board, block by block, beam by beam. It must be deconstructed, it is illegal, and it's very framing...that as it continues to grow, it undermines the trust of the community. And my question for the distinguished Members is, will the Government be willing to step in, to use its powers to stop and reverse it, or must the citizens go to the courts to stop it and get a court order to have it removed and break down block by block and piece by piece. It's got to be one or the other because it's such a flagrant violation of our laws. Thank you.

CHAIR MOLINA: Okay. Thank you, Josh, for your testimony. And my Committee Staff has asked if you could clarify your last name for the record.

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MR. DOWNER: Sure. It is Downer, D-O-W-N-E-R.

CHAIR MOLINA: Okay. Thank you very much, Mr. Downer. Committee Members, any need to clarify Mr. Downer's testimony? Seeing none. Thank you for your testimony. Okay, Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Aaron Reichert for Item 44, followed by Troy Tanga for Item 44, followed by La'akea Low.

CHAIR MOLINA: Okay. Aloha, Mr. Reichert. You're up for testimony, please go ahead.

MR. REICHERT: Hi, aloha everyone. My name is Aaron Reichert, or a lot of people know me in the community as Moose. I apologize, I'm pretty nervous. My palms are sweaty and...anyway, yeah, thanks everybody for their time. I'm not a bicycle tour operator. I own a small business in Makawao Town, I have a bicycle shop. And what we do, we sell, rent, and repair bicycles, right, so rentals are probably about 20 percent of the business. And within that business, you know, there's a high percentage of locals that rent, and not just tourists, you know. So I have a long history of before the bike shop and owning my bike shop and doing advocacy and lots of community work. Like, you know, we started these bike missions back in lockdown, going to all of Maui County, just serving it...just want to be of service, and we've given away probably over 600 bikes free of charge...gets close to a thousand bikes free of charge. And each and every time we're trying to give away as many elements and teach safety. I go into the schools on my own dime regularly, you know, amongst the other things. I don't want to toot my own horn, but this is what we do, we just love our community and we want to give back. So, you know, I'm just saying, this has nothing to do with the tour, you know, I understand this ordinance is about public safety, and I understand that's its focus, and I believe everyone should feel safe. But, you know, this isn't why I'm here today. I'm here because of the broad language of this proposal. I mean, it's super broad. It's like, you know, I believe it's everyone's right to use the roads publicly in any type of transportation, right, and this proposal is so broad, it's hindering and discriminating and excluding all types of people...from the language of saying age 14 and under can't ride a bike, 65 and older can't ride a bike, whether it be unguided tours or guided tours, right? I mean, super discriminatory, you know. You know, as it's written, you know, a lot of that proposal is going to be for harassment in all of this bike areas. Like, you know, who is going to police this? I mean, how is it going to be enforced? I saw that with this electric bike thing that I did a bunch of advocacy with the State, and people were on the road being vigilantes, like local residents. Like, you know, harassing people and treating them like third-class citizens...like criminals, you know. And you know, no one should be treated like that. You know, and that's because of this notice in this proposal, like I'm very heightened over it and, you know, it's going to cause detriment to any bicycle shop on this island, right, and...you know, the language in this. And, you know, lots of locals come and rent bikes to try to buy a bike. And during this lockdown, bicycles were a savior to people. . . .*(timer sounds)*. . . You know, so...you know, within this proposal...I'll wrap up, it's very inconsistent, the language with the State law and

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the Maui law, you know, very inconsistent, Code 522, you know. In this proposal, you know, like it's saying it's unlawful to conduct a guided or unguided commercial tours in Makawao, Pukalani, Kula, Pā'ia and Ha'ikū, you know, in these areas...you can't even ride a bike. It's ludicrous...what is this, like *Footloose*, you can't...the next thing, you're not going to be able to dance, right. You know....

CHAIR MOLINA: Mr. Reichert, I'm going to have to stop your testimony now.

MR. REICHERT: In closing, I just want to ask the question; is safety the focus, you know, for safe roads? And it sounds to me more like banning and restricting bicycle.

CHAIR MOLINA: Okay. All right. Thank you for your testimony. By the way, I appreciate your benevolence with regards to the bikes and giving away and whatnot. So just to clarify in your testimony, so you're referencing the concerns from both bills, the Kula Community Association as well as the bill that I've proposed...just a simple yes or no.

MR. REICHERT: Yes.

CHAIR MOLINA: I know the age aspect, that matter is part of the Kula Community Association bill. Okay, very good. Members, any need to clarify Mr. Reichert's or Moose's testimony, if I may affectionately call you that.

MR. REICHERT: Affectionately, sir.

CHAIR MOLINA: Okay. All right. Vice-Chair Rawlins-Fernandez...and before I recognize you, just for the Members' information, we have seven more testifiers. The Chair intends to complete testimony today, so just an FYI. And Chair is aware of the time as well. We do have a Committee meeting...another Committee meeting coming up at 1:30. Proceed, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, and I'll make it quick. Aloha, Mr. Reichert. Mahalo for your testimony. Nice to see you.

MR. REICHERT: Nice to see you.

VICE-CHAIR RAWLINS-FERNANDEZ: I wanted to first also thank you, you know, for being a small business and caring about the community and contributing what you can and so much on all of the islands, so I just wanted to say thank you for that. My question was regarding the meeting that I heard is upcoming from Mr. Mayer, the Kula Community Association. Do you plan to participate in that meeting so that you can get whatever feedback in shaping the bill that can be more acceptable to this Council?

MR. REICHERT: I hope to be involved, but I don't have any definite plans as of yet, you know, because, you know, I feel strongly that this is going to affect, you know, the smaller bicycle shops on the island. And as I've said, if I'm in detriment of...you know, of making

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money, then I can't be of service to the community as I'd like to be.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Reichert. Mahalo, Chair.

MR. REICHERT: Thank you.

CHAIR MOLINA: Okay, mahalo, Vice-Chair Rawlins-Fernandez. Members, any other need to clarify Mr. Reichert's testimony? Seeing none. Mahalo for your testimony.

MR. REICHERT: Thank you.

CHAIR MOLINA: Okay, Ms. Espeleta...thank you. Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, your next two testifiers are Troy Tanga for Item 44, followed by La'akea Low.

CHAIR MOLINA: Okay. Aloha, Mr. Tanga, please proceed with your testimony.

MR. TANGA: Okay, can you hear me?

CHAIR MOLINA: Yeah, you're coming in loud and clear.

MR. TANGA: Okay. I can't see you, but all right...there you go. Well, good evening...or I should say good afternoon, Council Chair Molina, Keani Rawlins and the rest of our distinguished Council. I might be a little anxious, as I mentioned to Mr. Molina yesterday, I just got out of shoulder surgery, so I had a full capsule reconstruction, but I felt it was necessary to at least try to get on here today. I wish my picture would show up, but things aren't agreeing with me here today. I am a 30-year resident of the County of Maui. I moved over there when I was a young kid in my 20s to follow a dream, and that dream was building a bike company. The bike company is called Mountain Riders. And this...the bill that's presented today definitely threatens our existence. I've been in discussion with Dick Mayer quite a bit about how we can assist to be a part of the process, and I'm definitely in support of working with you folks to see what we can do to improve things, because you know, there's always improvement. I do want to point out a few things, you know, those things were...you know, the numbers and stats that keep getting thrown around. I have done this for over 30 years, and being the longest-serving bike company on the island, and one of the three actively licensed companies with the County, so I am somewhat familiar with what's going on. I have a 15-year-old that I have to drive to Seabury, and that's become a major challenge...what took me, I'd say, 8 to 10 minutes is now taking me probably 25 to 30 minutes. So I've definitely seen some changes on the island, and the changes in the bike industry. You know, obviously we had a...with the COVID shutdown, it changed things dramatically. People were used to not seeing anyone on the road, and then we went back to a fully open or a partially open status, and now we're seeing more people. Our company does predominately

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guided tours, even though we do a few of the independent tours, and we've over the years tried to work with all the community associations. About eight or ten years ago, we started loading up before Hanamu Road, so we do not ride through Makawao at all. We load up and we unload over at Polli's Restaurant where our guests can then get out and roam around the town, visit the establishments, and then we load them back up and take them down the road by our shop down by Hali'imaile, and then we let them go again. So I'm here to express my concerns to say the least, and I think there's been a lot of good...you know, you guys have been overloaded with questions and information today, and hopefully you can take a little bit of each one of those and come up with a good solution. You know, there's justification on each side. This has not been a problem recently, this is a problem that's been going on for almost 30 years. And so we've got to discuss things and come up with a resolution that's going to work, you know, and I hope that we would be part of that. You know, I've been doing this for 30 years, I'm almost 60 years old now, and so it's getting harder to find other things to do. And the body keeps seeming to fall apart a little by little, but I'm hoping that I can do this for another 30 years. I'd love for my...you know, my kids to be involved. Both my wife and daughter really run the business now, I'm just the mouthpiece, so to speak. And so I was very concerned when I saw the first draft came out. I mean, I'm going to tell you, it drove me to tears almost, it was hard. And...because we've done what we could, we thought, within the years to make those changes. And we're not against making additional changes, that's why we're here, we want to work with the County. But it was extremely frustrating to see the newest version, which definitely would be a death toll. There's not...I know we wouldn't be able to stay in business. The cost of insurance and gas and vehicles has gone...we've just purchased two new vehicles, and what cost me \$17,000 the last year has cost me \$22,000 for each one. So the costs have gone up dramatically. I know the roads, you know, there was some promises on improvements, there were promises on turnouts and, you know, things can still be done, especially now with the massive infrastructure bill and some assistance from the bike companies. We should all sit down and come up with a plan, right, it's us together. We should be able to contribute also. So I don't have a lot more to say than that really. I just wanted to express my opinion on what I felt, but I definitely think that you came up with a...there's some good schedules in there, and like I said, Dick is very amenable to work with. I don't find him at all difficult to work with. . . .*(timer sounds)*. . . So anyway, thank you for your time. Sorry I couldn't get the video work.

CHAIR MOLINA: No problem, Mr. Tanga. Thank you for your testimony. And just for your information, we on the Council, we can work with anybody too. We're nice people, right? Okay. Members, any need to clarify Mr. Tanga's testimony? Seeing none. Thank you for your testimony, Troy.

MR. TANGA: Thank you.

CHAIR MOLINA: All right, Ms. Espeleta, please continue with announcing our next testifiers.

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MS. ESPELETA: Chair, your next testifiers are La'akea Low, followed by Christine Sabado for Item 39.

CHAIR MOLINA: Okay. Aloha, Mr. Low. Please proceed with your testimony.

MR. LOW: Aloha mai kākou, o La'akea Low ko'u inoa na ka moku 'o Hāmākua poko mai au, ke noho ne'i wau mo'o kou kumu ko'u o kula i ke'ia manawa. I'm testifying on agenda Items 42 and 44. So first for 42, I just want to speak in opposition to ICE and everything they do pretty much in criminalizing our immigrant ohana. You know, all of us know in Hawai'i, all of us came from somewhere else, and so we can empathize in all the immigrants across the world. You know, a lot of them are affected...I mean, just like us...looking for a better life. Some of them victims of climate change. So, you know, it sounds harmless enough when you talk about training for MPD to use body cameras, but then when you read into it and it talks about how MPD will help them with investigations, that's concerning. You know, Hawai'i has always been a sanctuary nation before the term Sanctuary City was popularized in recent years. For instance, in 1852, the Hawai'i Kingdom made slavery unlawful and deemed that any slave who arrived in Hawai'i would be emancipated. So Hawai'i has a long history of welcoming people of all nations here in Hawai'i. And so, you know, just really not in...I don't think ICE's mission aligns with the values of Hawai'i and our communities, so maybe we can redirect that funding somewhere else. So I just wanted to speak in opposition to that. And then for the next item, 44, I grew up on Kokomo Road, so I'm familiar with the bike tours that go up there, you know. I graduated Kekaulike. I'm living in Kula now so, you know, all my life...and like people said, it's been a problem for as long as I've been around. And so just a couple things on that is there's like just trying to do away with self-guided tours. To me, I think there's an upside and downside to self-guided. A lot of times self-guided could be like a small family, like maybe five people, whereas like the guided tours are like they have like the van with the trailer and then like ten people. So like when you talk about people trying to pass and how they . . . *(inaudible)*. . . I think it's a lot more dangerous to pass like a guided tour than like self-guided tours with only like a few people, like a small family. And then, you know, I think the overall take away for me is less about bike tours and more about the, you know, lack of investment in these two communities, the Makawao, Ha'ikū and the Kula communities. You know, I've been advocating for Complete Streets for a long time and, you know, a lot of other places on the island, Kihei, Kahului, Wailuku, Lāhainā, you know, they all have, you know, bike lane, sidewalks and the whole nine and, you know, us up here in Makawao and Kula, you know, growing up, we've never had bike lanes, we've never had sidewalks...I mean, it's always dangerous for us to, you know, engage in multi-modal transportation opportunities. And so I just advocate that we invest in those areas with proper infrastructure, make cycling safe for everyone. You know, I was once an avid cyclist myself, believe it or not, and, you know, that all changed when I was...when I was hit by a car a few years back and, you know, it just kind of woke me up because, you know, I could have lost my life, and luckily I didn't and...you know, but a lot of folks aren't that lucky, and we've seen the reality of that over the years. And so I think that, you know, any fees generated from this bill should go to like improving those areas in

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terms of bike lanes and, you know, maybe there should be a companion bill where, you know, drivers are penalized equally if they're involved in a bicycle related accident because, you know, a lot of times they're, you know, driving recklessly whenever bicycles are around and, you know, I would just hope that drivers would be held accountable as well, you know. Cyclists always lose that battle, and so I think cyclists should...I mean, drivers should be held to a higher standard when engaging and sharing the road with cyclists. . . .*(timer sounds)*. . . So mahalo for your time. Aloha.

CHAIR MOLINA: Okay, mahalo for your testimony, Mr. Low. Members, any need to clarify Mr. Low's testimony? Seeing none. Thank you for your testimony, Mr. Low. Okay, Ms. Espeleta, please continue with announcing our next testifiers.

MS. ESPELETA: Chair, your next testifiers are Christine Sabado for Item 39, and she'll be followed by an individual signed in with the last four digits 5328, and they do need to press star four to unmute.

CHAIR MOLINA: Aloha, Ms. Sabado, please proceed with your testimony.

MS. SABADO: Aloha. Let's see...I unmute video on my end...there I am. Hi.

CHAIR MOLINA: There you are.

MS. SABADO: Can you hear me? Can you hear me?

CHAIR MOLINA: Loud and clear. Yep, loud and clear we can even see you too.

MS. SABADO: Oh, very good. Aloha. So this has been worth waiting for, and I appreciate everybody else's contributions on this resolution for the number 39 that we're talking about here, and this is about the Galapagos and San Cristobal. Yes, this is all about time and condition, and I appreciate that Kelly King went to Scotland. And the time and condition is the sustainability issues, about water and the interconnectedness that we have to these islands that share the same missions that we do. So I don't want to take a lot of time because I know there's many things to be discussed on other levels, but I'm just echoing what everyone has talked about. They manage...or the effects of...on globalization, rapid growing tourism, world climate change, and we are both island communities. So they've been our friendship city since 2005 and again, time and condition, it couldn't be more perfect for them to be a Sister City to Maui. We have so much in common. And I appreciate your attention. And any questions about San Cristobal or the Galapagos, I think it's a win-win for us both.

CHAIR MOLINA: Okay. Thank you for your testimony, Ms. Sabado. Members, any need to clarify Ms. Sabado's testimony? Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Christine. Thanks for being here.

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MS. SABADO: Aloha, Kelly. Happy to have you home.

COUNCILMEMBER KING: Yeah, safe and sound. Just adjusting a little every day. But can you...can you just share with the Committee your position on the Sister Cities.

MS. SABADO: I am Chair...I am Sister Cities Chair, and I have been Sister Cities, I think, for three years now so it's a wonderful organization that really does community outreach with, I think, our 22 sister cities throughout the world. And so Kelly just came back from our Sister City in Scotland in Dornoch, Embo and I know she can talk about that at another time, but Sister Cities is the arm reach...the reach to the world that we can do, and we find communication levels on so many things with students and visitors. I think that was my bell.

COUNCILMEMBER KING: Thank you.

MS. SABADO: Aloha.

COUNCILMEMBER KING: Thanks for sending me...she's been loading me down with all that stuff I was able to drop off and...

MS. SABADO: Oh, did they enjoy it? It went well.

COUNCILMEMBER KING: They liked it.

MS. SABADO: Thank you again.

CHAIR MOLINA: Okay. Thank you, Ms. Sabado, as well as Member King, for that request for clarification. Members, any other need to clarify Ms. Sabado's testimony? Seeing none. Thank you very much.

MS. SABADO: Aloha.

CHAIR MOLINA: Okay, let's move on to our next testifier, Ms. Espeleta.

MS. SABADO: Mahalo.

MS. ESPELETA: Chair, your last two testifiers signed up to testify is an individual signed in with the last four digits 5328, and they'll be followed by Junya Nakoa.

CHAIR MOLINA: Okay, testifier number 5328, if you can state your full name for the record and you can proceed with your testimony.

UNIDENTIFIED SPEAKER: Wait, I was checking...who is this? Okay, bye.

CHAIR MOLINA: Hello, testifier number 5328, please identify yourself.

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UNIDENTIFIED SPEAKER: Oh, he not there.

CHAIR MOLINA: Okay. I hear a voice.

MS. ESPELETA: Chair, Staff has unmuted the individual.

UNIDENTIFIED SPEAKER: Okay, I'm right here.

CHAIR MOLINA: Okay, testifier number 5328, we can hear voices in the background. Please identify yourself. One last opportunity before we go on to the next testifier. Testifier 5328, this is your last opportunity to testify. Unmute yourself. Going once, twice, three times. Okay, Ms. Espeleta, announce our next testifier.

MS. ESPELETA: Chair, your last two testifiers, Junya Nakoa, followed by Andrew Martin for Item 44.

CHAIR MOLINA: Okay, aloha, Mr. Nakoa.

MR. NAKOA: Howzit, guys. Yeah, so talking about the Greg Brown project, what the hell is the number...36, yeah. So I got notice about this hotel being built in February of this year. Then I seen the Greg Brown sign on top, so I thought he just was the builder not the owner. But then he told me he was the owner...he was the owner. I was like, shit. So then with my relationship with him through the Makila Kai Project, I went ask him brah, you know what I mean? The neighbors no like 'em, you know, they think it's too big for the neighborhood, you know. The neighbors they come contact me to come look at 'em. His arrogancy, he pretty much was telling me he no care, yeah. And then I said okay, but you get one Aunty across the street ready for protest you, you know, just go over there and just camp out inside, she live across the street. Okay. He contacted...he tell me, we can stop them, we can stop them. So I talk to Aunty. So he gave me some money. He gave me money already for go take care Aunty them. So I go take care Aunty them, this and that, and then whatnot. Okay, cool. Okay, then we move on. Later on I kept on looking into the project and finding out there was no public testimony on this. I said what the hell? And then it was because it was filed as a single family home, but we all know that buggah is one hotel or, you know, and all that stuff. So I call him back again, I said brah, the thing is like a monster, monstrous. He again, arrogant, said nah, I get my good legal team...one guy who used to work for the County on my team, and we can beat the County. That's what he said. I tell you guys right now. I'm coming out publicly about this. Yeah, and then when I kept on, you know, kept on going, calling the Councilmembers Tamara, calling up everybody, calling up Michele McLean, calling up Rowena Dagdag, calling up the Mayor's Office...and Mayor's Office, got zero from them. Michele McLean when communicate with me. Rowena Dagdag when communicate with me. But every time we come up with something, they give one excuse why they not going stop 'em. Oh, the two walls built, no more one permit, and they not stopping 'em. Plenty locals, when try build additional one bedroom for take care their

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ohana and all that kind stuff, but no, they get all shut down. But this guy, he get to do one illegal wall, and then you guys get this after the fact permit thing that is so stupid, you know what I mean. And now we should educate the whole Hawaiians...everybody build something without one permit 'cause no sense because this guy doing 'em, so we might as well do 'em. Yeah, again, and through all this process I told him, brah, it's getting more ugly. And then he told me straight up...I going tell you straight up, he tell me again, I give you \$60,000 for stop this protest, talk to the County Council people and have them stop this thing at the Corp. Counsel level, have Corp. Counsel write up something to protect him. I said, hell, no. I get people who when work on this...the legal help . . . *(timer sounds)* . . . from Oregon, and they went tell me, they doing this for free. And I said brah, if I going stop this now, this guy going charge me up the ying yang because he was doing 'em for free...for me for free because he know I doing the right thing. He call me David because I fighting the giant. He call me David, like in David and Goliath...whatever that damn thing. But I mean, I tell you, his arrogancy just went piss me off. And he offered me \$60,000 for shut up. I said, hell, no. Okay.

CHAIR MOLINA: Mr. Nakoa...

MR. NAKOA: And one other thing...and one other thing, yeah.

CHAIR MOLINA: If you could wrap it up please.

MR. NAKOA: Yeah, yeah, yeah, yeah. And the thing is again, we no have public meetings, we have nothing talking to Rowena Dagdag and Michele McLean getting the left, right, up, down, . . . *(inaudible)* . . . I ask you guys so much times for form one TIG to investigate this department...the department guys, they suck. One say one thing, the other one say things, so you get two departments trying to give out permits, and they contradict each other. So again, we gotta make sure we stand up for the people. You look at your public testimony, 28 of them is all against this project. And I tell you right now, I'm speaking for the people of Lāhainā because I run into them and I talk story. So listen hard, guys, because this is not pau yet. We gotta do something. Thank you. Sorry for the piss off, but I piss off.

CHAIR MOLINA: That's okay, we appreciate your passion, Mr. Nakoa. Members, any other need...any need to clarify Mr. Nakoa's testimony? Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Mr. Nakoa, for your testimony today. I'm just clarifying, you had several meetings at the site...how many, again, did you have like public...you invited the public to your meetings at the site...how many did you have?

MR. NAKOA: Correct. Because we never have public meetings so I make my own. Then I tried...I went invite the Mayor's Department, I went invite the Planning Department, Public Works Department, and the only two people who went came, which I give credit to, is Michele McLean and Jordan Hart. Okay. And we were showing evidence. We had

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the blueprints. We had everything. We showing that couple dead spaces underneath the stairwell was not counted in the square footage. They just said well, you know...and the comment from Jordan Hart was well, you know, there are big single family homes, you know, around Maui. I said, Jesus Christ. I even and then show this meeting with the research...what his name, Jim Buika.

COUNCILMEMBER SINENCI: One meeting...you had...

MR. NAKOA: One frickin' meeting...only one, only one, but that was all from us, and the Mayor's Administration, whatever, his office, nobody show up. Sandy Baz went cancel half an hour...or one hour before the meeting was scheduled. Rowena Dagdag, same thing, went cancel that day, okay. So I give props to Michele and da kine. Mahalo for asking the question. Sorry.

COUNCILMEMBER SINENCI: Okay. No, thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member Sinenci. Members, any other need to clarify, Mr. Nakoa's testimony? Seeing none. Mahalo for your testimony, Junya.

MR. NAKOA: Oh, yeah, brah. Can be one resource or what?

CHAIR MOLINA: Yeah, when we get to that item, but not going be...it looks like, you know, we have another Committee meeting later on, but the Chair is going to ask the Members about a recess meeting in the near future, yeah...possibly next week. But yeah, we will certainly consider you as a resource when we get to the item, yeah.

MR. NAKOA: Because I get plenty shit for say. Okay.

CHAIR MOLINA: Okay. We know you do. All right. Thank you. Mahalo, Junya. Okay, Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your last individual signed up to testify is Andrew Martin for Item 44.

CHAIR MOLINA: Okay. Aloha, Mr. Martin. Please proceed with your testimony.

MR. MARTIN: Good afternoon, Chair, and thanks for taking me during the public testimony phase. I actually asked to testify as to Item 42, as I know I'm a resource for the other item. The reason I asked to be on...first of all, let me say, I'm testifying from my office today and not the eighth hole of the Kapalua Golf Course like Mr. Balinbin earlier...who is my new hero, by the way, for having done that. There...I really appreciate all of the other testifiers who testified in opposition to Item number 42, but I think there is a great misunderstanding of what that MOU really covers. So the MOU itself, in paragraph 3, explicitly accepts from the authority being granted on MPD the conveyance of any authority to enforce immigration law violations. That's not the purpose of this MOU. Like many of our other Federal partners, we work hand in hand with agencies such as

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HSI, FBI, and DEA on common strategic priorities in investigations, law enforcement and prosecution, and HSI is one of our closest partners. Their strategic initiatives with respect to child exploitation, which is our Keiki Shield Program, drug trafficking organizations and enforcement, and financial exploitation are all strategic initiatives that MPD and my office work alongside HSI with. And this MOU, in conveying Federal authority upon some of their officers, will simply further the opportunity for us to have access to resources and be able to appropriately investigate cases involving those specific priorities. But again, it specifically accepts, from authority being granted on MPD officers, the investigation of immigration matters. So I just wanted to make that clear as the Committee moves forward on that particular item. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Martin. Members, any need to clarify Mr. Martin's testimony. Vice-Chair Rawlins-Fernandez, followed by Member Sugimura. Vice-Chair, if you could go ahead and proceed with your questions for Mr. Martin. You seem to be frozen. We'll come back to you. So let's go to Member Sugimura, and I also saw a hand from Member Paltin. Member Sugimura, proceed with your line of questioning for Mr. Martin.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Mr. Martin, so you are in support of this, or you tried to clarify some of the public testimony?

MR. MARTIN: Yeah, I...yeah. I am in support of it, and I just wanted to clarify the testimony because again, I understand their concerns with respect to enforcement of immigration and that being done by MPD, but that is not what this is for. And like I said, it...just a simple reading of the MOU indicates that it's specifically accepted from the MOU. MPD will not be enforcing or conducting raids or investigations with respect to immigration violations.

COUNCILMEMBER SUGIMURA: Okay. And when this item comes up, you will be probably be speaking on behalf of the Office so that you can clarify it further...instead of a three-minute testimony.

MR. MARTIN: I'll support...yes. No, I'll support our continued strong working relationship with HSI and the other Federal partners we work with on a daily basis, absolutely.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Let's go back to Vice-Chair Rawlins-Fernandez, and then we'll go back to Member Paltin. Vice-Chair, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry for the technical difficulties. Aloha, Mr. Martin. Mahalo for your testimony.

MR. MARTIN: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: I just have a quick question. Is there a time sensitivity to this MOU?

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MR. MARTIN: Not that I'm aware of. And you know, again, I wasn't expecting to speak on this, I just heard the other testifiers and I just wanted to make sure that there was some clarification...not just for the Members, but for the public as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Martin. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Martin. I just wanted to clarify because I thought it was one of your Deputy Prosecutors testifying against it as well that you don't agree with the unintended consequence of eroding trust within the MPD if this MOU goes forward, or you are not speaking to that portion of it, because you said you understand concerns.

MR. MARTIN: Well, personally, I'd say that I'm the only one from our Department to speak to this particular item. Ms. Matthews was formerly a Deputy with our Department, but she left our Department several months ago, so she's no longer with the Department. I don't believe that there's an erosion of public trust...I mean, the argument for that is that MPD would be enforcing immigration violations, which is not the part of this MOU. We work hand in hand with Federal investigators literally on a daily basis. They provide resources to...that we as a County and a State do not have, and also enable us to take investigations and prosecutions that would be more appropriately handled on a Federal level. We're able to plan for that at the initial stages of an investigation, involve them in the investigation, utilize their resources, and then just run specific cases to the Federal Government for prosecution when appropriate. So, you know, there really is no, I think, eroding of public trust that comes from this. This is already something that occurs on a daily basis with drug enforcement, with the FBI, with HSI, the United States Attorney's Office, all of the law enforcement agencies in the State work closely with our Federal partners, like I said, on a daily basis, so...

COUNCILMEMBER PALTIN: Thank you. And just to further clarify, since I guess Ms. Matthews wouldn't be getting the email I sent to her County address, is this a separate idea or separate issue from the press release we received earlier regarding DHHC and immigrant services being cut off...it's totally separate?

MR. MARTIN: You know, like Ms. Matthews, I haven't seen that press release, so I can't...I can't speak to that.

COUNCILMEMBER PALTIN: Okay. Thanks, I'll try forward it to you. Thanks.

MR. MARTIN: Thanks.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Member Johnson.

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COUNCILMEMBER JOHNSON: Thank you, Chair. Good afternoon, Mr. Martin, always good to see you. A couple quick clarifying questions for you. You mentioned in your testimony to Councilmember Paltin that this MOU...this is what it's not doing. So can you give us a little more clarification what it does do? Because it just says like working in partnership and, you know, sharing resources...can you get a little more specific on what that specifically does?

MR. MARTIN: Yeah. So like I said, I mean HSI, they have several strategic priorities that align with ours, right. And I mean, the biggest one, and I think the one that people know about most because it's highly publicized in the newspaper is operation Keiki Shield. So that is another cover operation that seeks to identify and apprehend individuals in our community who are sexual predators of children, right?

COUNCILMEMBER JOHNSON: Yeah.

MR. MARTIN: And so they are one of our close partners, provide a number of assets and resources for us to be able to conduct those operations.

COUNCILMEMBER JOHNSON: Okay, that's really good. I'm sorry. Okay, so then...go ahead.

MR. MARTIN: So it's along with our drug trafficking investigations, as well as financial exploitation. So, you know, my office recently applied for a \$375,000 grant to enable us to better identify our kūpuna in our community who are being financially exploited by transnational organizations, as well as locally. HSI is one of our partners in that initiative. So it's those types of initiatives...

COUNCILMEMBER JOHNSON: So when I read number 4 in the MOU, the one that you reference, it says it's kind of calling them like making police officers custom agents, or is that just a term that...I mean in my mind, I'm thinking they're going to be searching packages and telling ICE on these things...is that the...when it comes to calling them custom agents.

MR. MARTIN: Right, so it refers to them as customs officers accepted, right, and then I was referring to paragraph 3 where it says, however, in designated customs officers accepted, HSI is not conveying the authority to enforce administration violations of immigration law.

COUNCILMEMBER JOHNSON: Okay. All right. So my last question, I know...I just want to finish on this one. HSI is the branch of the ICE that does two things. It does drug trafficking, and then it does workforce raids, is that...am I...is that true, am I saying that right? The workforce raids and drug trafficking.

MR. MARTIN: Their strategic focus is much more broad than just that and, you know...

COUNCILMEMBER JOHNSON: So it would include...

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MR. MARTIN: Honestly, the best way to get an idea is just to go to ice.gov and click on the HSI link, and it actually lists a number of different strategic initiatives, including human trafficking, drug trafficking, patent and intellectual property protection, and that sort of thing, so...

COUNCILMEMBER JOHNSON: So it has a long list, and does it include workforce raids and drug trafficking?

MR. MARTIN: It includes drug trafficking for sure, I'm not sure what you mean by workforce raids and how...

COUNCILMEMBER JOHNSON: No, they raid a restaurant if they think there's immigrants in there...that kind of thing.

MR. MARTIN: Yeah, I can't speak to whether that's HSI or whether or not that's immigration officers separately, yeah.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you, Mr. Martin. Thank you, Chair. I have no further questions.

CHAIR MOLINA: Thank you, Member Johnson. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to ask if Mr. Martin can...if the Committee can request his presence when this item comes up, because I have questions too, but I don't want to ask them during public testimony.

CHAIR MOLINA: Mr. Martin, would you be available to serve as a resource when we do bring this item back, which could be possibly next week, or possibly as late as December...I guess depending on your schedule though, we'll certainly work with you. And I think you would, in my opinion, serve as a valuable resource. Would you be willing to make yourself available?

MR. MARTIN: Certainly, I'm always happy to be a resource.

CHAIR MOLINA: Excellent. Okay. I guess that answers your question, Vice-Chair. All right, Members, seeing no other requests for clarification from Mr. Martin, we'll go on and ask Ms. Espeleta if we have any other testifiers.

MS. ESPELETA: Chair, that was the last individual signed up to testify.

CHAIR MOLINA: Okay, all right. This is the last call for anyone out there who would like to testify on any of our agenda items. We'll pause for a few seconds, see if anyone signs on. Ms. Espeleta, for the record, do we have any additional sign ons for testimony for our agenda today?

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MS. ESPELETA: Chair, for the record, there are no further individuals signed up to testify.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: Okay, thank you. Members, if there are no objections, the Chair will close public testimony on all of our agenda items for today.

COUNCILMEMBERS VOICED NO OBJECTIONS.

GREAT-44 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS
(CC 21-453)

GREAT-42 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (CC 21-413)

CHAIR MOLINA: Okay, so noted. Members, of course, the time is 12:24, we have an upcoming Committee meeting at 1:30 today. The Chair is looking at asking you to consider coming back for a recess meeting next week. The Chair is looking at 1:30 p.m. I know Member Rawlins-Fernandez has been given the task for, I guess, approval for a recess meeting, so first I'll ask Vice-Chair...Council Vice-Chair Rawlins-Fernandez your thoughts. Because we have some very compelling items that I think would be...to be fair to the public who took time out of their day to testify, that if we can address these matters in a semi-timely manner. We did have an unexpected amount of...a large amount of testifiers today, so if Tuesday, November 23rd, 1:30 p.m., if that's amenable to you, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to first ask about written testimony?

CHAIR MOLINA: Oh, yeah, sorry. Members, any objections to accepting written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER KAMA: No objections to taking written testimony, Chair.

CHAIR MOLINA: All right, so noted. Okay, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So we have a scheduled TIG meeting at 1:30 on the 23rd...the Tourism, Management and Economic Development TIG meeting. And then I think...but I think if we could take it up in the morning, that could be

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possible. And two things to consider...oh, okay, it looks like morning wouldn't work either. But I would like to ask your consideration, Chair, on deferring GREAT-42 until the Police Chief...our new Police Chief has been installed, and that could reduce the number of items on the agenda, as well as GREAT-44 hearing...that it sounds like you, Member Sugimura, and the Kula Community Association, along with Mr. Mayer, will be working on another proposal for us to consider.

COUNCILMEMBER SUGIMURA: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: And so that would also reduce the number of agenda items.

CHAIR MOLINA: Okay. Well, I would say I'm amenable to deferring GREAT Item 42, and certainly to a date past November 23rd, maybe possibly November 30th or some time in December, I'm fine with that. But with the bike tour, I do have a proposed bill, and I would like to have that discussed, at least initially, on our recess date. And the Chair's intention for that, I'm going to let the cat out of the bag, no decision-making on that just yet. I'm aware of the concerns, and I've always stood on the premise of if you want to get good legislation out, you need to take more than one meeting. So...but I am open to bringing back my proposed bill, as well as the Kula Community Association bill, for possible decision-making sometime early next year, which is January; but at the very least, I would prefer not to defer that item, I would like to have that item discussed on the proposed recess date that I am making to the Committee. So...all right. Well, let me ask Members, all right. Any objections to deferring GREAT Item-42?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused AL)

ACTION: DEFER GREAT-42.

CHAIR MOLINA: Okay, so that will be noted. And again, the Chair will bring that matter up possibly November 30th, or soon after, for further discussion and deliberation, okay. And Members, I'd like to ask for your availability for November 23rd in the afternoon. I'm not available in the morning, as I think Member Paltin [sic] indicated that to us. Typical three...up to three-hour day in your off week, and I do thank you for your consideration because for members of the public who are not aware, during the Council's off week, that is the time when Councilmembers meet with constituents, go off on site visits, or do whatever they have to do during their off week. So we have met during the off week; so again, this is one other time we're going to be considering. And we have reduced the amount of off week meetings recently, but again, for some of these matters, I think I would really like to, just out of respect for the public giving testimony on the items related to the GREAT Item 36, the Nāpili matter, as well as the bike tour matter, and of course, on the agenda, we have also the Sister City matter. Member Paltin, your availability for November 23rd, 1:30 p.m.?

COUNCILMEMBER PALTIN: Oh, I'm on that TIG, but I was wondering about the cancelled

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Chair meeting time since we're not doing that.

CHAIR MOLINA: November 24th, okay. Well, I would be available at 1:30 on that day if that's the preference of the Members.

COUNCILMEMBER PALTIN: I'm available at 9:00.

CHAIR MOLINA: Oh, okay.

COUNCILMEMBER PALTIN: I have a prior commitment at 2:30. So I guess I could do an hour.

CHAIR MOLINA: Okay. We'll take an hour from you. Okay. All right, Member Sugimura, your availability for...well, let me ask Members. Is your preference afternoon of November 23rd or afternoon of November 24th? Just indicate that to the Chair. Member Sugimura.

COUNCILMEMBER SUGIMURA: So I'm not available on the 23rd, I have...so that's not good for me. I would have been available in the morning. The 23rd is good, but not...I'm sorry, the 24th good, but not the 23rd.

CHAIR MOLINA: Okay, I have two Members for the 24th. I'm fine for the 24th. So it's three. Member Kama, your availability...23rd or 24th?

COUNCILMEMBER KAMA: 24th.

CHAIR MOLINA: Okay, that's four Members. Member King, your availability, 23rd or 24th?

COUNCILMEMBER KING: I wouldn't be available on the morning of the 23rd because I...we have an HSAC meeting that we have to confirm all of the final legislative packages. I could do the 24th. I'd prefer the morning, but it sounds like most people aren't available in the morning, so...

CHAIR MOLINA: Okay, so we'll go with the...

COUNCILMEMBER KING: I could do the 24th in the afternoon.

CHAIR MOLINA: You're fine with the 24th in the afternoon at 1:30? Okay, very good. Member Sinenci.

COUNCILMEMBER SINENCI: Yeah, I'm available 24th afternoon.

CHAIR MOLINA: Okay, 24th at 1:30. Mr. Johnson.

COUNCILMEMBER JOHNSON: The 24th is better for me, actually.

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CHAIR MOLINA: Okay, so noted.

COUNCILMEMBER JOHNSON: I'm free anytime on that day.

CHAIR MOLINA: All right. I know Chairs Lee...Chair Lee is not available to give her input, but with the Members that are here today, so we have a consensus of recessing until Wednesday, November 23rd [sic], 1:30 p.m.

COUNCILMEMBER SUGIMURA: 24th.

CHAIR MOLINA: 24th...sorry. November 24th. So it's the Wednesday, the day before Thanksgiving. Easiest way to remember, okay. All right. So Members, get your Thanksgiving shopping done early, okay. I intend to go no past...nothing past 4:30, okay, so Members, just for your consideration. All righty. And then again, the public testimony has been closed off for these agenda items, so we can delve right into it. So we'll address three agenda items that day; GREAT-44, GREAT-36, and GREAT-39. We have deferred on GREAT-42 as of today.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: All right. Yes, Member King.

COUNCILMEMBER KING: Just as a matter of consideration, would it be possible to take up the Galapagos resolution first?

CHAIR MOLINA: Oh, on that day?

COUNCILMEMBER KING: Yeah. I don't think that will take very long.

CHAIR MOLINA: Sure, we'll take that into consideration of course.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Mr. Forrest, I see your...oh, yes, yes, yes. You have...

MR. FORREST: I know you guys have a lot of business going on. So this is Gary's last meeting, so I didn't want to allow him to sneak away. I do want to put some serious comments on the record. He has just been wonderful to work with, and I know that as a Chair, you agree. And this is really like teamwork between OCS and Corp. Counsel, but just Gary, as a guy, he's been wonderful, and he served the community. And so I just wanted to give everybody an opportunity to say goodbye. And I'm sure we'll hear from him in the future, but this is his last meeting.

COUNCILMEMBER SUGIMURA: Wow.

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CHAIR MOLINA: Okay, got it. Thank you for that reminder, Mr. Forrest. And yes, aloha to you, Mr. Murai, you have just been...done yeoman's work for the Corporation Counsel's office and you have been very cooperative and easy to work with, so we shall certainly miss you. And we understand you'll be off into the world of retirement, nothing but pleasure, fun, and joy, and everything else that goes with it. So thank you, thank you for your service. Member Sugimura.

MR. MURAI: Thank you.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much, Gary, and good luck to your future. I just wanted to get clarity, I see Dick Mayer still on the phone...I mean, still on the call for the KCA because they've been processing communications with bike companies, and he also...I mean, the KCA has a bill, and they're hoping that we could merge our two bills and present something. But I wonder if you could give us directions on what your plan is so that we, as an Association, can act accordingly and be consistent with what your direction is.

CHAIR MOLINA: I'll give you my direction on November 24th, Member Sugimura. We're cutting into people's lunch hour, you know. We have to consider Staff, but I'll further elaborate. But I am open to anything...I'll just say that. So...but I'll further elaborate on your question on that date, November 24th, okay...or even before that if you want to call me or Mr. Mayer. So anyway, I do want to give Members...Mr. Murai an opportunity to say aloha before we close, because I know people are waiting their lunch hour. Mr. Sinenci has to prepare for his 1:30 meeting. Mr. Murai, I'll give you...before we recess, I'll give you an opportunity to say...share your thoughts with us.

MR. MURAI: Well, first of all, Mr. Chair I...you know, I was surprised Forrest outed me but, you know, I do...I...it is a reciprocal thing, you know. Mr. Chair, you have a great Staff. I've really enjoyed assisting this Committee. I think we've had nothing but collaborative relationships, and I will miss you folks, but I appreciate the kind words. Anyway, so aloha to everyone, and thank you all for the important work you do.

CHAIR MOLINA: Okay. Aloha, Mr. Murai. Thank you. Okay, Members, again, this meeting will be recessed until Wednesday, November 24th, 1:30 p.m. And for those of you in the public, use the same meeting link to join us for our recessed meeting of November 24th, year 2021, at 1:30 p.m. Staff, is there anything the Chair needs to be made aware of before we recess?

MS. ESPELETA: No, there's nothing further. Thank you.

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CHAIR MOLINA: Okay. Mahalo, Ms. Espeleta. This GREAT Committee meeting for November 16th, 2021 is now in recess until 1:30 p.m., Wednesday, November 24th. . . .(gavel). . .

RECESS: 12:35 p.m.

APPROVED BY:



MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:min:211116r

Transcribed by: Marie Tesoro &
Terianne Arreola

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CERTIFICATIONS

I, Marie Tesoro, hereby certify that pages 1 through 23 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 16th day of December 2021, in Wailuku, Hawai'i



Marie Tesoro

I, Terianne Arreola, hereby certify that pages 24 through 73 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 16th day of December 2021, in Kahului, Hawai'i.



Terianne Arreola