

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

**M I N U T E S**

**September 8, 2022**

**Online Only via BlueJeans Link**

**RECONVENE:**       **9:02 a.m.**

**PRESENT:**           Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member  
Councilmember Kelly T. King, Member  
Councilmember Alice L. Lee, Member (arrived at 9:03 a.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:**            Kasie Apo Takayama, Legislative Analyst  
Jerry Paredes, Legislative Analyst  
James Forrest, Legislative Attorney  
Shelly Espeleta, Supervising Legislative Analyst  
Pauline Martins, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
Nālani Fujihara, Hawaiian Language Communications Specialist

Anabelle Hernandez, Council Aide, Makawao-Ha‘ikū-Pā‘ia District Office  
Christian Balagso, Council Aide, West Maui District Office  
Daniel Kanahele, Council Aide, South Maui District Office  
Denise Fernandez, Council Aide, Lāna‘i District Office  
Mavis Medeiros, Council Aide, East Maui District Office  
Roxanne Morita, Council Aide, Lāna‘i District Office  
Zhanter Lindo, Council Aide, Moloka‘i District Office

Angela Lucero, Executive Assistant to Councilmember Paltin  
Axel Beers, Executive Assistant to Councilmember King  
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  
Kate Griffiths, Executive Assistant to Councilmember Johnson  
Lois Whitney, Executive Assistant to Councilmember Kama  
Noelani Ahia, Executive Assistant to Councilmember Rawlins-Fernandez  
Sarah Sexton, Executive Assistant to Councilmember King

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**ADMIN.:** Richelle Thomson, First Deputy Corporation Counsel, Department  
of the Corporation Counsel  
Carmelito Vila, Motor Vehicle and Licensing Administrator,  
Department of Finance  
Reid Pursley, Assistant Chief, Department of Police  
Michele McLean, Director, Department of Planning  
Ipo Mossman, Executive Assistant, Office of the Mayor

**OTHERS:** Phil Feliciano, Haleakala Bike Company  
Ron Daniel, Haleakala Bike Company  
Lewis Upfold, Haleakala Bike Company  
Jeff Robertson, Maui Sunrise Bike Company  
William Campbell, Maui Easy Riders  
Albert Perez  
Dick Mayer  
Plus (3) other people

**PRESS:** *Akaku Maui Community Television, Inc.*

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**GREAT-44 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS**  
**[CC 21-453]**

CHAIR MOLINA: . . .*(gavel)*. . . The recessed GREAT Committee meeting of August 31st, 2022, will now come back to order. The date today is Thursday, September 8th. The time is 9:02 a.m. We'll start with Committee roll call. And just for the public's information, testimony on the agenda item for today was closed on August 31st, so there will be no public testimony taken. For the sake of roll call, I'm Committee Chair Mike Molina, and I'm transmitting out of the Council Chambers here in Wailuku. And let's find out who else has joined us here this morning. I see from Upcountry Maui under the jacaranda, we have Councilmember Yuki Lei Sugimura. Aloha and good morning.

COUNCILMEMBER SUGIMURA: Aloha. Good morning. I'm here in Kula, and I'm happy to say my son is home. So, I'm having good family home time, and he's here in the next room with my husband. Good morning, everybody. Looking forward to this...this bill. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. And let's go out to West Maui and check in on Councilmember Tamara Paltin. Aloha and good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka and kia ora kākou. Broadcasting live and direct from the West Maui District Office. I have with me Staff Angela Lucero and Christian Balagso. And we have no testifiers waiting to testify at this time.

CHAIR MOLINA: Okay. Mahalo, Member Paltin. And there's our Committee Vice-Chair Keani

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Rawlins-Fernandez. Aloha and good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui Ahina. I'm at the Moloka'i District Office, alone on my side of the office, and we have our Community Outreach Specialist Zhantell Lindo on the other side of the office.

CHAIR MOLINA: Okay. Mahalo, Vice Chair. And let's go out to East Maui and check in on Councilmember Shane Sinenci. Aloha, Mr. Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka, Chair. For the record, we are broadcasting today from the new Lāna'i District Office. Mahalo to Member Johnson. We've commandeered his office space while he's at home. And next door is Ms. Morita, as well as Ms. Fernandez, they've been great hosts while we were visiting here. And so, we wanted to just mahalo them. Aloha.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. And yeah, thank you for making us aware of that. And congratulations to the new District Office in Lāna'i, Councilmember Johnson's site. And I love that fancy word, commandeered, and it sounds like take over, yeah. So, must be a fun place. And speaking of which, let's check in on Councilmember Johnson. Aloha and good morning.

COUNCILMEMBER JOHNSON: Aloha and good morning, Chair. I am alone in my office in my house, there are no testifiers at the Lāna'i District Office that recently got blessed, that Councilmember Sinenci was referring to. I want to thank everybody who came out, braved the channels, that took the ferry, and there's a whole lot of leftover food that we're trying to eat. So, thank you all for bringing everything that you brought, really exciting. Aloha,

CHAIR MOLINA: Okay. Mahalo, Member Johnson, and congratulations again. And let's find out how the neighborhood is doing and check in with Councilmember Tasha Kama. Aloha and good morning.

COUNCILMEMBER KAMA: Aloha, Chair, and good morning to all of my colleagues. I am alone in my workspace, and I am looking forward to a wonderfully brief meeting. Thank you, Chair.

CHAIR MOLINA: Thank you. I'm optimistic as well too, Member Kama. And I believe--well, I've got these beautiful sunflowers on my desk here. And this is courtesy of our colleague from South Maui, Kelly King. Good morning and aloha, Member King.

COUNCILMEMBER KING: Aloha. Good morning, Chair. I'm still waiting for the link. Somebody said they sent it to me, but if somebody could send it to me again, that would be helpful.

CHAIR MOLINA: Okay. *(Audio interference)* --

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COUNCILMEMBER KING: So I'm here in the Chambers.

CHAIR MOLINA: All right. Fantastic. Thank you for keeping me company here in the Chambers.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: And my understanding is Chair Lee is trying to get linked up. So, she'll be coming on soon. She's apparently having some technical difficulties. I know there were some power outages in parts of Wailuku this morning. I know some traffic lights were out. So once Chair Lee gets her technical difficulties addressed, she'll be right here...or maybe she might even come by the Council Chambers, if...if necessary. So, we look forward to her participation later on this morning. Very good. All right. So, Members, as I stated earlier, this is a recessed meeting, and we're taking on the GREAT item bill...GREAT Item 44 related to the bike tours. And other people that will be in attendance with us this morning will include on call...people that are on call...Mr. Lito Vila from the Department of Finance, as well as Assistant Chief Reid Pursley; Prosecuting Attorney, Mr. Andrew Martin; and from the Department of Planning, Director Michele McLean. Again, these are all individuals that are on call and...and will be called on if needed. And we also have Jordan Molina, Director of Public Works; as well as from the Department of Parks and Recreation, Sam Marvel, Deputy Director; and...as well as Lisa Almeida, Parks Permits Officer. And our ever-steady, reliable Corporation Counsel individuals...Richelle Thomson, First Deputy, Corp. Counsel, as well as Keola Whittaker, Deputy Corporation Counsel. And we have our resource people that were designated from our last meeting...Mr. Phil Feliciano, Director of Operations for Bike Maui, and Mr. Dick Mayer, Board Member for the Kula Community Association. And certainly last, but not least, our hard-working Committee Staff...Legislative Analysts Kasie Apo Takayama and Jerry Paredes, as well as Legislative Attorney James Forrest, Committee Secretary Pauline Martins, and Council Services Assistant Clerk Jean Pokipala. So, Members, we're going to just go ahead and jump right into the item, itself; GREAT Item 44, Bicycle-Tour Public Safety and Related Litigation Concerns. As a reminder, again, oral testimony has been closed on this item. And more specifically, we had left off discussing an ASF that was being proposed. As a reminder, the ASF that's going to be posted on today's agenda incorporates revisions based on feedback received during previous Committee meetings and discussions with parties who may be affected by the bill. Again, these proposed revisions would do the following. Accept the proposed revisions by the Department of Corporation Counsel which relates to insurance requirements for a permit holder; violations, and penalties, and appeals; clarify that this chapter will apply to bike tour businesses operating on County and State property; limit prohibited areas for any business to conduct unguided commercial bike tours on Kula Highway and Haleakalā Crater Road; limit prohibited areas for any business to conduct guided commercial bike tours to Kula Highway and Haleakalā Crater Road below the 4,500-foot elevation; delete the restriction that no more than six guided commercial bike tours are allowed to operate each day in each

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community-planned area; delete the restriction that an employee guide much ride at the back of tour groups; and amend the allowable hours of operation for guided and unguided commercial bike tours to Monday through Saturday between 8:00 a.m. and 1:30 p.m.; and delete the restriction that each commercial bike tour business is limited to one-guided bike tour per two hours in each community-plan area; and change the bill's effective date to February 1st, 2023. My intent, with these revisions, is to provide legislation which addresses both the concerns of the Kula community members who have come out to testify and submitted comments to the Committee, as well as the bike tour operators. Now, if this bill is enacted and further restrictions are still needed in the future, the Code can also be revisited and amended further, but we have a good starting point. And certainly this not...does not prohibit your opportunity, as well as your Chair's opportunity, to make further revisions with what we have before us this morning. And in the meantime, we can continue discussion on the proposals before us. Now, Members, I intend to end this meeting at 12:00 today. We do have a recessed CARE Committee meeting at 1:30. So, Members, I believe we...we've all had ample time to review this bill. I believe we've had, at least, four prior meetings on this matter. So, I'm ready to go, Members, so...and I hope you are too. And if you have any last-minute comments or request to hear from our resource personnel, now's the time to do it. We'll start first doing that. And then at some point, hopefully soon, Chair is going to make motion...recommendation to move forward with this bill as amended, and maybe consider other amendments as well. So, with that said, I'll open up first with your Committee Vice-Chair Rawlins-Fernandez. Well, I'll tell you what--Staff, we're going to put a three-minute time limit for any additional questions for resource personnel. I'm going to keep things tight today. Again, Members, as I stated earlier, we had several meetings on this, plus you've all had the opportunity to review the bill, so I don't anticipate any more further long discussions or Q&A sessions. I think we're at a point where we can make a decision. So --

COUNCILMEMBER KING: Chair, just point of information.

CHAIR MOLINA: Yes, Member King.

COUNCILMEMBER KING: Thank you. Your ASF, is that posted on Granicus, and can you tell us what number it is *(audio interference)* --

CHAIR MOLINA: Yeah. Staff, can you assist the Chair on that?

MS. APO TAKAYAMA: Yes, Chair. It's listed as correspondence from Committee Chair dated August 10, 2022. And I'll also put a link in the chat.

COUNCILMEMBER KING: You know what number it is? . . .*(inaudible)*. . . --

CHAIR MOLINA: . . .*(Inaudible)*. . . --

COUNCILMEMBER SUGIMURA: 39 on Granicus.

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CHAIR MOLINA: 39, I believe.

COUNCILMEMBER KING: *(Audio interference)* 39. Okay. Got it. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. I saw Member Kama had her hand up. Member Kama.

COUNCILMEMBER KAMA: Yes. Thank you, Chair. You know, did you incorporate into your ASF some of the recommendations that Phil had sent to the Committee?

CHAIR MOLINA: Not yet. Not in the --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- the existing --

COUNCILMEMBER KAMA: *(Audio interference)* --

CHAIR MOLINA: I do have something coming before --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- the Committee soon this morning --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- for other considerations --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: -- and other adjustments.

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: Okay. Thank you. And I see Chair Lee is with us...good morning...this morning. Good morning, Chair Lee.

COUNCILMEMBER LEE: Good morning. Just checking in. I'm here in my home workspace alone, and looking forward to your meeting. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair. All righty. So, the floor is now open for questions for any of our resource personnel. And just a reminder, Chair would like to go over some ground rules as it relates to the use of resource personnel, primarily to...just to keep things moving and to remind Members...or remind our resource personnel what

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their parameters are. Again, to our resource personnel, respond only when you are called upon, that's...I want to just keep it tight. Refrain from any debates with each other or with Councilmembers. So, any debates is to be amongst the Members themselves. So, just would like to pass on that friendly reminder to our resource personnel. All righty. So, Members, any questions for members of the Administration, or for our resource personnel? We'll start with Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I couldn't remember if we already asked Mr. Albert Perez to serve as a resource to the Committee.

CHAIR MOLINA: Staff, did we have Mr. Perez as a resource personnel, or designate him from our previous meetings?

MS. APO TAKAYAMA: Chair, he was not already designated, but if you would like to do so, you could do that today.

CHAIR MOLINA: Okay. Members, I'll leave it to the body if you would like to have Mr. Perez as a resource...resource personnel. We do have one from each side of this issue; Kula community member, Mr. Mayer; and then we have Mr. Feliciano, who represents the industry. So, what is the pleasure of the body here? I...you know, I'm kind of on the fence with this because if we have two people from one side of this issue, and have only one person from another side of the issue, then to be fair, we should have a second person from the industry, if that is the pleasure. That would be my preference. I want to keep things even. So anyway...all right, Members, your feedback on this.

COUNCILMEMBER PALTIN: *(Audio interference)* --

CHAIR MOLINA: Okay. So, Member Rawlins-Fernandez, you...is that your preference, to have Mr. Perez as a resource person...additional resource person?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, that...that's my request, if there are no objections. And then, Chair, if you would like to have a second person representing the bike tour industry, I have no objections to that, if that's --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- your preference.

CHAIR MOLINA: All right. Let me ask Mr. Feliciano...are you on the line right now, Mr. Feliciano...on the call?

MR. FELICIANO: Yes, I am.

CHAIR MOLINA: Do you feel you need a second person from the industry as a resource person?  
*(Audio interference)* --

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MR. FELICIANO: Well, yes. If *(audio interference)* if you're going to allow Albert Perez to step in at this 11th hour then, yes, we would need somebody else. I prefer that --

CHAIR MOLINA: Okay. Do you have someone in mind right now?

COUNCILMEMBER KAMA: Chair...Chair?

CHAIR MOLINA: *(Audio interference)* --

MR. FELICIANO: I don't see why there's a reason Albert Perez has to be included. Mr. Mayer is *(audio interference)* --

CHAIR MOLINA: Well, but that's...that's for this Committee to decide, so...

MR. FELICIANO: Yeah, I know.

CHAIR MOLINA: But if at some point, Mr. Feliciano, there is someone in the industry that you would like to make us aware of, that...you know, that could provide insight on this matter, the Chair is open to allowing that, so...

MR. FELICIANO: Okay. *(Audio interference)* --

CHAIR MOLINA: All right. Members, so the proposal--okay. Member Kama, before the Chair--oh, sorry. Member Paltin, you had your hand up, followed by Member Kama. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I just have an issue after this issue that's somewhat unrelated, if you can call on me when we dispose of this issue.

CHAIR MOLINA: Okay. All right. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. If the body doesn't object, I would like to have the second resource person on the bicycle industry of Mr. Jeff Robertson.

CHAIR MOLINA: Okay. All right, Mr. Robertson. Mr. Feliciano, he is someone of the industry that you believe can provide insight?

MR. FELICIANO: Yes, absolutely *(audio interference)* --

CHAIR MOLINA: Okay. All right. Okay. Members, any objections to having Mr. Perez, as well as Mr. Roberson, as additional resource personnel?

COUNCILMEMBERS: No objections.



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CHAIR MOLINA: Okay. So noted.

COUNCILMEMBER KAMA: Thank you, Members.

CHAIR MOLINA: Thank you. Okay, Member Paltin.

COUNCILMEMBER PALTIN: I just was confused by the number 39 on Granicus, that's a August 10th correspondence from you. But the 40th correspondence is the August 11th correspondence from you, and that's the one I have been working off of. So, just...if you can clarify if it's the August 10th correspondence, or the August 11th correspondence.

CHAIR MOLINA: I believe whatever is the most recent correspondence what we'll be working off. Staff, can you --

MS. APO TAKAYAMA: Chair, the August 10th correspondence is the clean version attached to the ASF. The August 11th correspondence is just a track changes version for your information. Thank you.

CHAIR MOLINA: Member Paltin, does that clarify things for you?

COUNCILMEMBER PALTIN: Yeah. I'm going to work off the August 11th one, if that's okay then.

CHAIR MOLINA: Okay, yeah. And my apologies to you, and then...Members, if any confusion is occurring. Because we're trying to, you know, wade through this, and come up with something that can be understandable to all, and that we can hopefully move out of Committee today. Okay. Members, we're at a point now, any questions for our resource personnel, whether it be the industry reps, community reps, or Administrative...Administration personnel? Vice-Chair Rawlins-Fernandez, followed by Member Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We received some information from Mr. Perez, and I was hoping that he could share some of that information for the public, and for the Committee, for those that haven't seen his email with the attached video. Mr. Perez, will you please share some of the information that you sent to the Members, along with the video, some background...as concisely as possible, because there's only two minutes. And any, you know, insights on meeting with the industry folks.

MR. PEREZ: Yes. Thank you.

CHAIR MOLINA: Mr. Perez.

MR. PEREZ: Yes. Thank you, Chair. And I'll try to be brief. So, yesterday, the bike tour operators reached out to Mr. Dick Mayer to try to meet with him. And so, he...Dick Mayer called me and Bobbie Patnode, and we all joined the meeting with the bike tour

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operators. We had what I would characterize as a lively discussion. But we met with them, and we ended up discussing a new solution that *(audio interference)* better, and that would be to allow the unguided tours to come down to 3 point...the mile marker 3.0, but not below. And this would eliminate any conflict with the residential areas by either guided or unguided tours. So, they seemed to like that better, but then when I asked for them to put it in writing, they wouldn't do that. And I don't know if they needed to get permission from their owner, or what they're going to do. But as I understand it, the current proposal with the ASF, Chair, it would still allow these tours to occur on the most dangerous stretches, which is below mile marker 3.0, going all the way down that upper Kula Highway--it's called Haleakalā Highway--all the way down to the turnoff at Kealahoa, which--if you folks watched the video that I sent, it documents some of the dangerous behavior and interactions with motorists. And it also shows you the spot at Kealahoa where the woman fell down in the middle of the highway, and luckily didn't get run over. So, that's my quick summary of what happened yesterday. *(Audio interference)* --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mister...oh. Mahalo *(audio interference)* --

CHAIR MOLINA: Okay. Thank you very much, Mr. Perez.

VICE-CHAIR RAWLINS-FERNANDEZ: *(Audio interference)* --

CHAIR MOLINA: Okay. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: -- didn't go off. Okay. Mr. Feliciano, were you part of that meeting? And is that compromise to allow unguided tours, to that certain point, something that the bike tour...or that you folks--I won't ask you to speak for the whole industry--would be amendable to as a compromise? And you have to unmute.

MR. FELICIANO: Oh, no.

CHAIR MOLINA: Mr. Feliciano.

MR. FELICIANO: Yeah, I'm here. It was discussed. What Mr. Perez is talking about sounds more like . . . *(timer sounds)*. . . testimony than a resource. That is an option, not exactly the option that the bike tour industry is looking for.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair. All right. I believe I saw Member King with her hand up, questions for our resource personnel. Go ahead.

COUNCILMEMBER KING: Oh, sorry. No, I didn't have my hand up.

CHAIR MOLINA: Oh. Okay. Oh, I'm sorry, Mr. Sinenci. Mr. Sinenci who had his hand up.

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Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: No, I was...sorry, Chair, I was just agreeing to having the additional resources. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. And this also is for Mr. Perez and Mr. Feliciano. So, we received a petition...so, if Mr. Perez and if...Mr. Feliciano, I understand you did a petition also. So, do you have anything, very briefly, that you would like to say?

MR. FELICIANO: Regarding a petition?

COUNCILMEMBER SUGIMURA: Yeah, did you do a petition to show support?

MR. FELICIANO: I think early...early on in 2021, we...we did a petition, yeah. And we sent it in to...to you all.

COUNCILMEMBER SUGIMURA: Okay. So, that was not done recently. Okay. I'm sorry, I thought maybe you had done something more recent. The number of petition...number of signatures?

MR. FELICIANO: I don't recall.

COUNCILMEMBER SUGIMURA: Oh, okay. All right *(audio interference)* --

MR. FELICIANO: It was mostly support...it was...I'm sorry, Yuki. It was mostly support --

COUNCILMEMBER SUGIMURA: Uh-huh.

MR. FELICIANO: -- from Makawao merchants, Ha'ikū merchants, along those lines.

COUNCILMEMBER SUGIMURA: Oh, okay. I thought maybe you had some residents on the line...on the...on the tour. Okay. Mr. Perez.

MR. PEREZ: Yeah. So, the...the petition that was done earlier by the bike tour industry, as I recall, it had 446 signatures. And most of the comments that I saw were from people who had taken the bike tours. In contrast, the petition that is out there now has 1,200 signatures roughly, and it keeps getting about 100 more a day, and it's mostly local residents, and the comments are very...very interesting.

COUNCILMEMBER SUGIMURA: Okay. Thank you very much. So, the meeting that you had yesterday...basically then, the bike companies are in agreement to what was discussed earlier. Mr. Feliciano, just to clarify, which is to start at the beginning of the National Park entry and stop at...before the five-mile marker. So, above the residents, stop there.

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MR. FELICIANO: No, we're not in agreement. We think we proposed another option that would be a way to start off this legislation, you know, without...without cutting off the head. Because that proposal will...will kill businesses, and put families out of work, and...and create chaos in the industry. So, we...we have proposed to Mr. Molina a different option, which was along the timelines, days of the week, et cetera.

COUNCILMEMBER SUGIMURA: Which is?

MR. FELICIANO: Oh, okay. Okay. Our proposal is, you know, allow the bike tours to operate between the hours of 8:30, I know in the ordinance it says 8:00. . . .*(timer sounds)*. . . Can I continue?

CHAIR MOLINA: Okay. Go ahead and finish up your response to Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

MR. FELICIANO: Okay. You know, between the hours of 8:30 and 1:30, all segments of the bike tours, guided and self-guided. And I put 8:30, it originally said 9:00, then it went down to 8:00, but 8:30. Kimura's study shows 7:45 is the...the cutoff for the peak traffic, so that should not be an issue. We're willing to do smaller groups for the self-guided people. In other words, instead of letting large numbers go, you know, we...we separate them five at a time, and then they have to space out. Guided groups, in the ordinance it says 12, we're willing to move that down to 10. So, you can have less distance between groups, and reinitiate what used to be called the leap frog method, where the van and trailer is not directly behind the...the groups. They catch up to them, and then sit. So, when you go to pass a guided group, you're not having to pass a big van and trailer. And that worked well --

CHAIR MOLINA: Okay. Mr. Feliciano, sorry, have to stop you right there. The bell's rung.

MR. FELICIANO: *(Audio interference)* --

CHAIR MOLINA: But we'll come back to you at some point.

MR. FELICIANO: Okay.

CHAIR MOLINA: Okay. I saw...we have a Member that is in waiting to ask questions. I believe that was Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I think my first question would be for you. I got correspondence from one of the smaller bike tours...operators. They mention...I had a conversation with them. They mention that they've been trying to contact your office since March, and had no response. And they sent a lot of suggestions that seemed really good...like groups of no more than three riders, not operating on Wednesdays,

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only operating 9:00 to 1:00. And I just was wondering...they feel that these bigger operations are causing a lot of the issues, and not willing to compromise to address the specific issues. And I just was wondering your rap on that.

CHAIR MOLINA: Okay. Well, you know, to be honest with you, Member Paltin, I'm not aware. I've checked with my Staff about the communication that was sent in. I was made aware of that this morning, but we certainly welcome the input. Members, if you have received those comments, you're certainly welcome to consider modifications to what's before you here today as well. And, of course, if it does make it out of Committee, you...everyone has the option of making further revisions if they feel necessary. So, I don't know if it was ever transmitted to Committee itself. Staff--now, is the last name of the individual Campbell, Member Paltin?

COUNCILMEMBER PALTIN: Correct. Yes.

CHAIR MOLINA: Yeah.

COUNCILMEMBER PALTIN: *(Audio interference)* --

CHAIR MOLINA: Staff, did we receive anything from...well, was it William Campbell, I believe, was the name of the individual...was --

COUNCILMEMBER PALTIN: Correct.

MS. APO TAKAYAMA: Chair, we'll check the testimony log and let you know. Thank you.

CHAIR MOLINA: Okay. Thank you. Thank you. And you know we've had, what, four meetings on this. So, there's been ample time for all kinds of input from the public, so...but, you know, we're still in the process of addressing this bill, and so we'll certainly take into consideration these proposals from Mr. Campbell as well.

COUNCILMEMBER PALTIN: *(Audio interference)* one follow-up question. So, it seemed that you had...an additional ASF on top of the August 11th one. Is that --

CHAIR MOLINA: Yes. I have something coming out today.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: These are some additional revisions that hopefully will help strengthen this bill and some adjustments...other adjustments that you can consider. I feel they...it could help the bill, but that's just me. So, we'll all have to decide, as a Committee, if these additional adjustments that I'm proposing are worthy of consideration.

COUNCILMEMBER PALTIN: Okay. And then --

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CHAIR MOLINA: Okay. Thank you, Member Paltin.

COUNCILMEMBER PALTIN: -- I just wanted to say there was a request to forward the correspondence from Mr. Campbell to the Committee, so I'll do that at this time. I think it was sent to all of us, but just to have it into the record and...and whatnot.

CHAIR MOLINA: Yeah, by all means, we'll...we'll take that into...for Committee...Committee sake, yeah, have it on record. Okay. Thank you. Okay. Any other questions for our resource personnel this morning, Members? Okay. Looks like everybody is ready to go. We have also Mr. Mayer on the line who's joined us, as well as Mr. Perez, Mr. Feliciano. And is Mr. Robertson on the call as well, just to verify? Is he on the call yet? Okay. Nothing. Staff has just informed me, we did receive written testimony from Mr. Campbell at...early this morning, just after midnight. So, just for the record, his testimony has been included in the record. All right. Okay. All right. I guess this concludes the first round of questions. Members, I don't intend to go beyond this last round, and you'll have one minute. And then afterwards, Chair's going to make a recommendation, and we'll consider the ASF that Chair has proposed, as well as the recommendation from your Chair. Vice-Chair Rawlins-Fernandez, followed by Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll yield to Member King. I don't think she asked questions in the first round.

CHAIR MOLINA: Member King.

COUNCILMEMBER KING: Thank you. Thank you, Member Rawlins-Fernandez. So, Chair, are...can we...I'd like to actually be working off of the...whatever the newest ASF is. So, I'm kind of waiting to see that before I ask questions. If we can just consider a round of questions after you transmit the newest ASF, that would be helpful.

CHAIR MOLINA: Definitely, by all means. Staff, is the new ASF from the Chair...has it been...is it ready yet? I believe Mr. Forrest was working on it. Can I get confirmation on that?

MS. APO TAKAYAMA: Chair, no, it has not been finalized. But Forrest does have it on his screen ready to screen share, if you'd like to go that route for now.

CHAIR MOLINA: Okay. Members, it hasn't been submitted yet, but we have Mr. Forrest, who can put it on share screen and walk us through this. Any objections to proceeding in that fashion? Okay. So noted. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I really like to have a hard copy so that I, you know, can see *(audio interference)* --

CHAIR MOLINA: You like to review it before we go...share screen it?

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VICE-CHAIR RAWLINS-FERNANDEZ: Yes, that would be *(audio interference)* --

CHAIR MOLINA: All right. Members--Mr. Forrest, can we--what I'd like to *(audio interference)* we'll take a recess. I'll give you guys about, what, 15 minutes? That be enough?

COUNCILMEMBER KING: Ten minutes would be fine.

CHAIR MOLINA: Ten minutes. Okay. I'll give you 15. Okay. So, Members, tell you what. We'll take a recess until 9:45. I will be sure to get you a copy of the ASF for your review, and then you can help...that'll give you some time to formulate any questions you may have. Before we go into break, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, real quick. Mahalo for that...that time to review...the 15 minutes to review. I just...when we return from recess, are we going to be given the opportunity to ask a follow-up question? Or do you want us to do that before we take our recess?

CHAIR MOLINA: We can do it after. Yeah, I'll give you guys an opportunity for a second round of any questions for your resource personnel.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Thank you. I see Mr. Forrest on the line. Mr. Forrest.

MR. FORREST: Yes. Thank you, Chair. I just wanted to clarify, as we discussed this morning, it is not an ASF, it was meant to be a floor amendment. So, we do not have an ASF that we would distribute. I do have the language on a Word document, and we could put that on the screen, and we could also email that out, I believe. So, I need to...to check with OCS Staff, we can do that in the recess.

CHAIR MOLINA: Okay. Yeah, why don't we go ahead and do that. My understanding, it was going to be an ASF...done in an ASF format. But whichever way it can be done, as a floor amendment, or ASF...I guess ASF is a more formal process, if you will. But then again, this Committee has a lot of flexibility with Committee meetings, yeah, versus a Council meeting. Okay. Vice-Chair, you have something to add?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to say, you know, that it's fine that it's not in a ASF format. I think we all understand what amendments are on a piece of paper. So, I think we're good. Mahalo.

CHAIR MOLINA: Okay. All right, Members. So, tell you what, let's take a recess...what is this...I'll give you till 9:50. Okay, 17-minute recess. And Mr. Forrest will distribute the proposed considerations that your Chair would like you to review, and then you can formulate your questions, and we'll go from there. Okay. All right. The recessed GREAT Committee meeting of August 31st, 2022, will now go into recess. The time is 9:33 a.m.

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The date today is September 8th, 2022.

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR MOLINA: Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Sorry, I just wanted to clarify, I sent the correspondence from Mr. Campbell to the GREAT Committee because I don't have the eComment thing up. And then I also sent a copy to Mr. Perez and Mr. Mayer. I don't have Mr. Feliciano or Robertson emails handy, so wondering if the GREAT Committee can share that with them, or something, so that we're all on the same page of what we're talking about.

CHAIR MOLINA: Okay. I'll consult with Staff. I believe we have Mr. Feliciano's--so you...you already sent Mr. Campbell's testimony to our resource people except for Mr. Feliciano; is that correct?

COUNCILMEMBER PALTIN: Yeah. And the other --

CHAIR MOLINA: Okay. Did that include Mr. Mayer as well?

COUNCILMEMBER PALTIN: -- tour operator, I don't...I don't have their emails (*audio interference*) --

CHAIR MOLINA: Okay. Let's ask Member Kama.

COUNCILMEMBER KAMA: Mr. Robertson's on the call, Chair.

CHAIR MOLINA: Member Kama, do you have --

COUNCILMEMBER KAMA: Mr. Robertson's on the call.

CHAIR MOLINA: Okay. Mr. Robertson, if you're on the call, can you provide us a contact email we could send you Mr. Campbell's testimony?

MR. ROBERTSON: Hello, this is Jeff Robertson. Yes, you can use [info@mauisunriders.com](mailto:info@mauisunriders.com)

CHAIR MOLINA: Okay. [Info@mauisunriders.com](mailto:Info@mauisunriders.com). Staff, is that...or sorry, Member Paltin, I should say, is that --

COUNCILMEMBER PALTIN: Oh, okay. I can (*audio interference*) --

CHAIR MOLINA: -- okay for you?

COUNCILMEMBER PALTIN: -- info at (*audio interference*) --



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CHAIR MOLINA: Info@mauisunriders.com. All right.

COUNCILMEMBER PALTIN: And which one for Mr. Feliciano?

CHAIR MOLINA: Mr. Feliciano, do you have an email contact, if you would like Mr. Campbell's information be sent to you? Could you unmute, Mr. Feliciano?

MR. FELICIANO: Phil@bikemaui.com

CHAIR MOLINA: Okay. And I think...Mr. Mayer, you have something to add?

MR. MAYER: Yeah. I just want to say, as a result of yesterday's meeting, I drew up something that reflects much of the discussion of yesterday's meeting. And I'd like to be able to send that in so you can see what the Kula Community Association would like to have. *(Audio interference)* can I...I will email it to all of you. The eComment is down.

CHAIR MOLINA: Okay. All right. Thank you very much for that, Mr. Mayer.

MR. MAYER: It's two pages *(audio interference)* --

CHAIR MOLINA: All right. Two pages. Okay. All right. This meeting stands in recess until 9:50 a.m. Meeting in recess. . . .*(gavel)*. . .

**RECESS: 9:36 a.m.**

**RECONVENE: 9:57 a.m.**

CHAIR MOLINA: . . .*(gavel)*. . . The recessed GREAT Committee meeting for August 31st, 2022, is now back in session. The time is 9:57 a.m. Today's date is Thursday, September 8th. Members, we are on GREAT Item 44 related to the bike tours. And as the Chair mentioned earlier, gave you guys ample time to review the Chair's proposals or additional revisions to the bill. So, for the sake of procedure, what we're going to do is Chair is going to recommend a...make a motion first to put everything into play, and then we'll...we're going to do a substitute amendment procedure, and then we'll go from there. And Chair will do a walkthrough of his proposals, and my understanding is Member Sugimura has some additional considerations after. So, this is how we're going to do it. So, the Chair is going to recommend passage of the revised proposed bill, correspondence dated March 8, 2022, on first reading. Is there a motion? Okay. Motion made by Member Sugimura --

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: -- seconded by Chair Lee. Any discussion? Okay. Seeing none. Then the Chair will go ahead and make an amendment to substitute the revised proposed bill with the further revised proposed version attached to the ASF correspondence dated

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August 10th, 2022, and that is a motion to substitute and amend. Is there a second...or a motion? Right, Staff? Need a motion from the floor, yeah, on the...okay.

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: Move to amend. Okay. Moved by Member King, second by Member Sugimura. Okay. All right. Members, so we have the substitution made. Then we need to vote on the substitution; am I correct? Right?

MS. APO TAKAYAMA: Yes, that's *(audio interference)* --

CHAIR MOLINA: Okay. Thanks for helping the Chair out on this. This is something that we don't normally deal with, for those of you who are viewing in. So, we're having a great lesson in parliamentary procedure, so...all right. Chair will call for the vote --

MS. APO TAKAYAMA: Chair, I'm sorry.

CHAIR MOLINA: -- on the motion to substitute. Yes, Staff.

MS. APO TAKAYAMA: I'm sorry. We can make the amendments before the substitution is approved.

CHAIR MOLINA: Okay. So, I can walk through of my proposals? Okay. Members, you heard that from Staff. Yeah, we can go ahead and do the walkthrough on the Chair's recommendations, and then take the vote after on each amendment. Okay. All right. Members, before you...these amendments from the Chair's...for you to consider come under 5.22.025 in the ordinance. And the first recommendation is to strike out A, it is unlawful for any business to conduct unguided commercial bicycle tours on Kula Highway and Haleakalā Center Road. And then striking out B, which is, it unlawful for any business to conduct guided commercial bike...bicycle tours on Kula Highway and on Haleakalā Crater Road below the 4,500-foot elevation. And then A, to add in...I guess put in a new A, substitute that with this, saying, no more than 12 bicycle riders per guided...per commercial bicycle tour allowed, excluding employee guides; B, employee guides must ride at the front of tour groups; C, guided and unguided commercial bicycle tours may only be conducted Monday through Saturday between 8:30...well, we both have shaded out 8:00 a.m. and...and 8:30 a.m. Chair's preference is 8:30 a.m. and 1:30 p.m. And then D, permit holders must require riders to sign the bike pono pledge, which states, I will bike pono with awareness of my surroundings, attention to my bike speed, and utmost safety for myself and cars to share the road. So, that is the Chair's considerations. Chair will open the floor for comments. Okay. Chair Lee.

COUNCILMEMBER LEE: Yeah, I...I was wondering if we can ask our...our resource person, Mr. Mayer, since...since he proposed similar changes, how those align with yours.

CHAIR MOLINA: Okay. Yeah, that's all right. Before...I guess...let me give an explanation,

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yeah, to my...I think it's only fair to why I'm considering these changes. So, before we recognize Mr. Mayer and anyone else. Okay, Members, apparently the...a big stumbling point, I guess, is the 4,500-foot limitation. I came into this...when taking up this item, which was previously in Member Sugimura's Committee, if I can...I recall. But it was brought to my Committee, and I just take the bull by the horns. We need to regulate this industry. We need to do something. We have an opportunity, this term, to do something about this instead of just talking about it. It's been discussed before, no outcomes. I'm hoping that we can get something moving. It may not be the whole enchilada, as they say, for everybody. May not make everybody happy, but you know what? It's still something. We can either do something or do nothing. Members, I want to do something. I want to regulate. At least it's a...a starting point for this. If some of the things that I'm...I decided to delete are not included in this, a future Council can consider it. So, the...the book is not closed for additional revisions, but I'd like to get something moved out of this Committee as a starting point...because currently, we have virtually nothing in terms of regulations. We have something now. And I want to thank the Kula Community Association, as well as the bike industry, for offering their mana'o and input on this. So again, my premise is to regulate, not to eliminate. I don't know if...I know some folks certainly have cause to prefer elimination. For me, I'm not there yet. So, I want to try and be as fair as I can to the business community, as well as to the citizens who have concern about how this industry is operating. So, those are my...in summary, my...my reasons for these considerations. We have something here that I think is very doable, so I'll leave it at that. So, let's get back to...Chair Lee, you wanted input from our...our resource people. And again, just to remind you, this is the decision of our Committee, okay. Well, you know, ultimately, it's...it's on us. And we certainly welcome input, but we're going to have to decide. Whether your decision is influenced by the industry or the community association, that is certainly up to you as to how you will formulate your decision on it. So, Chair Lee, believe you had asked for Mr. Mayer's input on this.

COUNCILMEMBER LEE: *(Audio interference)* Chair Molina. I support all you're doing and...but in my final decision making, I was just wondering how Member...I mean not Member, but Mr. Mayer's suggestions align with yours...because they seem to be very similar. So, I just wanted to double check *(audio interference)* --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- Mr. Mayer.

CHAIR MOLINA: Mr. Mayer, your thoughts.

MR. MAYER: Thank you very much. It does not align at all.

COUNCILMEMBER LEE: Oh, it doesn't.

MR. MAYER: No. The proposal that was sent to you would eliminate all tours below 4,500-foot

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level on Haleakalā Crater Road, and also on the highways, and near Kula Lodge there on that road down below. We say...because we're the Kula Association, we say nothing about Ha'ikū, or Makawao, Pā'ia where bicycles do go. Mr. Molina's District, he can represent the communities in his area. But what we would like to do is eliminate all the tours because it's...it is a major safety concern, traffic concern, you've already had one lawsuit. Mr. Perez went out and videotaped a number of problems on that road, if you have a chance to watch it. It's a very dangerous situation. We feel that the time has come to finally say, keep it above the 4,500-foot level, mile marker 3. But what we also are conceding is that they can allow, not just six days a week, but seven days a week, there's no reason above that area. They can go from sunrise to sunset, we're not saying it has to start early in the morning. So, if they want to start very early in the morning and go during the day, or have a second run of cyclists coming down in the afternoon, that would be fine with us because it does not go through the residential areas, the traffic areas, of the Kula community. That's what this is doing. So, it makes it very clear that this is a...an attempt to...to really stop it now. One concern that they have is it will affect the merchants in Makawao, possibly Pā'ia, and elsewhere. I do not think it will do that because when the bicyclists get back in the van at the three-mile marker, the vans can then take all of the cyclists to Makawao, where they can spend time. And then it will be up to the cycle company whether they want to then allow the bicyclists to continue down Baldwin Avenue, or through Makawao through Kokomo Road down into Ha'ikū. That's something we're not speaking to. But we do think it's dangerous on that road between Kula Lodge, especially, and down where they turn off to go over towards Seabury Hall and Olinda.

COUNCILMEMBER LEE: Thank you.

MR. MAYER: I'll be glad to...I'll be glad to answer any questions you might have.

COUNCILMEMBER LEE: No, I don't have any questions. Thank you.

MR. MAYER: Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. All right. Members, any comments on the Chair's proposal? Member Sugimura.

COUNCILMEMBER SUGIMURA: So, based upon earlier conversation with Mr. Feliciano...so, this is what the bike industry from Mr. Feliciano is....Feliciano is proposing; is that correct?

CHAIR MOLINA: Some of the...in my meeting with them, I looked at some adjustments. As far as the elimination...the 45, it was my call. I believe we need to...it's a starting point. And we've...there's a lot of regulations...new adjustments that's respected the wishes of the Association, as well as the bike industry. I know we have to...the way I see it, as elected officials, we need to be fair, okay. Now, if elimination is the ultimate wish of this community, as a whole, so be it, but that should be considered at a later point. The

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next Council can do this. And Member Sugimura, I know you had this in your Committee before. I don't know what progress that was made, if you had any meetings on this, but I chose to take this on. I was approached to have this matter deliberated. And because this a nine-member Committee, so all nine Members can vote on this. So, that is one reason why I took it on. And I'm one of those that, hey, we got to do something. Otherwise, if we're going to constantly spin our wheels, take new considerations here, we're never going to get out of this, you know. So, to me, it's either do something, or do nothing. Let's give the industry a chance to address these regulations. And if more problems persist, so be it then, drastic action would be the next step to take on the part of the next Council. So, anyway, that's my rationale for this. *(Audio interference)* --

COUNCILMEMBER SUGIMURA: So, if I could speak on *(audio interference)* could I speak on the amendment, or are we --

CHAIR MOLINA: Yeah. Go ahead.

COUNCILMEMBER SUGIMURA: Okay. So, basically, the many meetings that I have attended, and...and I mean really many meetings with the Kula Community Association...in fact, just last night this came up again at their meeting. But the...the will of the residents there, and I have to speak in their behalf, is to keep the B, I guess, which is in your amendment, is unlawful for any business to conduct guided commercial bicycle tours on Kula Highway and on Haleakalā Crater Road below the 4,500-foot elevation. So, basically, they...they have expressed...the residents there on...on Crater Road have expressed their appreciation for a compromise that was reached between the bike company tours and the Kula Community Association at some point. And I don't know if that got unraveled, but with the residents that are participating in the KCA, it was expressed pretty...pretty loudly...or with...you know, that they do not want the bike tours to go down past the 4,500 elevation or the mile marker 3 on Crater Road. So, it would be...the guided tours would be from the entrance of the...of the National Park Service. So, that elevation down to the 45-foot *[sic]* elevation, which is the three-mile marker. So, for myself, I am opposed to striking that in...so that I can represent the community that has been speaking very strongly about this. And I just want to say...you know, Mr. Molina, I'm sorry if you think that I didn't take this up...that I had it in my Committee and I didn't. I think that when we...when this was proposed, the angle that was proposed was that this could be a litigated...you know, litigation. So, it was, you know, to your Committee. And thank you very much for doing a great job, and doing this slowly, and deliberately. So, I want to appreciate that. So, thank you.

CHAIR MOLINA: And thank you, Member Sugimura. I certainly appreciate your stance on this, you've certainly represented your community's concerns as well, so...okay. Speaking to the Chair's proposal, we have Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was hoping that you would speak more to the amendments itself, and not to the bill in its totality. That...why you are proposing

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to strike A and B, like what information compelled you to remove these two sections?

CHAIR MOLINA: Can share that with you. It's more on me. You know, I've kind of weighed what the unintended consequences could be, as well, on the industry. So, I thought, well, let's not try and take the whole ball of wax at one time. Let's piecemeal it, take it step by step, implement regulations that have already been proposed, and backing off from the 4,500-foot elevation. According the industry, it could result in some unintended consequences to the business. And certainly, you can...if Mr. Feliciano would like to share what could happen. I mean is it the...the question becomes then, is it the intent of this Committee to eliminate a business, or...or take action on something that could eliminate a business. I'm going to take a --

VICE-CHAIR RAWLINS-FERNANDEZ: Well, I just...I mean like *(audio interference)* --

CHAIR MOLINA: -- I've decided that a more conservative approach with this.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I just...I just mean...okay. So, A --

CHAIR MOLINA: Uh-huh.

VICE-CHAIR RAWLINS-FERNANDEZ: -- would remove, it is unlawful for any business to conduct unguided tours. So, by removing that, we're going to let bike tours have unguided tours. And --

CHAIR MOLINA: Basically, let...let them proceed as...as they currently do, but now with these other regulations that currently not...is not in an ordinance, they'll have to abide by this. So, it's basically...it's a wait-and-see approach.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I...I just mean...oh. So, like starting with A, like very specifically A, unguided tours. Because throughout our meetings on this item, I...I thought there was a consensus that we wanted to do away with unguided tours because we determined that they were not safe. So, are we now saying that they are safe? And are we saying...or are we saying that it's not safe, but we don't want to kill the bike tour business because that's what they're telling us? And therefore, we're going let them continue to conduct an unsafe activity because otherwise, their business will shut down. And so, their business continuing to operate is prioritized over regulating an unsafe activity.

CHAIR MOLINA: Let me see if I can answer your question as best as I can. It's a combination of both. I've decided take the approach, okay, let's take a wait-and-see approach, operate as is now, and then see if you can abide by these guidelines. And again, this is not the end all. A future Council can take more drastic action if they choose to do so. So, I...I've backed off a little bit on being, I guess, overly, you know, strict. And let's face it, accidents happen with all vehicles that go on our roads. Rent-a-cars, that's a commercial industry. If we're going to regulate this type of transportation, we got to do

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it for all, you know. So, I've weighed all the pros and cons of this, and this is, again, a proposal from your Committee Chair. Now, if it's something that this Committee decides not to go for, that's certainly up...up to the Members. If they want to leave it in, so be it. But I've taken a different stance on this, and I prefer to take baby steps, if you will. And I'm not saying that...that it's safe. And then what about cars and trucks, okay? It may be...so, the pressure is being put on the industry. You know, we're firing the shot across the bow that, okay, you operate, abide by these regulations. And certainly now, with...with an ordinance in hand, we have something to work off of. And if incidents continue to happen, then by all means, the Council has the pleasure to go further with it, if they want to.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Now, if you and any of the other Members feel this is overly...or maybe too drastic approach from the Chair, you can reflect that with your vote. So, again, this is why I...I put this out there.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Hope that answer your question.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for expounding more upon why you --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- concluded to remove these two sections. So, I am not in support of the motion to strike both A and B. I...from the discussions we've had, testimony, videos, my own personal experience, I deem unguided bike tours unsafe. And so, I...I think it would be irresponsible of me to support an unsafe activity like that, especially with legislation before me that would give me the opportunity to stop the unsafe activity. Operating cars, and trucks, and vehicles, rental cars, all require an individual to have a driver's license. And that shows...that demonstrates that you have ability to operate a vehicle safely...whether the person always does is...is a different matter. But as far as understanding what the rules are, and being able to pass a driver's license exam, and driver's test, then you know, those give you that license. The bike tours...I don't think they have a license requirement. I think that because this is not safe, it exposes the County to liability and lawsuits that we already settled previously. And I think we've heard, loud and clear, from the community that...you know, the tourism industry--and this is another activity of the tourism industry--has asked for more, and more, and more tradeoff from our resident quality of life. They want the roads, they want the beaches, they want our hiking tours, they want the waterfalls, they...they want...the tourism industry wants to commodify it all, and ask the residents to continuously give up these things for business. And I...I would like to speak on behalf of residents, that I think there comes a point where it's impacting the quality of life for people more than they can handle. And I...I think that's what we're hearing. Mahalo,

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Chair.

CHAIR MOLINA: Thank you for your comments on the motion. Member King.

COUNCILMEMBER KING: Thank you, Chair. I actually have a question for Member Sugimura. Because you said that you support the Kihei...the Kula Community Association on item B, but you didn't mention item A. And Kula Community Association also had...had suggested, via this correspondence from Dick Mayer, that item A remain in there as well, it is unlawful for any business to conduct or allow unguided commercial bicycle tours on Haleakalā Crater Road below the three-mile marker. So, you just addressed B. Is there some reason why you didn't address A? Did you just assume we were going to eliminate the unguided tours altogether?

COUNCILMEMBER SUGIMURA: So, for A...the reason why I didn't say anything is because you're going to get an ASF from me, and my recommendation is to eliminate unguided tours.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER SUGIMURA: So, that's why I didn't say anything, but you know *(audio interference)* --

COUNCILMEMBER KING: Okay. No, I just was...I just was wondering because you were saying you were supporting the Kula Community Association, then you didn't mention --

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: -- item A, so...

COUNCILMEMBER SUGIMURA: *(Audio interference)*.

COUNCILMEMBER KING: Okay. That answers that question.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: That was my main question is . . .*(inaudible)*. . . --

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: *(Audio interference)* --

COUNCILMEMBER SUGIMURA: So, Keani said it well. Keani said it really well.

COUNCILMEMBER KING: Okay.



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COUNCILMEMBER SUGIMURA: And my ASF is going to come. I have two coming up, but one of them is that, and the other one is more general (*audio interference*) --

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

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

COUNCILMEMBER JOHNSON: Thank you, Chair. I have a question for Mr. Feliciano in regards to this idea of stopping the bike tours at the three-mile mark. So, I...

CHAIR MOLINA: Okay. Proceed.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. I assume he has a opinion on it, but I want to ask. My question is, do you...does the...the industry have the capability to...to stop there, and then drive the folks down to our business center so that they can spend some of their money? That's my question. It's not whether you want to do it or you would like it, it's just do you have the capability to pick them up and drive them down into those towns that we hear small businesses would be affected of.

MR. FELICIANO: The short answer is, yes. We have the capability.

COUNCILMEMBER JOHNSON: I really appreciate your short answer, Mr. Feliciano. Because, you know, I...I understand your passion for your business. And that's really just what I want to make sure, is what...what Mr. Mayer was proposing was that...you know, that's their suggestion to drive them down. And if the bike tour companies and Mr. Feliciano does have the capability, then I think we should, you know, err on the side of caution and...and try to, you know, keep this as safe as we can. So, thank you so much for answering my question. Thank you, Chair. I have no further questions.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Just to ask a question for additional clarification. Mr. Feliciano, in your meeting with Mister...I believe Mr. Perez, maybe Mr. Mayer...according to Mr. Perez, said that you had agreed you're okay with the...or you could live with, I guess, if you will, the 4,500-foot elevation, according to Mr. Perez, but you didn't want to put it in writing. And now, at our meeting this morning, you...you first said that you had not made any agreements...or formal agreement. So, I'm just trying to get...figure what...what's going on here. And now, in your response to Member Johnson, you said you can do it, or you . . .(*inaudible*). . . or can?

MR. FELICIANO: (*Audio interference*) --

CHAIR MOLINA: Now, I guess maybe there's a question of feasibility too, if you can sustain...the business can be sustained. So, please provide some clarity on this.

MR. FELICIANO: What I...what I said yes to was, we could transport people to those business

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centers. We obviously don't want to do that. The meeting with Dick Mayer and Albert Perez, we agreed to nothing. He tried to push us into a corner to...to agree so he could send you all a letter of memorandum, he called it, that we agreed to that. If the Council decides...whatever the Council decides, we will live with and we will do our best to make it work. That's where we're at on this. But we think what Mr. Molina is proposing is a good first step, and we can even add to that, and...and make it...and tweak that even better. One thing, real quick, Mike, I'd like to point out is, you know, in the beginning you said testimony is closed. And I believe the Council...your rules --

VICE-CHAIR RAWLINS-FERNANDEZ: *(Audio interference)* order. Point of order.

CHAIR MOLINA: Chair's not going to recognize the point. Continue, Mr. Feliciano, and I'll...I'll get to your...to you, Member Rawlins-Fernandez. Conclude, Mr. Feliciano, on your statement.

MR. FELICIANO: I believe it's E in some of your County rules says that testimony is closed. And what's happened today is, it feels like the meeting is getting out of hand because Albert Perez is testifying, you're allowing Billy Campbell's testimony...that doesn't seem to be in order.

CHAIR MOLINA: Yeah, okay. Well, Mr. Feliciano, just to let you know, even though we've closed oral testimony, we can still accept written testimony for the Members' consideration to review. Now, if you interpreted Mr. Perez's comments as a resource as testimony, you're certainly entitled to feel that way. I didn't take it that way. I think it was just...his response was more informational about the meeting, but that's my statements. Vice-Chair, you had...you had called for a point of order.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair. You know, when we ask resource personnel to, you know, offer their mana'o and expertise to the Committee for consideration, I think it's out of order to then criticize other resource personnel that we have asked to serve to provide their experience and expertise in this area. So, Chair, if...if you would allow it, I would just ask that our resources just refrain from providing that kind of information, or their opinions outside of the question that they're asked. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you. Chair appreciates the reminder. And yeah, I did make that request for all resource personnel. I know it's...this has become somewhat of an emotional issue, I understand that. So, again, to our resource personnel, please, as much as possible, refrain from getting too expressive or emotional on other folks' opinions or thoughts, yeah. Okay. Let's go to Member Paltin, speaking to the Chair's proposal.

COUNCILMEMBER PALTIN: Thank you, Chair. After thinking it over, and hearing from a lot of folks, and in light of the person headed to the hospital right now on an unguided tour, I support the...the number A...or letter A...support Member Sugimura's proposal for her

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District. I think...I think that is...is a fair first step to...to go along with. Sometimes you just get that hō'ailona, and sadly it's somebody going to the hospital as we...we debate on this issue right now. I don't know if the person is from your tour, Mr. Feliciano, but if he is, I hope you check on him.

MR. FELICIANO: Can I speak?

CHAIR MOLINA: Member Paltin --

MR. FELICIANO: *(Audio interference)* --

CHAIR MOLINA: -- did you ask...are you asking Mr. Feliciano a question, or just making a blanket statement?

COUNCILMEMBER PALTIN: It was...it was just a blanket statement.

CHAIR MOLINA: Okay. So noted. Okay. Just for clarification now, are you asking...are you saying...okay. The Chair's proposal is to strike out the...sorry about that...to strike out the original A. Is that what it is? Because I know we don't have...well, we haven't addressed Member Sugimura's ASF just yet. Right now we're just reviewing the Chair's proposal. So, for clarification sake, Member Paltin, is --

COUNCILMEMBER PALTIN: Oh. Yeah, I would --

CHAIR MOLINA: -- is that --

COUNCILMEMBER PALTIN: -- support the --

CHAIR MOLINA: Reinstatement?

COUNCILMEMBER PALTIN: -- reinstatement of A. I believe that was also what the other couple Members suggested. I've heard...since the last meeting, I've heard pretty loud and clear that unguided tours are...are not safe, and they're compounding the problem. And as we see...so, I've heard that it's an unguided person on their way to the hospital as we're deliberating on it. And that seems to me to be, you know, kind of, unfortunately, a sign to me.

CHAIR MOLINA: Okay. Thank you. So, I'll just read that back into the record what was...the Chair had proposed taking out. So, now you would like this reinstated--and I'll read it verbatim--it is unlawful for any business to conduct unguided commercial bicycle tours on Kula Highway and Haleakalā Crater Road. That is the...that is what you're referring to, correct?

COUNCILMEMBER PALTIN: Correct. Thank you, Chair.

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CHAIR MOLINA: Okay. All right. So noted. Okay. Members, any other questions as it relates to the Chair's proposal? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, you know, as I think about what an unguided tour is, can you help me to understand what is an unguided tour? I mean they're not being guided by anything, that would mean that a guided tour means that they are being followed by a vehicle, or they are being guided by other employees on bicycles? What does that guided tour look like? Because --

CHAIR MOLINA: Oh. Okay. Member Kama, let me ask either Mr. Feliciano...also have Mr. Robertson, I believe, on the call as well. Either one of you gentlemen would like to provide clarification to Member Kama's question?

MR. FELICIANO: I will...hearing no response.

MR. ROBERTSON: Hello. Hello, this is Mr. Robertson. I thought I heard Mr. Feliciano go first, so I wanted to give him that respect. I'm sorry.

CHAIR MOLINA: Oh. Mr. Feliciano, you want to give...give the floor to Mr. Robertson, give yourself a break? Or you still want to go ahead and --

MR. FELICIANO: No, let's let Jeff answer this --

CHAIR MOLINA: All right.

MR. FELICIANO: -- regarding *(audio interference)* self-guided.

CHAIR MOLINA: All right. Go ahead, Mr. Robertson.

MR. ROBERTSON: Yeah, thank you for the time. And I...and I appreciate everyone's comments today and opportunity. Unguided is essentially where the individuals are on their own, and they are riding on a road down Haleakalā, or wherever that may be. Now, cycling is...is, by nature, a unguided activity. Guided, it can come in a couple of different formats. It can come in a format of where a group is out there on the road of a varying size, and they have in...a guide on a bike in front of them. In some cases, you might even have the situation where you have a guide in front, and then at a certain distance behind, a mile, maybe a little bit more, you have a trailing support vehicle that is following down...and following that group down that road, obviously pulling over to the side and allowing traffic. And a lot of times, they are usually stopped on the side of the road, and in communication with the lead guide of that group.

CHAIR MOLINA: *(Audio interference)* --

MR. ROBERTSON: One thing that I may add in with...one thing, if...it's real quick, I may add in with a lot of these self-guided or unguided, that is the same term, is that even though

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the individuals might be out there cycling on their own or with their small group, they do have direct contact with their driver and/or guide. And those drivers and guides are positioned along the route coming down, so that if something does happen, they're not too far away, and they can come back up to those individuals.

CHAIR MOLINA: Okay. Thank you, Mr. Robertson. Member Kama, does that answer your question?

COUNCILMEMBER KAMA: Yes, it does, Chair. Thank you so very much.

CHAIR MOLINA: Okay. Thank you, Member Kama. Mr. Forrest, you wanted to add something to the question?

MR. FORREST: Sorry, Chair. I...I do want to correct that last statement and maybe put it more simply. A unguided tour, what makes it regulated is that they are providing transportation. So, they put you in a van, and they take you somewhere, and then you're...you're going to go on a...a bike ride, okay. That doesn't have someone following with you, that's why it says unguided. But the key is that they're providing a van as transportation, and that's unguided. And then guided is that you get someone in a van and they take you to the...anywhere you want to go, but they're going to ride with you. So, they're going to stay with you on the tour. So, guided...the main part about unguided is it still requires...the part that triggers the Code is that you are providing them a ride to a location.

CHAIR MOLINA: Okay. Thank you for that clarification, Mr. Forrest. Members, any other comments as it relates to the Chair's proposal? Okay. Let's see, anyone who has not spoken to the proposal yet before I recognize Vice-Chair Rawlins-Fernandez? And by the way, I'm going to have to put some limits because we do have a motion on the floor. So, I'd like to, you know, keep...make things a little more expeditious, if possible, before we come to a vote. Okay. Vice-Chair, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a couple questions, first one for Member Sugimura. So, I just wanted clarification after Member King had asked the question of you...so, you said you were opposed to B. And then after Member King asked, you said you were also opposed to A, and that you have an ASF for A. So, I guess that I was just a little confused that if you're only opposed to B, are...you're going to support A being in here, and then--as part of Member Molina's ASF--and then later, provide another ASF that puts A back in? I guess I'm...I'm just trying to clarify.

COUNCILMEMBER SUGIMURA: *(Audio interference)*.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR MOLINA: Member Sugimura, go ahead.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Thank you.

COUNCILMEMBER SUGIMURA: Thank you. Thank you. So, my ASF basically says prohibit unguided tours. And that ASF then would basically say that there is no unguided tours...unguided commercial bicycle tours on County and State property. So, it's...it's pretty broad. And so what would happen to...what I was going to do is basically vote against A and B.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

COUNCILMEMBER SUGIMURA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah *(audio interference)* --

CHAIR MOLINA: Okay. Thank you very much, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: And then I just...a second question, really quick, Chair. I agree with Member Paltin's sentiment that there are a lot of tourism, or businesses that make money off of tourists on...you know, on their rides or activities, and that when, you know, they get hurt, it would be good to know that the companies care about their customers, to check in on them. But I just...I wanted to give Mr. Feliciano that opportunity to disclose whether that was his...his company in which the person is in the hospital or not, and then that way, you know, it's...it's clear and not unknown. *(Audio interference)* --

CHAIR MOLINA: Okay. Mr. Feliciano.

MR. FELICIANO: Yeah, it...it is not our customer. And we do care when people get hurt. To insinuate that we don't is...is incorrect.

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

CHAIR MOLINA: Okay. Thank you very much, Vice-Chair. All right, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I am not sure how the schools go in your District. My son is in Lāhainā Waena, they get out at 12:00 on Wednesdays. And so I just was wondering...I'm not sure how it is over there. I think you guys have Kalama Intermediate, or something, and I'm not sure the relationship of that to the routes. Do you know what time they get out of school...or all...I guess all the schools on Wednesday? I mean when I went to school, on Wednesday we got out early too, so just wondering about this Monday through Saturday, 1:30 p.m. time, how it relates to Wednesdays and school traffic on Wednesdays. I'm okay with the...I think 8:30 a.m. is...seems all right. And then the other question I had about 12 bike riders. At one time it was eight bike riders. And then I thought it was 12...up to 12 because of the 4,500-foot elevation. If you're proposing taking that three miles out, did you want to lower it to

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three riders, or --

CHAIR MOLINA: Okay. Let me go ahead and answer your first question with regards to the times. And let me make a clarification, I think I'd indicated to Staff that upon further discussions with the removal of one day out of the week, it was thought, at first, to be Sunday. I would propose changing it to Monday. So, Mondays, the tours would not operate, both guided and unguided. So, I just want to make that clarification. As far as the school times for public schools, okay, I'm not up to speed on what times the private schools open up, and what time they release people. But for public schools, typically, school is in session from...students are expected to be at school by 7:45 a.m. And Monday, Tuesday, Thursday, Friday school ends at 2:00 p.m. And on Wednesday, school lets out at 1:10 p.m. This is for the DOE, for public school. So, that's what I know of with regards to the times. And --

COUNCILMEMBER PALTIN: To follow up on that --

CHAIR MOLINA: Uh-huh.

COUNCILMEMBER PALTIN: -- what about Wednesday as the eliminated day instead of Monday? So, that traffic--and then...and then I know, as a parent, sometimes navigating the traffic to pick up my kids, some guys line up prior to --

CHAIR MOLINA: Uh-huh.

COUNCILMEMBER PALTIN: -- 2:00. And so like maybe 1:00...8:30 to 1:00, and then Wednesday as the off day. Just wondering your feedback on those.

CHAIR MOLINA: Okay. I'm open to any...any of those days of the week. So, I know in discussions with Mr. Feliciano, they're open to Sunday or Monday. Would you like to hear from Mr. Feliciano on your consideration for a Wednesday?

COUNCILMEMBER PALTIN: Sure.

CHAIR MOLINA: Okay. Mr. Feliciano.

MR. FELICIANO: We would...we would be okay with making Wednesday a commercial-free day.

COUNCILMEMBER PALTIN: And the times?

MR. FELICIANO: Oh, if it's...we wouldn't operate a bicycle tour on Wednesday.

COUNCILMEMBER PALTIN: Okay. But you're not okay with like 1:00 instead of 1:30?

MR. FELICIANO: Oh, you mean on the rest of the days? Oh, we...we thought 1:30 simply

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because then the tours would be completely done, so we would not impede school traffic. That seems like that's plenty early enough.

CHAIR MOLINA: Yeah. Let me jump in real quick, maybe, Member Paltin, by proposing Wednesday...so commercial-free day, so it wouldn't matter, yeah, because they're not operating. Now, with the 1:30, and as I mentioned earlier, for public schools they end at 2:00. So, if they end their operations at 1:30, then I don't think there'd be any impact on traffic.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: I hope I read that right.

COUNCILMEMBER PALTIN: *(Audio interference)* I don't know...I don't know how the traffic and --

CHAIR MOLINA: Okay. So, if you go Wednesday then that --

COUNCILMEMBER PALTIN: -- the pickup is on the other side, but some guys, you know, line up Lahainaluna Road early *(audio interference)* --

CHAIR MOLINA: Yeah, I've seen that.

COUNCILMEMBER PALTIN: I just *(audio interference)* --

CHAIR MOLINA: Now, of course, if the body wants to go 1:00 p.m., I mean I...I can go with that as well. And hopefully Mr. Feliciano *(audio interference)* --

COUNCILMEMBER PALTIN: But if you're reading that...so I'm not...I just am saying I'm not familiar with the school pick up over there. So, if you're saying that having nobody on the road at 1:30 is okay with school pick up being 2:00, 2:10 on the rest of the days, I'll...I'll believe you guys. It's just when I go pick up my kids, it's...it's a little bit of a nightmare. So I let them ride MEO Transport...plugging MEO.

CHAIR MOLINA: All right. Thank you very much for that, Member Paltin. Member King.

COUNCILMEMBER KING: Thank you, Chair. So...well, you know, all the discussion is kind of disjointed at this point. Because if I look at the community association's proposal, if we...if we go with their proposal for A and B, they don't have any time restrictions or day restrictions. They're okay with whatever time, as long as it's above the three-mile marker. So, we should probably start addressing some of these, and figure out if...if we are going to put B back in and possibly eliminate unguided tours, then we don't really have to talk about all these time constraints or...you know, or days of the week. So, you know, we're...we're spending a lot of time talking about something that may be irrelevant if we...you know, depending on what we do with A and B.



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CHAIR MOLINA: Okay. Chair appreciates your suggestion. So, Members, let's do this. Let's go ahead and vote on the Chair's proposal to eliminate, and I've heard from a couple of Members that they would like to have, I would assume, A and B reinstated back into the ordinance; am I correct? Okay. Well, then Chair will call for the question then. On the A...we'll focus on A and B, okay, that's what the vote will take place. That is to reinstate A and B into 5.22.025. So, Chair will call for the vote. Staff, let's do a separation vote, please.

MS. APO TAKAYAMA: Chair --

CHAIR MOLINA: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: -- point of clarification. Mahalo, Chair. So, the...the motion that we have is to remove A and B.

CHAIR MOLINA: Yeah. Or reinstate the original A and B.

VICE-CHAIR RAWLINS-FERNANDEZ: So, if it wasn't removed --

CHAIR MOLINA: Because the Chair's proposal was to remove, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- if it wasn't removed, then we don't need to reinstate it because it wasn't removed, right?

CHAIR MOLINA: Yeah. Well, that was the Chair's...oh, yeah. Okay. Okay. So, it's currently--yeah, the Chair's proposal was to remove, so...okay. So, now the motion was to remove. So, now *(audio interference)* --

VICE-CHAIR RAWLINS-FERNANDEZ: Withdraw the motion? Withdraw the motion?

CHAIR MOLINA: Withdraw the motion...well, we should...well, now, see the Chair's intent was to remove, right? So, now --

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: -- shouldn't we take a vote on...on that? Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Unless...well, if you're saying to reinstate it, then we would just withdraw the motion, and then we wouldn't have the motion to remove A and B.

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: Chair, I think I can help --

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CHAIR MOLINA: Yeah, let's add some clarity to this.

MS. APO TAKAYAMA: -- clear this up a little bit. So, the motion on the floor actually, right now, is the substitution.

CHAIR MOLINA: Uh-huh.

MS. APO TAKAYAMA: There was no motion or second on this proposed amendment that was sent out that we're looking at right now. So, there was actually no official motion to strike this language yet. The only motion on the floor is the substitution, which is the ASF, which was posted in the agenda. So, if you'd like to make a motion to remove this language, that would still need to be made.

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: At this point, it's not being removed.

CHAIR MOLINA: Okay. Yeah, it's just been a...so, no motion currently on the floor. So, how do we proceed now? So, we have no motion. The Members...some Members feel they would like to leave this in, as is. So, should we take a vote on that, then? . . .*(inaudible)*. . . a separation vote? Because some of...some of the Members may feel otherwise, to not leave the language in. Staff?

MS. APO TAKAYAMA: So, because the motion right now is just the substitution, if you'd like to make a motion on any of your proposals--be it striking A and B, or changing the times, or any of that--you can make a motion on any of that. But otherwise, we're open for any motions you might have.

CHAIR MOLINA: Yeah, see...see, I thought we took a motion to substitute, yeah. We took a vote to add the substitution...substitute this bill.

MS. APO TAKAYAMA: The motion to substitute was to substitute the version attached to the ASF.

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: And the ASF version has A and B in that.

CHAIR MOLINA: Yeah. And then we didn't take any motion on the Chair's recommended language, yeah. Because we're in the process of just discussing. Okay.

MS. APO TAKAYAMA: Correct.

CHAIR MOLINA: All right. Okay. To add more clarity to this. So, we have no motion on the

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Chair's proposal at this time. We were just discussing and getting feedback from the Members. Okay. All right. I guess that helps. So, Members, we're not taking a vote, then, yeah, at this point. So, the Chair's...it seems like some Members want it, some Members don't. Let me recognize Chair Lee for her thoughts.

COUNCILMEMBER LEE: I'm having the same problem because seems like folks wanted to vote on A and B when we...it'll be simpler if we went A by itself, and then B by itself. Especially since Member Sugimura has an amendment to make on A, but not necessarily B. So, you know, if we go one at a time, that might be helpful. Thank you.

CHAIR MOLINA: Okay. Would that be helpful, Members? Let's go one at a time, yeah, instead of trying to take the whole ball of wax. So, all right...and I guess the...you want to make...someone wants to make a motion to reinstate the...well, we have...the A is already in there, yeah. So...well, I guess the Chair will...maybe the Chair will make it...put it out there as a motion to strike the original A. Would that be better then? And then we can vote on that. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, your proposal was to strike A. If that motion is made, I would vote against it.

CHAIR MOLINA: Uh-huh.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sugimura has a proposal for A. I think I would be supportive of her motion.

CHAIR MOLINA: Yeah. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: . . . *(inaudible)*. . . --

CHAIR MOLINA: Maybe what we can do, I'll...I'll put mine out as a vote. If there's no motion to support the Chair's recommendation, then we can go to someone else. How's that? Okay. All right. Then just for the record, Chair will put out a motion to strike out the original A under 5.22.025, strike out, it is unlawful for any business to conduct unguided commercial bicycle tours on Kula Highway and Haleakalā Crater Road. Is there a motion and a second?

COUNCILMEMBER LEE: Move for discussion.

CHAIR MOLINA: Okay. Motion made by...okay. Motion made by Chair Lee. We need a second. Is there any second?

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Seeing no second. Then the...the motion dies...or the attempted motion fails. Chair is...the floor is open for other considerations. I guess, Member

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Sugimura, you had something.

COUNCILMEMBER LEE: There was a second.

COUNCILMEMBER SUGIMURA: Are you going to do my ASF now? Or you want to finish yours? Your call.

CHAIR MOLINA: Okay. Well, let's go. Let's walk it through. Then, let's go down to B.

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Yes, Member King.

COUNCILMEMBER KING: Thank you. I just wanted to clarify, that since there's no change in A, A still reads it is unlawful for any business to conduct unguided commercial tours on Kula Highway and Haleakalā Crater Road. So, that's already in there.

CHAIR MOLINA: Uh-huh.

COUNCILMEMBER KING: That stays in there.

CHAIR MOLINA: Yeah, the Chair made a motion to strike it --

COUNCILMEMBER KING: Right.

CHAIR MOLINA: -- out, and there was no motion, and...well, there was a motion, but no second. So *(audio interference)* --

COUNCILMEMBER KING: Right. So, I'm just saying...so, the...Member Sugimura doesn't have to make a motion about that because that's already in there.

CHAIR MOLINA: Okay. Yeah, I'm not clear what Member Sugimura's proposal would be for A.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: So, maybe --

COUNCILMEMBER KING: She said she wanted to make unguided tours illegal, but that's already in there as A.

CHAIR MOLINA: Uh-huh. Okay.

COUNCILMEMBER KING: Okay. Anyway, I just wanted to point that out, that...that we're leaving that in there.

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CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Vice-Chair Rawlins-Fernandez, followed by Chair Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things, first the...the motion that you asked for someone to entertain, and then Chair Lee made that motion, I did hear Member Kama second it. But I was...it's not clear whether they would actually vote on it. So, I'm not sure if it...we would need to *(audio interference)* --

CHAIR MOLINA: Okay. Sorry, I...I didn't see Member Kama's hand go up or hear from her, my apologies. So --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Yeah, she...she just said it, but I just...I just wanted to...I figured you didn't hear her. So, I just wanted to...I heard her --

CHAIR MOLINA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- so I just wanted to disclose that I did hear that. And then the other thing --

CHAIR MOLINA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: -- is the Kula Highway and Haleakalā Crater Road is...the Kula Highway is incorrect, it's Kekaulike Avenue. And that's on the Kula Community Association's testimony. And I see...oh, okay. And if I did say that incorrectly, I see Mr. Mayer raising his hand. So, just correcting the...the highway and roads --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- if we want to *(audio interference)* --

CHAIR MOLINA: Okay. So for clarification it should read Kekaulike Avenue, is that what --

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Mayer.

CHAIR MOLINA: Mr. Mayer, could you provide clarification?

MR. MAYER: The Kula Highway is not relevant to this discussion, at all. They don't use Kula Highway, so that should be taken out in any...any place in the ordinance. It should read three...three roads; Haleakalā Highway, Haleakalā Crater Road, and Kekaulike Avenue. Any references to --

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CHAIR MOLINA: Okay. We'll have Staff make that...make that reference.

MR. MAYER: -- to routes, that's where it should be.

CHAIR MOLINA: Okay. Thank you, Mr. Mayer. All right. Okay. So, we had a second, for the record, then. Any further discussion then? Chair Lee, as the maker of the motion --

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: -- to...I guess the proposal was to remove A.

COUNCILMEMBER LEE: Right. Mr. Chair, I think that if you accepted the motion, yeah, then we can start making amendments. Otherwise, we can't make amendments if there's no motion.

CHAIR MOLINA: Yeah. Well --

COUNCILMEMBER LEE: So, that's why I said, I move for a discussion, because I knew amendments were coming, that --

CHAIR MOLINA: Yeah. Yeah. And I wasn't aware there...there was...there's a second from Member Kama. So --

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: -- Member Kama, do you want to still maintain your second on the motion that was made by Chair Lee, or you going to withdraw that?

COUNCILMEMBER KAMA: Yes, motion to discuss. Yes, Chair. Thank you.

CHAIR MOLINA: All right. Members, so, I guess we're back for a discussion on A. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We do have a live motion on the floor, and that's the motion to substitute. And so we're amending that motion to substitute with these amendments. So, we wouldn't need to entertain the motion to remove A if majority of the Committee Members would like to keep A in. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you for clarification. Chair Lee.

COUNCILMEMBER LEE: The problem with the substitution, it includes a lot of items. And I'm...I'm suggesting that we go A, B, C, one by one, so we don't get confused. But however you want to proceed, Mr. Chair, is fine with me. Thank you. However we can keep it simple.

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CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Yeah, I'm...I'm with you on that, Chair. So, I guess we...you know suggestion was made by Member King to kind of piecemeal it, go down A, B, C, D, and so forth. Or we could just take the whole thing, and if the Members want to throw the whole thing out, the Chair's proposal, that's your...your prerogative. And then I guess we can restart with other considerations. I mean that's one way to look at it. So, what's currently being discussed is just the A. So, let's do this. Let's take a vote on A, the proposal to remove first, and do it that way. If that's amenable to everybody, take that vote. Okay. Let's call for a separation vote, Staff. Okay. Ms. Takayama, go ahead. And again --

COUNCILMEMBER SUGIMURA: *(Audio interference)* --

CHAIR MOLINA: -- this is just for A.

COUNCILMEMBER SUGIMURA: Chair.

MS. APO TAKAYAMA: Chair, the motion was only made on A. So, we can just take the motion on that amendment.

CHAIR MOLINA: Okay. Go ahead.

COUNCILMEMBER SUGIMURA: Chair, if I could, before you take the vote.

CHAIR MOLINA: *(Audio interference)* Sugimura.

COUNCILMEMBER SUGIMURA: Clarification just because we've heard reinstate, amend, whatever, right. So, what this...what this vote will do is if we vote no, A will remain in the bill, right?

CHAIR MOLINA: That is correct.

COUNCILMEMBER SUGIMURA: Okay. . . .*(inaudible)*. . . okay. Thanks.

CHAIR MOLINA: If you vote...if you vote yes, you're in favor of striking it.

COUNCILMEMBER SUGIMURA: Yeah. Yeah. Yeah. Okay.

CHAIR MOLINA: Okay. Everybody understand what your vote will entail? Okay. Member Paltin.

COUNCILMEMBER PALTIN: Would it be appropriate at this time to move to amend A?

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CHAIR MOLINA: You could.

COUNCILMEMBER PALTIN: Okay. I'd like to move to amend A to have it read, it is unlawful for any business to conduct or allow, by providing racks, unguided commercial bicycle tours on Haleakalā Crater Road, State Highway 378, below the three-mile marker; on Haleakalā Highway, State Highway 377; and on Kekaulike Avenue, State Highway 377.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay. There's a motion by Member Paltin. And who did the second come from? I heard a voice, but then...okay. Wait. Okay. Sorry, my phone is talking to me. Okay. All right.

COUNCILMEMBER KING: That was...that was me.

CHAIR MOLINA: The second, for the record, came from Vice-Chair Rawlins-Fernandez [sic].

COUNCILMEMBER KING: Oh, okay. I thought that was me.

CHAIR MOLINA: Okay. All right. Member Paltin, would you like to discuss --

COUNCILMEMBER KING: It's okay.

CHAIR MOLINA: -- your amendment --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR MOLINA: -- to A?

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick, point of order.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick. I thought we were going to take the vote on whether to remove it or not. And then we would take the next motion to amend it, because I...I see there's a majority of...of folks...of the Members that want to keep it in. So, we...we were trying to keep it as simple as possible.

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I'm trying to help.

CHAIR MOLINA: But at the same time, I know I got to recognize if a Member wants to amend something too, I have to keep it open to that. But I...I know. Let's...if it's okay, let's...let's



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go with Member Paltin's attempt to amend. And then amend the...just to amend the motion also, which would include reinstating. Member Paltin, am I (*audio interference*) --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I fully support the motion. I fully support. If we want to...if we want to do it this way then, you know, we...we can. I just...I thought we wanted to keep it --

CHAIR MOLINA: I'm trying to find the least path of resistance.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Make it as easy for everybody.

COUNCILMEMBER PALTIN: (*Audio interference*) --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I...I support Member Paltin's motion.

COUNCILMEMBER PALTIN: I was getting confused by the simplicity of it all. And . . .(*laughing*) . . . this is just...yeah, I was confused by the other way. So, this is just...you know, in listening to the Kula Community Association, and listening (*audio interference*) her District, and the outcry that I've heard about the unguided tour situation, and including that or allow unguided commercial bike tours by providing racks to folks. That's just the feedback I heard, the downed rider, all of it kind of coming to a head. So, taking it letter by letter, that's my proposed amendment for letter A.

CHAIR MOLINA: Okay. Any other discussion on the amendment? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Can you please explain the rack portion? I'm looking at...I think you're looking at Dick Mayer's --

COUNCILMEMBER PALTIN: Sure.

COUNCILMEMBER SUGIMURA: -- yeah, I don't see that here.

COUNCILMEMBER PALTIN: One of the...one of the testifiers had said that if we try to ban unguided tours, that commercial tours would just get around that by providing racks (*audio interference*) --

COUNCILMEMBER SUGIMURA: Oh, yeah.

COUNCILMEMBER PALTIN: -- use rental cars, and then truck themselves up the hill. And so, that's a attempt at a end run around the end run.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

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COUNCILMEMBER PALTIN: Sure.

CHAIR MOLINA: Okay. Any other discussion before we take the vote on the amendment? Okay. Seeing none. Do we need a separation...sorry, Member Sinenci, go ahead.

COUNCILMEMBER SINENCI: Thank you, Chair. Real quick, clarification for Member Paltin. So, this is the...and the three highways that you mentioned is from the entrance of the National Park?

COUNCILMEMBER PALTIN: Yes, I believe so. I'm not familiar with that area, it might be better that Member Sugimura answers it. But this is coming from the Kula Community Association proposal, I just added the rack statement. So, I'll defer to either Dick Mayer or Member Sugimura, your preference.

CHAIR MOLINA: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. So, basically, this amendment, as proposed by Member Paltin, it...it really addresses A. And the other portion for the, you know, three-mile marker is really...in your amendment is B. So, we haven't talked about B yet, this is just only A. And here's Dick Mayer, he may have a clarification, but that's what --

CHAIR MOLINA: Mr. Mayer, would like to clarify? Sorry, if you could unmute, Mr. Mayer.

MR. MAYER: Sorry about that. I think Member Paltin's amendment is exactly what we would like to see, especially for these unguided tours. They could start at...at the...below the ranger station, and we said fine; they could go down to the 4,500-foot level. That would not interfere with anybody in the Upcountry community, and I think that would be a thing. After...if they are then picked up by vans and taken to Makawao, that would meet the needs of the Makawao Association. So, I think this...this is an excellent amendment to item A.

CHAIR MOLINA: Okay. Thank you, Mr. Mayer. Okay, Members, Chair's going to call for the vote on the amendment. All those--do we need a separation vote, Members? Okay. I'll just call for the vote. Okay. All those in favor of Member Paltin's amendment, signify by saying aye and raising your hand. Aye.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. All those opposed? Okay. Thank you. Chair mark it nine ayes, zero opposition.

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**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura.**

**NOES:**    **None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

CHAIR MOLINA: Okay. Now, we're back to the main motion as amended. Okay. So, for the record, we have a motion, yeah, Staff, that is to remove A. But now, it's been amended, yeah.

MS. APO TAKAYAMA: Chair, so to clarify--and this is what I'm understanding, so please correct me if I'm wrong--the motion that just passed was a motion to amend the amendment. The original amendment was to strike A, and this motion to amend changed that motion from striking A to replacing it with the language that Councilmember Paltin read into the record.

CHAIR MOLINA: Yeah. So, if you vote yes, support the...the Chair's motion, then Member Paltin's amendment is basically wiped out, yeah.

MS. APO TAKAYAMA: No. So the motion was amended. So, we no longer have a motion to strike the language on the floor.

CHAIR MOLINA: Okay. Okay . . . *(inaudible)* . . . --

MS. APO TAKAYAMA: The motion was Councilmember Paltin's amendment.

CHAIR MOLINA: So, that supersedes the Chair's motion, yeah.

MS. APO TAKAYAMA: Yes, it replaced it.

CHAIR MOLINA: Okay. All right. Good. Thank you for that clarification. Okay. So, now we have the...the amendment has passed. So, we currently have existing language, A has been reinstated, yeah, with the amendment...with Member Paltin's amendment. All right. All right. Let's move on to B.

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COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Yes, Member King.

COUNCILMEMBER KING: Don't we have to vote on the motion now? Member Paltin amended the original amendment.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So, now we have to vote on that original amendment as amended.

CHAIR MOLINA: Okay. So, we voted on --

COUNCILMEMBER KING: That's what --

CHAIR MOLINA: -- her...the amendment first, yeah. So, now we're back to the --

COUNCILMEMBER KING: The main --

MS. APO TAKAYAMA: Chair.

COUNCILMEMBER KING: -- your main motion --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: -- which has been amended.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: Your motion to *(audio interference)* --

CHAIR MOLINA: Okay. Let me check with Staff. Staff.

MS. APO TAKAYAMA: Chair, yes, that's correct. So, we are now basically taking the same vote because it's the same amendment. But because it replaced the original amendment, we just need to take the vote for formality. And just to clarify, who was the second on that last motion to amend?

CHAIR MOLINA: I think it was Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Member King.

MS. APO TAKAYAMA: Okay. Thank you.

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VICE-CHAIR RAWLINS-FERNANDEZ: It was Member King.

MS. APO TAKAYAMA: Oh, okay. Thank you.

CHAIR MOLINA: Okay. All right. Members, so we're going to go back and take a vote, I guess, to reaffirm the amendment as it relates to A. Okay. Member Paltin.

COUNCILMEMBER PALTIN: Oh, I was wondering if it would be appropriate, at this time, to move to amend letter B, or no?

COUNCILMEMBER KING: No.

CHAIR MOLINA: Let's stay with one for now. Yeah, we're going to get more --

COUNCILMEMBER KING: Finish A.

CHAIR MOLINA: Yeah. Yeah. Let's...one at a time, guys. Okay.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: I know we're all excited, we want to get...get through this, so...all right. Any other discussion on the proposal A and...that was amended? Okay. Seeing no other discussion. Members, let's take the vote.

COUNCILMEMBER JOHNSON: Chair?

CHAIR MOLINA: All those in favor signify by saying aye. Aye. All those opposed? Okay. Thank you. Okay.

**COUNCILMEMBERS VOICED AYE.**

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**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura.**

**EXC.: None.**

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CHAIR MOLINA: That takes priority, all right. So, I respectfully ask you to do that, as much as possible. Okay. Again, letter B, a motion...Chair had asked for a motion to strike letter B, there was no motion made, so letter B is retained. As read, it states, it is unlawful for any business to conduct guided commercial bicycle tours on Kula Highway and on Haleakalā Crater Road below the 4,500-foot elevation. Okay. So, that remains in the bill.

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Okay. Member King.

COUNCILMEMBER KING: I just want to make a motion to amend that letter B to say, that it is unlawful for any business to conduct guided commercial bicycle tours on Haleakalā Crater Road below...below the three-mile marker on Haleakalā Highway, State Highway 377; and on Kekaulike Avenue, State Highway 377.

CHAIR MOLINA: Okay. Motion is made to amend by Member King. Is there a second? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, second by Committee Vice-Chair Rawlins-Fernandez. Okay, discussion. Member King.

COUNCILMEMBER KING: And I forgot to mention after Haleakalā Crater Road, then in parenthesis it should say State Highway 378. But this is a more accurate description of the limitations. As we heard earlier, that there's no...we don't need to put Kula Highway in there because there's no activity on Kula Highway currently. So, this...this is just amended just to specify the places where there are currently activity.

CHAIR MOLINA: Okay. So noted. Any further discussion on Member King's amendment --

COUNCILMEMBER JOHNSON: Chair, I have --

CHAIR MOLINA: -- letter B?

COUNCILMEMBER JOHNSON: *(Audio interference)* --

CHAIR MOLINA: *(Audio interference)* Member Johnson, go ahead.

COUNCILMEMBER JOHNSON: Thank you. You know, I...I wanted to kind of hear what Mr. Feliciano says about this...are they amenable to this amendment on these roads that we're choosing? So, I'd like to see if we could hear from him on that.

CHAIR MOLINA: Okay. Mr. Feliciano.

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MR. FELICIANO: Yeah, absolutely. If the bike tour industry is going to be regulated to above mile marker 3, then there should be no dialog as to what we ride and how we do it. So, self-guided should be allowed and...along with the guided. You know, it...it would be a simple thing.

COUNCILMEMBER JOHNSON: I understand that, Mr. Feliciano. I think we already passed the...the self-guided amendment. I'm kind of curious about how you feel, now, on these particular roads, these areas. You're saying because of the amendment before, you...you would prefer to do all...any roads? Is that what I'm hearing?

MR. FELICIANO: No, what...what I'm getting is, why does self-guided need to be totally outlawed if we're not riding it impacting traffic in Kula, Makawao, Ha'ikū? Nobody's proven that it's a different ride, it's an unsafe ride compared to a guided ride. So, if we're going to be regulated to above 4,500 feet, it shouldn't matter what we...what we're doing.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you. Thank you, Mr. Feliciano. Thank you, Chair. No further questions.

CHAIR MOLINA: Okay. Okay. Thank you, Member Johnson. Speaking to Member King's amendment, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. All right. It's in response to Mr. Feliciano. So, A doesn't prohibit unguided above the three-mile marker. So, you would be able to continue unguided above the three-mile marker. Am I...am I not understanding that correctly?

MR. FELICIANO: I just wanted clarification that if it's regulated to above the 4,500 feet, that self-guided is allowed, as well as guided.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, B...it is unlawful...B only prohibits guided below the three-mile marker. A prohibits unguided below the three-mile marker. So, essentially, all activities, unguided and guided, above the three-mile marker would be permissible. Are you suggesting that we just combine the A and B so that it's just all one thing, it's unlawful for any business to conduct or allow unguided commercial tours and guided commercial bike tours below...including the rack section that Member Paltin threw in that I support, below the three-mile marker?

MR. FELICIANO: You could...you could lump it altogether, that's for sure. But point of clarification, I think you all might want to talk to your...your counsel, the...your attorneys because the new A is recommending that no one is allowed to rent a bicycle to someone if they...if they're going to take it up to Haleakalā. And that, I think, your Corporate Counsel should probably look at that language. Because that's--you know, if I'm allowed--that's one of the unintended consequences of regulating (*audio interference*) --



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CHAIR MOLINA: Okay . . . *(inaudible)*. . . we'll take that under consideration at some point. I'm sure when Corp. Counsel...at some point, I'm sure, they'll weigh in on that.

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

CHAIR MOLINA: Okay. All right. Thank you, Vice-Chair. Any other discussion as it relates to the amendment from Member King? Okay. Seeing none. Chair will call for the vote. All those in favor, signify by saying aye and raising your hand. Aye.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. Any opposition? Okay. Seeing none. Let the record reflect nine ayes, zero noes.

**VOTE:        AYES:    Chair    Molina,    Vice-Chair    Rawlins-Fernandez,  
                                 Councilmembers Johnson, Kama, King, Lee, Paltin,  
                                 Sinenci, and Sugimura.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:     APPROVE amendment.**

CHAIR MOLINA: Okay. Any other considerations for B before we move on to the next proposal from the Chair? Okay. We're going to have to...looking at the next proposal, obviously, we're going to have to do some renumbering should any of the rest of the Chair's recommendations forward, we'll have Staff make those changes as far as the lettering goes. So, the next proposal is no more than 12 bicycle riders per...per commercial bicycle tours are allowed, excluding employee guides. The Chair did hear from the industry that they're fine with ten. So, Chair will entertain a motion...well, let's put the motion in play first, and I would ask for an amendment on the number. So, Chair will ask for a motion for that particular item to include in 5.22.025 that no more than 12 bicycle riders per commercial bicycle tour are allowed, excluding employee guides. Is there a motion?

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COUNCILMEMBER KING: Chair.

COUNCILMEMBER LEE: So move.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Okay. Moved by Chair Lee, seconded by Member King [sic]. Okay. Now, at this point, the Chair would like to propose an amendment to change the number to ten bicycle riders.

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: Okay. Moved by Member King.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Is there a second? Okay.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Members, discussion on the proposal? Member Paltin.

COUNCILMEMBER PALTIN: I'd like to propose an amendment.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER PALTIN: That the ten riders be over the age of 15.

CHAIR MOLINA: Okay. That is the motion, to change the age of the riders. I wonder . . . *(inaudible)*. . . Staff, would it be easier if we just do that as a separate proposal rather than including it in this amendment? I'm just wondering if...to avoid any confusion.

COUNCILMEMBER PALTIN: Okay.

MS. APO TAKAYAMA: Chair, you can do it--oh.

CHAIR MOLINA: Either way is fine? I guess we could...yeah, we could just say no more...like Member Paltin's proposal, and assume if she goes along with the ten, no more than ten bicycle riders per commercial bicycle tours are allowed, excluding employee guides, and that all riders be...what, over the age of --

COUNCILMEMBER PALTIN: 15.

CHAIR MOLINA: -- or be at least 15 years of age or older. Is that what you're proposing, Member Paltin?

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COUNCILMEMBER PALTIN: Yes.

CHAIR MOLINA: Okay. We can do the...we can do the wordsmithing to accurately reflect your amendment at a later point. So, that is the understanding with Member Paltin's proposal here. So, motion --

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: -- by Paltin. Is there a second? There was a second, yeah.

COUNCILMEMBER KING: Chair, I was going to say we can make that a friendly amendment to my amendment, so we don't have to go amending the amendment to the amendment. . . .*(laughing)* . . .

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So, let's make that a friendly amendment --

CHAIR MOLINA: Member *(audio interference)* --

COUNCILMEMBER KING: -- if Member Lee is...Chair Lee is *(audio interference)* --

COUNCILMEMBER LEE: That's fine. That's fine.

CHAIR MOLINA: Any objections to doing it as a friendly amendment rather than a formal vote taken?

COUNCILMEMBER KAMA: No.

CHAIR MOLINA: Okay. We'll leave it as such. So, the Chair's proposal will include reducing that number from 12 down to 10, and rider's age, a minimum of 15 years and above. Okay. That is the motion on the floor. Member Johnson, speaking to the motion.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to ask Mr. Feliciano if he knows of...of companies in the industry that have age restriction? What is...what is that?

MR. FELICIANO: *(Audio interference)* 12 years old, that's...that's the minimum. And there's no back date...back end.

COUNCILMEMBER JOHNSON: So 12 is what it is now, what's your take on --

MR. FELICIANO: *(Audio interference)* --

COUNCILMEMBER JOHNSON: -- on bringing it up to 15?

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MR. FELICIANO: I don't see why it should be put it into an amendment, again, if we're going to be regulated to a six-mile section of road without...without impeding traffic through Kula.

COUNCILMEMBER JOHNSON: Okay.

MR. FELICIANO: It shouldn't be something that's legislated.

COUNCILMEMBER JOHNSON: I'm trying to...trying to find out what the pros and cons on...for the age, not...not the areas where they're doing it. So, I mean are your bikes...do you have, you know, bikes that fit 15 year olds? And do you have bikes...you know, is it going to mess with your inventory, those kinds things?

MR. FELICIANO: Negative. All bike tour companies have various size bikes. When people sign up, you get their heights.

COUNCILMEMBER JOHNSON: Okay. So, how many...oh.

MR. FELICIANO: And those bikes are marked for those guests.

COUNCILMEMBER JOHNSON: Great. How many riders are between the ages of 12 and 15? Would you know anything like that...that kind of stat?

MR. FELICIANO: I wouldn't have numbers. Most of the summer we get families, so...and then the rest of the time it's mostly couples. So, a small portion, probably, but it would deter the family that has a 13-year-old from signing up.

COUNCILMEMBER JOHNSON: You said most of your clientele are couples. You find that, like, you know, typical honeymooners, the folks that are coming to Hawai'i, is that more...most of your clientele?

MR. FELICIANO: Typical honeymooners, yeah.

COUNCILMEMBER JOHNSON: If we...if we did do something from bringing the age from 12 to 15, it certainly won't affect your honeymooners, but it might affect your family tourists that I'm understanding you saying.

COUNCILMEMBER KAMA: Yes.

MR. FELICIANO: Correct.

COUNCILMEMBER JOHNSON: Okay. And you don't have a number on how many that is, but that's...I understand. Thank you for answering my questions. Thank you, Chair.

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CHAIR MOLINA: Okay. Thank you, Member Johnson. Any other discussion as it relates to the motion from Member Paltin? Member King.

MR. ROBERTSON: Hello.

CHAIR MOLINA: -- Member King.

MR. ROBERTSON: This is Jeff Robertson.

COUNCILMEMBER KING: Thank you, Chair. I--excuse me.

CHAIR MOLINA: Hang on. I think I hear some --

COUNCILMEMBER KING: I don't have a question for you, Mr. Feliciano.

MR. ROBERTSON: Hi.

CHAIR MOLINA: Excuse me, whoever else is on the line, please mute yourself. We have Member King on the line to provide discussion. Go ahead, Member King.

COUNCILMEMBER KING: Thank you, Chair. So, I understand...you know, there's...there's issue...you know some of us are concerned about the commercial aspect of this and the business aspect. But for me, it's a safety aspect. And so, I have seen young kids getting in accidents. In fact, one of my friends who ran one of the downhill bicycle tours many years ago had a teenager who (*audio interference*) crossed across the center line and got hit head on by a car. So, for me, it's more...it's not about, you know, can you get more people on there if you have younger...if you allow younger riders. It's about the safety aspect, and how...how well young kids pay attention. You know, on that video that was sent in by Mr. Perez, we saw a child, looked like they were eight or ten, crossing over the...the bike lane into the road. And so, I think it's a lot harder to...to get these rules across to the younger people. So, that's what I'm more concerned with, is the safety aspect rather than, you know, how many more people can we get on the ride if we allow younger people. So, that's why I support Member Paltin's addition. Thank you.

CHAIR MOLINA: Okay. Members, any other discussion before Chair calls for the vote? Vice-Chair Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I believe that was Mr. Peterson [*sic*] that was trying to speak. May I ask --

CHAIR MOLINA: (*Audio interference*) would that be Mr. Robertson, you mean, the industry rep?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, yep. Sorry, Robertson.

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CHAIR MOLINA: Okay. All right. Was...did you have a request for a...for him to clarify something?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: *(Audio interference)* --

CHAIR MOLINA: Just wanted to state for the record, if...I'll recognize him only if a Member wants the resource person to speak.

VICE-CHAIR RAWLINS-FERNANDEZ: I really *(audio interference)* --

CHAIR MOLINA: Okay. Mr. Roberson. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Robertson, would you please clarify what it was that you were saying? The Chair is allowing you to speak now.

MR. ROBERTSON: Thank you. I appreciate the time, and I'm sorry that I'm not be able to do this via a video call. You were just asking some questions about the...the children's ages, and so forth. And while it...it is a small number, I just do want to agree with Mr. Feliciano that we do have a lot of families that come out. We also do our best to really work with the parents whenever we see these kids between the ages of 12 to 16, sometimes even up to 18, just to chat with them well before and in advance when...when we see their bookings. But it...it is, you know, tough...it is a small percentage, and we all do have bikes that accommodate people of all sizes, and so forth. But I do think that, you know, looking at this, while it is a small number, as Mr. Perez said, whether it's guided or self-guided, there are a lot of families that do have 12, 13, 14, 15-year-olds. And some of these kids are...are excellent cyclists. They come from areas such as California, Colorado, and so forth, and they ride mountain bikes extensively, you know, on quite difficult trails. So, there are some kids that are in that age group that are experienced cyclists. But I just wanted to try to share some of that information with everyone.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Robertson. So, in response to that information, is there a permit, or certification, or some sort that identifies those that have experience versus those who don't? Because I absolutely agree with Member King that this is about safety. And without any other way to determine experience and ability, age is...is the closest way to ensure that kids are safe, from our standpoint. Because otherwise, you know, like...like Member King said, it becomes...it becomes a really unsafe situation if it's not regulated in that way.

MR. ROBERTSON: Absolutely. I wish there was...I wish we had some type of a driver's license or something like that. Unfortunately, the industry has never had...had that. I do agree,

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and safety, I think, is always a concern for everybody. And we're not trying to just take these people up there and just let them go. I understand there have been incidences, and we are all trying to work together as a community to resolve these. So, I do appreciate everyone's comments. I wish there was. You know, the only thing that we can really do, and that we try to practice, is the...the conversations with the parents and asking very specific questions about that. Possibly too, if children do show up at our shop, we start to identify that. And what we can...we can do down at our shop is put the kids onto the bikes there to see if they are capable. If they're not capable, then at that time we tell the families that this is not for them, and they...they have to go find something else, or we give them a bike to go ride on the bike path.

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

CHAIR MOLINA: Okay. Thank you. Members, just a reminder, it's 11:15. Chair's hoping to have something accomplished by 12:00. We do have a CARE meeting at 1:30. If we get nothing done today, then we'll defer it, and we end up with nothing. So, just wanted to put a little friendly reminder here, Members. Let's, kind of, expedite things, if at all possible, if we do want to get something out today. All right. Any other questions as it relates to Member Paltin's amendment? Or addition to the Chair's proposal of reducing it from 12 bicycle riders to 10, and the friendly amendment from Member Paltin. All right. Members, Chair's going to call for the vote. All those in favor signify by saying aye and raising your hand.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. Chair will mark it nine ayes with zero opposition.

**VOTE:       AYES:   Chair   Molina,   Vice-Chair   Rawlins-Fernandez,  
                          Councilmembers Johnson, Kama, King, Lee, Paltin,  
                          Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

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CHAIR MOLINA: Okay. The matter moves...that item moves forward. Okay. The Chair's next proposal is employee guides must ride at the front of tour groups. Chair will entertain a motion for that.

MS. APO TAKAYAMA: Chair, there's no need for a motion on that item because it was already a part of the ASF, which is --

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: -- the substitution (*audio interference*) --

CHAIR MOLINA: Okay. We'll strike that...Chair's request, so it's already in there, so...okay. So, we'll go ahead and move forward to the next Chair's proposal, which is labeled as C, but which will be...likely be relabeled with another letter. Guided and unguided commercial bicycle tours may only be conducted Monday through Saturday between 8:30 a.m. and 1:30 p.m. Chair will entertain a motion for that.

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Yes.

COUNCILMEMBER KING: So, you know, my...my thought was that since we did A and B, that we didn't need to regulate times for anything above...I think that was what the Kula Community Association had requested, that, you know, we don't need to regulate times or days of the week --

CHAIR MOLINA: Okay.

CHAIR KING: -- now --

CHAIR MOLINA: All right.

COUNCILMEMBER KING: -- so...

CHAIR MOLINA: All right. So, I guess everybody's okay with the industry starting earlier now, now that they're going to be restricted to just...I guess at the three-mile marker.

COUNCILMEMBER KAMA: Yeah.

CHAIR MOLINA: Okay. So, we'll...we'll remove that consideration then. Okay.

COUNCILMEMBER LEE: (*Audio interference*) --

CHAIR MOLINA: And even the completion time, we'll leave it. Well, if I ask Mr. Feliciano, what is the current...for your...your tour, when do you guys typically cease operations? What



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time of day?

MR. FELICIANO: The last tours, generally, get to our shop around 2:00 p.m., 2:30.

CHAIR MOLINA: Okay.

MR. FELICIANO: Currently, yeah.

CHAIR MOLINA: Okay. So, let's call it 2:30. So, Members, you were going to...everybody agreeable to leaving it at 2:30 then, and not at the 1:30 as was suggested by the Chair? Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to propose sunrise to sunset times.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Allow them...proposal would be --

CHAIR MOLINA: All right. Sunrise to sunset times (*audio interference*) --

COUNCILMEMBER PALTIN: -- guided and unguided commercial bicycle tours may be conducted between sunrise and sunset.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: In those areas --

CHAIR MOLINA: . . .(*inaudible*). . . okay. Is there a second for the motion--I was going to ask Corporation Counsel for their thoughts.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Seconded by Vice-Chair Rawlins-Fernandez. Okay. Go ahead, Member Paltin, you can state your reasons for this request. And then I'm going to ask Corporation Counsel a question.

COUNCILMEMBER PALTIN: As Mr. Feliciano said, if they're using that unheavy portion of road, then...where there isn't the residential and school traffic, it seems like it would just need to be regulated to daylight hours for visibility.

CHAIR MOLINA: Okay. All right. Thank you. Corporation Counsel, either Mr. Whittaker or Ms. Thomson, do we need time specificity in a proposal like this, rather than just saying sunset and sundown? Just wanted to make sure we can frame this amendment as

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such, or do we need to be more specific? Ms. Thomson.

MS. THOMSON: Thank you, Chair. It's up to the Committee if you wish to set hours. Because obviously those times change throughout the year, but there is an official sunset and sun...sunrise time. And having lived up there, I don't think that, actually, the rides start super early. I just always see them when the sun's, you know, fully up.

CHAIR MOLINA: Okay. Now, as far as the sunset time, what is typically sunset? So, which means...if you say sunset, then that means the industry can operate later if they choose to do so; am I correct? Or can cease operations at a later time, say beyond 2:30?

MS. THOMSON: Correct. Yeah. And, you know, it'd be somewhere, probably, between 6:00 and 7:00, you know, throughout the year, as it ranges.

CHAIR MOLINA: Okay. Thank you for that clarification. Okay. Members, if we don't clarify that, then the industry could operate as late as...if sundown is officially declared at 6 p.m., then they could technically still operate that late if they choose to do so. I'll leave it up to you, Members. Also, consideration...well, the Chair had a consideration to change the commercial-free day from Sunday to Wednesday. I would like to have included that as an amendment. But let's deal with Member Paltin's consideration first. So, what is the pleasure of the body? We shall leave it at sunrise to sunset?

COUNCILMEMBER KAMA: Yeah.

CHAIR MOLINA: Okay. I see Member Sugimura nodding her...Member Sugimura, speaking to the...Member Paltin's amendment.

COUNCILMEMBER SUGIMURA: So, I...I think that we should have a specific time because of the long days, short days, you know, that we go through because of nature. And I...and I would hate to say...make it subjective like that. So, we can say a specific time, which the tour operators seem like they're agreeable to having it specifically 8:30, or 1:30, or whatever the times is. I would...I would like to recommend that we keep specific times and not...not based upon you have to check, you know, the weather forecast or the sunrise and...and that kind of things to determine if you're legal or not. It's too vague for me.

COUNCILMEMBER PALTIN: Entertain a friendly amendment of 8:30 to 5:00?

MR. FELICIANO: . . .*(Inaudible)*. . .

CHAIR MOLINA: So, the...we have a friendly amendment to go from 8:30 to 5:00 p.m. All right. So, that is...I will not support the 5:00 p.m. I'll just state that for the record. So, maybe we should put it to vote then. All right. All right. Chair's going to...well, will not support as a friendly amendment. I feel --

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VICE-CHAIR RAWLINS-FERNANDEZ: I'm the seconder, Chair.

CHAIR MOLINA: -- better if we memorialize it as a vote. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was the seconder of that motion, I think. Yeah. And I...I don't...I don't agree to the friendly amendment. So, I would either have to not be the seconder or we would have to take a separate --

CHAIR MOLINA: Separate vote.

VICE-CHAIR RAWLINS-FERNANDEZ: -- motion.

CHAIR MOLINA: Chair's recommendation, take a vote on this. So, Member Paltin, I'm going to amend your --

VICE-CHAIR RAWLINS-FERNANDEZ: Sunrise, sunset?

CHAIR MOLINA: -- you're going to go with 5:00 p.m. rather than just say sunset?

COUNCILMEMBER PALTIN: Oh, I thought the seconder didn't allow for that.

CHAIR MOLINA: Right.

COUNCILMEMBER PALTIN: Right?

CHAIR MOLINA: Okay. Your original motion was sunrise to sunset. Then when we got clarification what the sunset times could be, the industry could operate beyond what they're currently operating at their end time, which is 2:30. So, with sunset now, they can operate as late as 6:00, whatever is sunset, yeah. And there seems to be some resistance to that. Member Sugimura, myself. So...and you're proposing doing this as a friendly amendment, and you have opposition on a friendly amendment from myself and Vice-Chair Rawlins-Fernandez. Anyone else opposed to a friendly amendment, or just the preference is to do it as a vote?

MS. APO TAKAYAMA: Chair, because the seconder does not agree to the friendly amendment, it...it does not go through, so...

CHAIR MOLINA: Okay. So, that's scratched from the record then. And so, no consideration for the 5:00 p.m. since there was no second. Okay. We're back to the --

COUNCILMEMBER LEE: Discussion.

CHAIR MOLINA: -- original motion. Chair Lee, followed by Member Johnson.

COUNCILMEMBER LEE: Yeah. May I ask Mr. Feliciano for his comment on the time?

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CHAIR MOLINA: Okay. Mr. Feliciano.

MR. FELICIANO: Well, again, it goes back to if we're staying in that section, why does it matter what time we start or end? But if there has to be a start or end time, call it 7:00 a.m. to 7:00 p.m. We don't ride bikes in the dark to begin with...never have.

CHAIR MOLINA: Okay. Chair Lee, does that answer your question?

COUNCILMEMBER LEE: I think 7:00 p.m. might be a little late. How about 6:00 a.m. to 6:00 p.m. Is that workable?

MR. FELICIANO: Sure.

COUNCILMEMBER LEE: Okay.

MR. FELICIANO: Sure.

COUNCILMEMBER LEE: Thank you. Thank you.

CHAIR MOLINA: Would it be as a friendly amendment? Or, you know --

COUNCILMEMBER LEE: That's just for discussion, you know, for --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: -- I know other people want to say something.

CHAIR MOLINA: All right. Members. Okay. I saw somebody else with their hand up. Was it Member King? I'm sorry. Member Johnson, and then Member King.

COUNCILMEMBER JOHNSON: Thank you, Chair. That was my question for Chair Lee to hear from the...Mr. Feliciano. So, Mr. Feliciano, you know, would this allow...what would you do with that extra time? Would you do two more...or would a tour guide do two more tours in one day? Is that...are they four-hour tours? You could squeeze in two, four...so, what would you do with the extra time?

MR. FELICIANO: I...I guess if we were allowed to operate later in the day, we might try and market, you know, a later afternoon tour. But the mountain itself creates weather in the afternoon. It gets cloudy, it gets wet. So generally, all the tours take off, maybe the latest, 11:30 or noon, you know. But remember now, they're only going to ride six miles, so there may be that turn around, go back up thing.

COUNCILMEMBER JOHNSON: So, what I'm hearing is you might not need that sunset-ish time. Or that's what I'm trying to find out, is do you need to go up all the way up --

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MR. FELICIANO: *(Audio interference)* --

COUNCILMEMBER JOHNSON: -- to a half hour before sunset or, you know, 5:00 p.m. might be your...you won't need anything past 5:00 anyway. So, that's where I...I was kind of fishing to find out where you're at.

MR. FELICIANO: No, that...that's true, whatever the back end is. But the sun setting in the west, the ride coming down, the...if the sun is too low it'll be in people's eyes, so we wouldn't operate that late anyway, you know, but --

COUNCILMEMBER JOHNSON: Okay.

MR. FELICIANO: -- why does there have to be a time? Because sun comes up, people come out of the crater, they get on bikes, they're going to ride to the tree line above Kula. So, why does...why does the time matter for this amendment?

COUNCILMEMBER JOHNSON: Okay.

CHAIR MOLINA: Okay. Thank you, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you *(audio interference)* thank you, Chair.

CHAIR MOLINA: Okay. Thank you for recognizing Member King and Member Sugimura. Something I'd like you guys to keep in mind. If you decide to expand the operating hours to 6:00...now certainly, it wouldn't affect Kula as much. It's going to affect Makawao and Pā'ia. So, now, maybe Mr. Feliciano ends his operations at 2:30, another company could go beyond that. And I don't know how my community would accept having these bike tours coming in after 2:30, 6:00 at night traversing down Makawao...Olinda...excuse me, would it be Makawao...Baldwin Avenue. And so, please keep that in mind out of respect for my community. I think they can tolerate the industry ceasing operations at 2:00, 2:30. But now, if you going to extend this past that time, I can guarantee you, we're going to get some phone calls from those respective communities, Makawao and Pā'ia. So, food for thought, Members. Okay. Let's go to Member King.

COUNCILMEMBER KING: Oh. Thank you, Chair. You know, I was just, kind of, going to ask Mr. Feliciano as well, and I think he reiterated what I was...what my thoughts were, which is that if you're...if we're limiting the area that we don't need to limit the time. I mean sunrise...that's why I thought sunrise to sunset was good because they're only going to ride during the...the daylight hours. But if there is good weather, it gives them an option to create a sunset tour or something, since we've got a shortened period. But I...I didn't...I didn't really understand that there might be this additional traffic through Makawao. So, maybe Mr. Feliciano could speak to that, whether, you know, there would be additional traffic to...through other towns than...than what we're talking about

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originally?

MR. FELICIANO: But...I'm not sure I...I understand, but...you know, presently our tours end at...generally get back around 2:30. And then one of our amendments, it was like, hey, we'll get everything done by 1:30. But if we're going to be stopping at the 4,500 feet, then our vehicles will be traversing through Kula and into Makawao or Pā'ia. And whether or not we stop in Makawao and let people shop, whether or not the people will go down to Pā'ia, do the same, you know, it's...it's anybody's guess at this point.

COUNCILMEMBER KING: Okay. But the...but you're just talking about one vehicle, like a van with all the bikes and the riders in it. You're not talking about a whole bike...a row of ten riders coming through town. So, you know, you might have a --

MR. FELICIANO: No. You're right, yeah.

COUNCILMEMBER KING: So, it's not really...I mean I don't see this as massive traffic going through those towns, it's...you know, because...because the bicyclists have to stop, so it won't be bicyclists riding through town. It will be just one van of bicyclists. Isn't that what you're looking at if you...if you decide to go through there?

MR. FELICIANO: Yeah, correct.

COUNCILMEMBER KING: Okay.

MR. FELICIANO: Well, it won't just be one van because it's not just one company. You know, you'll have other...the other companies' equipment on the road. But again, they're there...we have a legal right to that road, so...

COUNCILMEMBER KING: I mean they'll go through there anyway, right?

MR. FELICIANO: Yeah, they're going to have to go (*audio interference*) --

COUNCILMEMBER KING: I mean before they would go through there as bicycles, now they're just going through as limited number of vehicles.

MR. FELICIANO: Correct.

COUNCILMEMBER KING: Okay. But I don't know...I thought it was a good trade off to...if we're going to limit the area that they could go, to allow them to, you know, do whatever daylight hours they want to do. Because maybe the...maybe they can make up for whatever they think they're losing in...in the...in the below the three...three-mile marker by having...by having a sunset ride or something that, you know, is attractive to people going up that way and, you know, wanting to be there during that...those hours, so...so, anyway, I...I support the sunrise to sunset. And I think it's because you can call...there's a really easy way to find out what the official time is for sunrise and what

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the official time is for sunset. So, you can...you know, and...and that's going to change. So, if you make it...if you make it a set time, 6:00 to 6:00 p.m., then you're going to be...you're going to...the 6:00 time could be during the dark hours because sometimes the sun rises a little bit later. So, that's why I like the sunrise to sunset language. That's my *(audio interference)* --

CHAIR MOLINA: Okay. Thank you, Member King.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR MOLINA: All right. I'm sorry, who had their hand up after Member King? It might have been somebody else? Okay. All right. Members, I see Member Paltin and Vice-Chair, you guys could make your comments brief before the Chair makes his comments on this amendment. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm just a little concerned that we're talking about the six-mile stretch that they're going to be operating on as though it's not a State highway or a public roadway. Haleakalā National Park did limit visitors to that area because of the overflow of tourists. And so there...that roadway is still being used. It's not going to be like a private roadway just for bike tours. It'll be tourists going up to see the sunrise, the ones that have made reservations, and whatnot. So, I kind of find it inappropriate...the comments being made by the business that if we're going to be limited to that six-mile stretch of highway, it doesn't matter what we're doing. It's still a State highway. Safety is still a concern. There still will be people driving on it, it just won't be the volume of traffic of town. And we're the body making the policy decision for the people using that road. So, I...I kind of find it inappropriate. You can say it's less of an impact or what, but to continually say that we're only being...using this, so it doesn't matter what we do, I...I don't agree, and I just needed to state that for the record.

CHAIR MOLINA: Thank you, Member Paltin. Okay. Vice-Chair Rawlins-Fernandez, followed by Member Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I agree with Member Paltin on her last...previous comments. But my question is for you, Chair, about Baldwin Avenue. So, when you said that the impact to Baldwin Avenue, were you talking about the vehicles, or were you talking about bike tours? Because --

CHAIR MOLINA: The bikes, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Because we're limiting them to operations above the three-mile marker, so they wouldn't be on --

CHAIR MOLINA: *(Audio interference)* --

VICE-CHAIR RAWLINS-FERNANDEZ: -- Baldwin Avenue, right?

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CHAIR MOLINA: Yeah, right. Well, see, as I understand the amendment now, they can cease operations to as late as sunset, 5:00 p.m., 6:00 p.m., whatever the time that is declared. So, which means...now, as I understand how the industry operates...okay, they can come down to Makawao, have their clients go ahead and patronize the business, then continue their bike ride down to Baldwin Avenue, and that would allow other businesses. Now, how Mr. Feliciano's business operates with the bike tours may differ from others. But maybe we can ask --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair --

CHAIR MOLINA: -- Mr. Feliciano for clarification?

VICE-CHAIR RAWLINS-FERNANDEZ: -- Chair, in...in A and B, we've...we have prohibited anything...any bike tours, unguided or guided, below the three-mile marker. So, they...they shouldn't be on Baldwin Avenue.

CHAIR MOLINA: Okay. That's what I need clarification on. So, as you presently operate, right, Mr. Feliciano, you guys go to Makawao, then the bike ride continues on, they can bike ride all the way down into Pā'ia; am I correct?

MR. FELICIANO: Currently, bike rides go all the way down to Pā'ia, all the way down to Ha'ikū. So, the way this is written so far, you're telling us we can't ride in that seven-mile section, right? Crater Road to what would be Kealahou Road. So, if a bike tour, at this point, wanted to continue, we could put people on bikes if you pass this as is. So, other than a short band, you know, of...of everything, yes, you could have bikers going down Baldwin. We don't bike --

CHAIR MOLINA: Beyond 2:00...beyond 2:30, right? You know, some --

MR. FELICIANO: Yeah, you...you could --

CHAIR MOLINA: -- I mean with that option, now, with sunset.

MR. FELICIANO: Absolutely, you could.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, Mr. Feliciano, with A and B, it...it restricts bike tours, guided and unguided, to above the three-mile marker, and that's what we just passed. So, they wouldn't be able to be on Baldwin Avenue at any time. That's what we just passed.

MR. FELICIANO: Yeah. But doesn't A and B mention specific roads...377, 378, and Kekaulike Avenue?

CHAIR MOLINA: Yeah.



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MR. FELICIANO: I'm not saying that's what we're going to do, but you need to...you need to know that what...whatever you do here today will have consequences. And some people may look at that and say, okay, here's...here's a loophole.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, if...if that is the concern, then if we divided up the roads and kept the 2:00...1:00, 2:00 for Baldwin Avenue, and sunrise, sunset, or whatever times the Committee wants, for above the three-mile marker. Because that...that's Member Molina's concern. So, the concern is that we're going to be affecting business so much. So, the Committee is trying to compromise by allowing the bike tours to...to have, potentially, more tours above the three-mile marker. But the concern is, now, this other road, Baldwin Avenue, where we don't want bike tours to operate after 2:00 p.m.

CHAIR MOLINA: . . .*(inaudible)*. . . 2:30...or I guess there's a proposal to limit the operations to 1:30. But Mr. Feliciano said his company typically goes to 2:30. Now, if we accept Member Paltin's proposal to go sunset, then they could operate as late as 5:00. That's where my concern would be from the folks in Makawao. The community has been tolerant of the industry operating up until that 2:00, 2:30 time parameter. Now, by making this sunset, you're adding additional hours of bicycle operations on Baldwin Avenue that some motorists may have some concerns about going beyond that 2:00.

VICE-CHAIR RAWLINS-FERNANDEZ: Unless we add...unless we add that...unless we add that time limit to Baldwin Avenue, if that's your concern.

CHAIR MOLINA: I mean that's one...one way to address it. Like the 1:30, cease operations at 1:30 no matter what, you know.

VICE-CHAIR RAWLINS-FERNANDEZ: 1:30 on Baldwin Avenue. Okay. I would be happy to make that amendment, Chair Molina, at the appropriate time --

CHAIR MOLINA: All right. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: -- whenever you deem that appropriate.

CHAIR MOLINA: Okay. Let's get Member Sinenci's questions, and then we'll go back to your consideration. Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. Yeah, just following up on Member Rawlins-Fernandez's comments. Yeah, I too agree that we did not hear comments from...from you and your District, Mr. Molina. So, I...I would be open to restricting Baldwin to the 2:30 as you had mentioned...or 1:30.

CHAIR MOLINA: Okay. Actually, my...my recommendation was 1:30, and I think Mr. Feliciano had indicated to me before, the industry can live with a 1:30 ending time. Mr. Feliciano,

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you could confirm that for me? You could live with it? So, basically you start up...keep the same start-up time now that there's going to be a limitation on where you can operate as far as Kula goes. But now, the proposal was to allow this industry to go...operate as late as until sunset. And in our earlier discussions, you had mentioned you can live with the 1:30 ceasing of operations on Baldwin Avenue?

MR. FELICIANO: That was correct, but that was a concession that...that we would make, adjust our times, if...if we were allowed to ride through there. But now, we're not being allowed to ride bicycles into those areas.

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER SINENCI: *(audio interference)* --

CHAIR MOLINA: All right. Members, any other questions on Member Paltin's proposal?

COUNCILMEMBER SINENCI: Chair.

CHAIR MOLINA: Let's go to Member Sugimura, followed by Member King.

COUNCILMEMBER SUGIMURA: So, Dick Mayer has his hand up...or has had his hand up, if you would like ask him for my question.

CHAIR MOLINA: Okay. Yeah, I won't recognize the resource personnel unless called upon by a Member, okay. So just let...this discussion is...should be confined, as much as possible, to the Members, yeah. Okay. Mr. Mayer, you have a request --

COUNCILMEMBER SUGIMURA: *(Audio interference)* I have a question.

CHAIR MOLINA: What is your question for Mr. Mayer?

COUNCILMEMBER SUGIMURA: No, not for Mr. Mayer. So, I just have a question...or I have a comment then. So, clarification...so, the bike tour company is saying that they would...or could live with 2:30; is that right? And 8:30 a.m. to start; is that correct, Mr. Feliciano? And this impact would primarily be...and this particular Item C talks about the days of the week. And you're saying that Wednesday would be a commercial-free bike day, or whatever, is how you put it?

MR. FELICIANO: A question to me, ma'am?

COUNCILMEMBER SUGIMURA: Yes.

MR. FELICIANO: Yeah. There should be no restrictions on the time that we ride through that six-mile area because we're not going to impact traffic in any way, shape, or form, other than the...the visitors that are coming down out of Haleakalā for sunrise, or other times

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of the day. And as far as that commercial-free day, that was an offering so that we would be off the roads of Kula and...and everywhere else. So, that...that should be eliminated also, as part of your amendments. Because you'll...you would further punish bicycle tours by not allowing them to operate on...on only six days (*audio interference*) --

CHAIR MOLINA: Okay. Member Sugimura, any other questions --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: -- for our resource?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Members, let's try stick on...to what we have here. If we're jumping all over the place here...again, let's focus on the times here at this point, yeah. So, any other discussion on--I see Member King--on Member Paltin's proposal to go from sunrise to sunset?

COUNCILMEMBER KING: Yeah. Thank you, Chair. I think we need...can we get Corp. Counsel to clarify what A and B means? Because when I look at that, and it says, it's unlawful for any business to conduct or allow...and we did unguided and guided commercial bicycle tours below the three-mile marker on Haleakalā Road. So, to me, that says anything below the three-mile marker on Haleakalā Road is illegal. It doesn't say, but you could go on Baldwin. It's anything below the three-mile marker. So, I'm just assuming that they have to conduct all of their activity above the three-mile marker. So, if we can get maybe...oh, Ms. Thomson, I see, is here. If you can clarify the meaning of that...you know, it's unlawful for any business to conduct commercial bicycle tours on Haleakalā Crater Road below the three-mile marker on Haleakalā Highway and on Kekaulike Avenue. So, does that mean everything that's below the three-mile marker on Haleakalā Highway, which would include, I'm assuming, Baldwin Avenue.

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Thank you. No, I think that it would only relate to operations on...prior to those times on those specific roads.

COUNCILMEMBER KING: Okay. So, how do we specify...I mean do we have...do we want to reword it to say, they're only allowed to conduct business above the three-mile marker on those roads? And then that would be --

MS. THOMSON: (*Audio interference*) --

COUNCILMEMBER KING: -- very specific, that there can't be any operations below that.

MS. THOMSON: Then you would be prohibiting them...I believe you may be prohibiting them

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throughout those two community plan areas, and restricting operations only to *(audio interference)* --

COUNCILMEMBER KING: Well, we...if we restricted...well, we would restrict the commercial bicycle tours. So, if we're only restricting the commercial bicycle tours, we're not saying that the vans can't go through those towns.

MS. THOMSON: *(Audio interference)* --

COUNCILMEMBER KING: But I mean I...that's the way I...I originally read this, to say that anything that's below that three-mile marker, which happens to be on Haleakalā Highway, would be...would not be allowed. But now, you're saying it's only...only on Haleakalā Highway. So, anything below that three-mile marker that's on a different road could be allowed, is what you're saying?

MS. THOMSON: That's how I...and I don't have the redline in front of me or the...the amended text, but from what I'm hearing that's...that's *(audio interference)* --

COUNCILMEMBER KING: Okay. So, maybe Mr. Mayer could...so, maybe we could ask Dick Mayer to interpret...how did the Kula Community Association interpret that?

CHAIR MOLINA: Okay. Mr. Mayer.

MR. MAYER: Thank you very much. Yes, I think the original idea was that it would stop the bicycle tours at the three-mile marker on Haleakalā Highway. It would also prohibit bikes on Haleakalā Highway itself, and on Kekaulike Avenue. What...you are now talking about Pā'ia and Ha'ikū. Let me try to give...give you some wording that may be helpful. I think --

COUNCILMEMBER KING: Well, no. What was the original intent of the...did the Kula Community Association --

MR. MAYER: Oh. Well, the --

COUNCILMEMBER KING: -- originally intend for there to be bicycle tours on Baldwin Avenue in Pā'ia, and in . . .*(inaudible)*. . . --

MR. MAYER: We would...we made...we were mute on that item, and we...as far as we're concerned, it could go there. What I was going to give you was some wording that I think will help you with Ha'ikū and Pā'ia, if you want that. I can give it to you, very simple one sentence.

CHAIR MOLINA: Go ahead, Mr. Mayer.

MR. MAYER: And that...that would be that...because if they take vans through Makawao, then

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the bikes could ride. And I would just say, bicycle tours, the guided and unguided tours, are not allowed on Baldwin Avenue and in Ha'ikū after 2:00 p.m. or after 1:30 p.m., just make that clear. So, they could do it in the mornings, until 1:30 when schools get out, where there's a lot more traffic, and community traffic, et cetera. So, you could just make one simple sentence, separate from the others, and they can operate all seven days of the week, if you allow, but just not go below Makawao Town on Baldwin Avenue and in Ha'ikū after 1:30, to make it all very clear. And I think it would meet --

COUNCILMEMBER KING: Chair.

MR. MAYER: -- it would meet Mr. Molina's concerns.

COUNCILMEMBER KING: Chair, can I ask...also ask Mr. Forrest to comment on it because I saw that (*audio interference*) --

CHAIR MOLINA: Go ahead, Mr. Forrest --

COUNCILMEMBER KING: -- on the interpretation.

CHAIR MOLINA: -- are you able to respond?

MR. FORREST: Thank you, Chair. And, you know, I do have a...I've been drafting this bill for a while now, so I'm pretty familiar with what you're talking about. And there is a concept that you're going to limit the tours to the three-mile marker, and that has always only related to only certain roads. And so, that's going to take you off of the most dangerous roads that affect the Kula community. So, the residential part for...and then we would allow them after they reached Makawao. So, right now, that...that limit only relates to those...those three roads that were mentioned. And so, you have two different types of areas. You have up on the mountain from the...the National Park, and then you have starting again at...at Kula. And what you guys are considering is that those...those might have two different times where you're allowed. If you're up on the mountain by the park, then it might make sense to have more times. And...and maybe some people just want to take that downhill part of the mountain...so, sunrise to 3:00 p.m. on the higher part. And then in Makawao, you have a different time period. And the reason why I would say that there is some reason to cut off at 3:00 p.m. is because there's a significant amount of traffic going up to see sunrise...or sorry, sunset. So, there's a lot of traffic going up from like 3:00 until 6:00 going up the mountain. So, I think it's...you're talking about two different time periods, one for Makawao and one for the Upcountry...or sorry, the higher road.

COUNCILMEMBER KING: Okay. All right. Thank you. I guess...I think I'm a little clearer on this now.

CHAIR MOLINA: Okay.

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COUNCILMEMBER KING: It's clearer than mud now.

CHAIR MOLINA: Yeah, clearer than mud. All right. Ms. Thomson would like to add to the conversation. Go ahead, Ms. Thomson.

MS. THOMSON: Thank you. Just a potential suggestion on wording. Rather than saying unlawful, you could change it around to being, you know, commercial bicycle tours. And then I...I'm not clear whether it's guided and unguided or just one of them, but that they may be conducted between the hours of, you know, X and X on the three roads in upper Kula. And then everywhere else in those two community plan areas, that they need to cease operations by whatever time you choose. It may be cleaner to do it that way, and put in two different numbers.

CHAIR MOLINA: Okay.

MS. THOMSON: Thanks.

CHAIR MOLINA: We'll take...take that under advisement. Okay. Members, again, let's get back to the motion from Member Paltin, which has kind of escalated beyond what we thought it would be. But anyway, conversation is good. So, I'm going to call for the vote. Her proposal, again, if I could...hopefully you can clarify it for me, Member Paltin...is the operation times to begin from sunrise to sunset. That is your amendment, correct? Okay, with no specific time parameters at this point. All right. Chair is going to call for the vote, and on that...on the amendment. Staff, separation vote, please.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: No.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: Aye.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

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bicycle tours may only be conducted between sunrise and sunset. So, there was no specification of days.

CHAIR MOLINA: Right. Okay. So, yeah. The Chair's preference is to go with the Wednesday commercial-free day. So, that is what the Chair would entertain a motion or consideration of. Because I know the Chair's proposal has Monday through Saturday. After hearing the...the discussions in Committee, and hearing that the industry could live with a Wednesday as a commercial-free day, that is the Chair's recommendation (*audio interference*) would entertain --

COUNCILMEMBER SUGIMURA: So move.

CHAIR MOLINA: -- support for that. Okay. Motion made by Member Sugimura. Is there a second? Seconded from Member Sinenci. Any discussion? Okay. Seeing none. Oh, go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I thought that the one day not operating was only going to apply if we allowed them to go through the higher traffic areas, which we're not now. So, do we still need to prohibit or...or require a one day a week of not riding through above the three-mile marker? Is that still something...because I --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- I guess I would be okay with them operating seven days a week since they're not coming down to the school and the heavier trafficked areas above the three-mile marker. But if you, Chair, are saying that your community in Makawao area, if they do bike on Baldwin Avenue, would like Wednesday off, then I...I can try to wordsmith something for you.

CHAIR MOLINA: Yeah. Yeah, I would like that because now that we're going to allow them to operate as late as sunset, they can operate on Baldwin Avenue, right? Am I correct? With bike tours, if they...some companies want to go beyond...say, Mr. Feliciano's company, which typically ceases operations at 2:30. And I know that Mr. Feliciano said this was an offer or a proposal to counter any other considerations. But it's a policy decision of this Committee. If we want to continue to limit their operations one day out of the week, I can support that.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR MOLINA: Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, is it your intention to limit operations on Wednesday above the three-mile maker?

CHAIR MOLINA: Yes, that would include everything.



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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Is that --

CHAIR MOLINA: Now, if Kula would like them to operate, that's fine. But again, that would take some further revisions, but my proposal was to include all...everything. No commercial operations one day out of the week. And...oh, and also, there's an offer of State holidays as well, so I would like to include that in my proposal. So, Wednesdays, no operations, and State holidays.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Mahalo, Chair. I really like what Ms. Thomson suggested. And then perhaps we can break it up into two sections; above three-mile marker, and then on Baldwin Avenue, and then have the different sets of rules for the two sections. Because then I...I think that's...that would address some of the concerns that we're trying to address in establishing these regulations, and then giving them a little more freedom above the three-mile marker. Mahalo, Chair.

CHAIR MOLINA: Okay. So, basically we're coming up with two sets of rules for Kula and then Makawao, Pā'ia. Is that how I interpret this in terms of the proposal to remove one day out of the week for commercial bike tours...am I correct in my understanding (*audio interference*)?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. That was my comments. I didn't propose anything.

CHAIR MOLINA: Uh-huh.

VICE-CHAIR RAWLINS-FERNANDEZ: I think what I'm hearing from you and from the Members is that basically...that there are different impacts in different sections. And so, if there were different allowances in the different sections, then that might --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- be a concession to the bike tour companies --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: -- (*audio interference*).

CHAIR MOLINA: All right. Let's go to Member Sinenci for thoughts on this proposal.

COUNCILMEMBER SINENCI: (*Audio interference*) Chair. Yeah, as the seconder, I'm...I'm supportive of restricting guided tours on Baldwin Avenue during, as you mentioned, Wednesdays and State holidays up to 1:30.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. All right. Any other discussion? So,

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Members, that is what's on the floor right now. Member Paltin, go ahead.

COUNCILMEMBER PALTIN: I move to amend the...what's on the floor right now to allow those operating above the three-mile mark to operate seven days a week, and all else not operate on Wednesdays and State holiday.

CHAIR MOLINA: Okay. So, basically, my proposal would not apply to the Kula community basically. So, they can operate seven days a week up at . . .*(inaudible)*. . . Okay. That is the motion to amend. It's been seconded by Member Sinenci. Members...Member Paltin, further discussion on your proposal?

COUNCILMEMBER PALTIN: I sympathize with your concerns for Makawao. It seems that although Kula community operates on State highways, it wouldn't have the same impact as it would on Makawao. And so, just trying to give the businesses a compromise.

CHAIR MOLINA: Okay. So noted. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too wanted to add that during...towards sunset hours, that's where a lot of the local traffic and the businesses might be coming out to, you know, go out to dinner and visit Makawao Town during that time. So, I think we should reserve those sunset hours in Makawao for local traffic too. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Any other discussion as it relates to Member Paltin's amendment? So, the amendment to my proposal...so, basically this would exclude the Kula community from...or the business from operating...they can operate seven days a week up in the Kula community plan region, yeah. Okay. Okay. So, that is the proposal to amend. All those in favor, signify by saying aye and raising your hand.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: All those oppose. Okay. Chair mark it eight ayes; one excusal, Member King.

COUNCILMEMBER KING: Hold on.

CHAIR MOLINA: Oh. Okay. Member King has just *(audio interference)* Members, no objections, we'll include Member King's affirmative vote. So, we'll make it nine ayes.

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**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura.**

**EXC.: None.**

**ACTION: APPROVE amendment.**

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COUNCILMEMBER SUGIMURA: *(Audio interference)* clarification. So, Chair, what you're saying is that you are allowing then bike tours...unguided, guided...you're fine to go through Makawao Town? So, Mr. Feliciano or any other bike companies could go up to mile...3.3-mile marker. Right, put...pack all their bikers...their guided tours in...into a van, and drive down where to get to Makawao Town. Is there a limit where they can start, or are you saying it doesn't matter?

CHAIR MOLINA: My understanding is as long as it's in the --

COUNCILMEMBER SUGIMURA: They cannot go on Kekaulike, sorry.

CHAIR MOLINA: -- the community plan region, yeah.

COUNCILMEMBER SUGIMURA: So, they are not allowed on *(audio interference)* --

CHAIR MOLINA: Except Wednesday. With this proposal, except Wednesdays. They cannot operate on Wednesdays, and they have to cease operations by 1:30...whereas in your District, they can go from sunset to sunrise every day of the year.

COUNCILMEMBER SUGIMURA: Why not in your District?

CHAIR MOLINA: Why? Because I...I think it's fair to give my community...I don't know. If you want them...you only have a limited stretch of road in your community. And you're fine...it sounds like you're fine with letting them operate 365 days a year. I think my community, they're fine with how things are at right now. And to address some of the regulation concerns by keeping them off the road at least one day out of the year, and to include three State holidays, I think it's fair *(audio interference)* those community members who have concerns about the industry taking up road space.

COUNCILMEMBER SUGIMURA: Okay. Well, I...I want to express my appreciation for *(audio interference)* --

CHAIR MOLINA: But you...you can certainly vote no if you...you feel, in your opinion, that Makawao and Pā'ia --

COUNCILMEMBER SUGIMURA: No, I...I'm going to vote the way you want it.

CHAIR MOLINA: Yeah. Okay.

COUNCILMEMBER SUGIMURA: I'm going to vote the way you want it for your community because I thought we were also hearing from Makawao also in your proposal because it goes through this community plan area. But I'm fine, if you're fine. I just wanted to make sure that we're voting to what you wanted for your community. Because I think the petitions that we got also expressed concerns in not only this...this portion of Kula.

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But I'm fine...if you're fine, I'm fine.

CHAIR MOLINA: Yeah. Well, you know, again, we've had meetings too. We haven't had that many people come out to the meetings to express their thoughts. So, again, this is just a recommendation from your Chair, a suggestion. Now, if you want to go ahead and allow for more...allow to operate 365 days a year in Makawao and Pā'ia, then you're at liberty to do so. But anyway, I'm just sticking up for those representatives who would like...or are fine with the way things are, and with the limitations on the operating hours not going up to sunset. But now, that's...you know, it...you know, some folks have...have concerns about that, going beyond the normal operation times, so I'm kind of speaking for them. And again, I...I mentioned at the start of this meeting, I'm interested in regulating, not eliminating. So, again, these are just my efforts to address some of these concerns, so...any other...I think Vice-Chair Rawlins-Fernandez, you had a question before we take the vote on this?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm not sure if I raised my hand, but if I did, I...I am working on a proposal that...it follows what Ms. Thomson had suggested, that would approach it...instead of prohibition, it would be allowance. So, it would...it would...it would say that commercial guided and unguided bicycle tours may operate from sunrise to sunset above the three-mile marker on Haleakalā Road...oh, sorry, Haleakalā Crater Road. And then guided or...and unguided bicycle tours may not operate on Haleakalā Crater Road, Haleakalā Highway, or Kekaulike Avenue, except as provided. And then commercial guided bicycle tours...or businesses may conduct guided commercial bicycle tours from 8:00 a.m. to 1:30 p.m., except on Wednesdays and State holidays, on Baldwin Avenue. So, that...that's what I'm working on right now. It's not...it's not done yet, I'm almost there. But I remember...I did raise my hand earlier, and it was to say that State holidays include Federal holidays. That's what I was going to say.

CHAIR MOLINA: Wait, let me get feedback from Mr. Feliciano. Well, we could be more specific, but certain State holidays; like Admissions Day, Kamehameha Day, Kūhiō Day...I mean we could go towards that as well...in that direction. Mr. Feliciano, your thoughts?

MR. FELICIANO: Yeah, Mike, what I had proposed was the unique Hawaiian holidays, which is what you just mentioned--Prince Kūhiō, King Kamehameha, and Admissions Day. And that offering was if the bike tours were allowed to ride where we ride now. So, the commercial-free day takes...takes us off the road 52 days a year. The three unique Hawaiian holidays adds that to 55, that's why that was offered. I don't...I think things are getting complicated. Again, because we're only going to be in that six-mile stretch, and I don't see anybody at this point putting people on bikes at Makawao to come down. They may, and you may want to look at that. But we shouldn't be relegated to that commercial-free day if we're not impacting traffic. That initial thought was, we're impacting traffic, so take us off the road one day.

CHAIR MOLINA: Okay. Thank you for your thoughts, Mr. Feliciano. All right. Vice-Chair,

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anything else? So, again, the holidays would be specific only to those three days, and not include Federal holidays, unless the Committee wants to go beyond that.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, it sounds like that was like a compromise that the bike tours were trying to make. It's your District. If that's something that's important to your District, I would support it. Otherwise, I don't think it's like...that those three days, you know . . .*(inaudible)*. . . yeah, especially Admissions day. Yikes. Okay. Mahalo.

CHAIR MOLINA: Yeah, I guess for some that's three, well, less days of people expressing their concerns about the bike tours. So, that's...I guess maybe it may have been part of the rationale to offer that as a compromise. But I'll leave it in there. If Members want to remove it, so...so be it. But I'm going to call for the vote at this point. So, your language that you're...you've been working with Corp. Counsel, Vice-Chair. So, I guess we can go ahead and move forward with it, and we can, I guess, craft the language to what we then voted on. So, the...the Committee understands what we're voting on here, again, is to restrict the hours of operation in Makawao and Pā'ia up to 1:30; Wednesdays, yeah, as the day of not to operate; and the three holidays. Everybody clear what this proposal is about before we take the vote? Okay. So, this would not apply to Kula, yeah. Okay. Chair's going to call for the vote. Any request for a roll call vote? Okay. All right. Just...Chair will call for the vote. All those in favor, signify by saying aye and raising your hand.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: All those...okay. All those opposed? Okay. Thank you. Chair mark it nine ayes.

**VOTE:        AYES:    Chair    Molina,   Vice-Chair   Rawlins-Fernandez,  
                         Councilmembers Johnson, Kama, King, Lee, Paltin,  
                         Sinenci, and Sugimura.**

**NOES:       None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:     APPROVE amendment..**

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CHAIR MOLINA: Okay, consideration moves forward. Now, we're down to one last thing from the Chair. I don't know if there...there's going to be other considerations, but Members, again, trying to keep...respect your time. The one that's listed as letter D, and of course, that will likely be reconsidered as far as lettering goes. State's permit holders must require riders to sign the bike pono pledge, which states, I will bike pono with awareness of my surroundings, attention to my bike speed, and utmost safety for myself and cars to share the roads. That is a recommendation from the Chair. Chair will entertain a motion for that.

MS. APO TAKAYAMA: Chair, there's no need for that motion as well, because it's in the substitution.

CHAIR MOLINA: Okay. It is in the substitution.

MS. APO TAKAYAMA: Yes.

CHAIR MOLINA: All right. We'll strike that from the record since it's already in the substitution. Okay. Now, I believe, Member Sugimura, you had some considerations.

COUNCILMEMBER SUGIMURA: Thank you. So, my first one was, prohibit unguided tours in general. And an ASF is...and can Kasie provide the ASF to everybody?

CHAIR MOLINA: Ms. Apo Takayama, that's been distributed to the Members...yeah, okay. I got mine from Member Sugimura.

MS. APO TAKAYAMA: Yes, they're uploaded as number 48 and 49 on Granicus.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Member Sugimura, proceed.

COUNCILMEMBER SUGIMURA: So, initially, what I was trying to do was prohibit unguided tours in...in the Kula area, which has been addressed. But in...in general, what this ASF does is, restricts all unguided tours on our roads. I'm trying to take out or eliminate all unguided tours with this ASF. I'm not too sure what number it is, but I think it was sent to all the Members. So, we've had a...a robust discussion between...in terms of Kula...and now in Makawao, I guess you're saying that you would allow it. But what this does is to restrict unguided tours, period, on our roads. And what the ASF does, it places it within the...the document of the proposed legislation. So, the question for you is...the Members, is, what I'm saying is to restrict all unguided tours in...on our roads versus only in this area.

CHAIR MOLINA: Okay. Members, that is the proposal from Member Sugimura. Is...okay, you're proposing that as an amendment. Is there a second? Okay. Is there a second?

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Okay. I see no second, for the record.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: So, the proposed amendment fails. Okay. Oh, Vice-Chair, are you making a second?

VICE-CHAIR RAWLINS-FERNANDEZ: *(Audio interference)* for discussion. I was...I was looking for *(audio interference)* --

CHAIR MOLINA: Okay, second for discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for putting it in the chat.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I was looking at it so that we can discuss it. I don't know.

CHAIR MOLINA: All right. Second has been made by Vice-Chair Rawlins-Fernandez for discussion. I guess, Member Sugimura, you've already made your statements as to why you would like this proposal considered.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Members, any other discussion on the proposal from Member Sugimura? And that is, again, to restate, as it reads here --

COUNCILMEMBER SUGIMURA: Oh *(audio interference)* --

CHAIR MOLINA: -- move to amend definition of bike tours in Section 5.22.010 by removing unguided tours. And further, to amend the same section by inserting a new Subsection B to read, bicycle tour business permits must be issued for guided tours only. It is unlawful for any business or person to conduct an unguided commercial bicycle tour on County and State property. And further, to amend the same section, 5.22.020.B.3 by removing, whether the tours are guided or unguided, and inserting, confirmation that all tours will be guided. And finally, to amend Section 5.22.020 by making the appropriate subsequent adjustments to Subsections B-F to be renumbered as Subsection C-G. Okay. Members, are we clear on what Member Sugimura is proposing? I know it's quite a mouthful, but --



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COUNCILMEMBER SUGIMURA: Thanks for reading it.

CHAIR MOLINA: -- Chair would like to entertain your comments. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I remember some meetings ago when we talked about like some of the unguided bike tours that were happening in Member Paltin's District, was this proposal to address some of what...well, removing the unguided bike tours from the definition to address like unguided bike tours island-wide...or I guess it would be Countywide.

COUNCILMEMBER SUGIMURA: Countywide.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SUGIMURA: So --

CHAIR MOLINA: Yeah. Yeah, that is...that's interesting because, yeah, I know...I believe...maybe I'm wrong, Member Paltin, maybe even Member King had expressed concerns about the outreach of this bill into their various community plan areas. Well, let's hear from Member Paltin, and then Member King on this proposal. Member Paltin, you go first.

COUNCILMEMBER PALTIN: Yeah, I'm...I'm a little concerned. Like I mean I'm not a fan of those E-bikes all on the sidewalk and everywhere, but I...I wouldn't feel comfortable just sliding this in, and not doing the outreach, and...and having the discussion with my community. There's folks that do biking, and I'm...I'm not sure...I don't think that they drive them somewhere and drop them off or anything. If that...that would be a question. Is it just the rental of bicycles, or is it the driving them somewhere and dropping them off is counting as an unguided tour?

COUNCILMEMBER SUGIMURA: So, unguided commercial tours. The discussion about driving and dropping, that's all part of the upper...the Kula side, right. So, unguided tours, to go into your community, they can rent the bike and just drive off, right...or ride off.

COUNCILMEMBER PALTIN: Yeah, they...they currently do that. And I would be pretty uncomfortable...I mean, personally, I...I wouldn't mind it. But I would feel unethical just passing it without involving them in the discussion because --

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER PALTIN: -- up until now, it's been you guys' area.

COUNCILMEMBER SUGIMURA: Yes. Okay. So, I...I will do this. I will remove or withdraw

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this because I could see where this discussion is going. But I believe...well, I know why I made it, it's because of listening to testimony from the greater Maui. And I know that this particular bill is focused on my District...so, thank you, Mr. Molina. And you've defined what you want for your District, which is not what Kula wants, so that's been defined. And I...I'm willing to take this up...this item so that we could talk about it in my Committee to talk about the greater...you know, even Moloka'i. I don't even know if Moloka'i has this problem, but I got a email...I got a text message from one of my Kula residents saying that he has a problem with E-bikes also, going up and down, you know, in Kula, which is...which is what you were talking about with West Maui. So, I'm going to withdraw this and...this particular ASF. But I do want to do the second one because it did come from State DOT Chief Engineer Robin Shishido, when he answered Mr. Molina's comments about what would be the impact of this bill on that three-mile marker *(audio interference)* --

CHAIR MOLINA: Okay. Member Sugimura, so we can expedite things. So, you're going to withdraw your --

COUNCILMEMBER SUGIMURA: First --

CHAIR MOLINA: -- previous proposed amendment.

COUNCILMEMBER SUGIMURA: -- what I just made.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: And put the other one *(audio interference)* --

CHAIR MOLINA: So, now, you're going on to...this is the matter to amend Section 5.22.020, including the following language, and that is the...well, the reasons to address request made. Okay. So, Members, we all know which amendment we're on, right? Actually, there's two of them related, yeah, to the State...the DOT, both of them that you have here.

COUNCILMEMBER SUGIMURA: *(Audio interference)* --

CHAIR MOLINA: Why don't you go ahead with your first proposal. And --

COUNCILMEMBER SUGIMURA: -- *(Audio interference)* --

CHAIR MOLINA: -- Members, let me ask you. I know the time...we're getting close to Member King's meeting. Anybody open for a recess, coming back after Member King's meeting today?

COUNCILMEMBER SUGIMURA: I cannot.

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CHAIR MOLINA: That way we can get out of here a little bit earlier. And...well, let me ask, does any Members have--besides Member Sugimura--have other considerations for this Committee to consider? Because we're really close to moving this out, but I want to respect your time. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My considerations are in alignment with everything that we discussed today, and it just...as I...I read it earlier, those are my considerations. That's all.

CHAIR MOLINA: Okay. So, you guys want to keep going then? And hopefully we can get out of here and give Staff some time to get reenergized. All right. Let's do it. Let's power through. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. So, this ASF that I propose is basically to clarify other State laws that may apply. And in...to move to amend Section 5.22.020(A) --

CHAIR MOLINA: Oh. Sorry, Member Sugimura. Sorry, can I ask you to make the motion and then...so, we can get a second.

COUNCILMEMBER SUGIMURA: Yeah, I'm...I'm making the motion.

CHAIR MOLINA: And then you can continue with your discussion.

COUNCILMEMBER SUGIMURA: Oh, okay. I move to amend --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I withdraw my second, Chair, from the previous motion then.

CHAIR MOLINA: Okay. Yeah, because she had withdrawn that, yeah. So, okay, we'll mention that for the record.

COUNCILMEMBER SUGIMURA: Yeah. Oh, thank you. Yeah (*audio interference*) --

CHAIR MOLINA: And, now, we're back to Member Sugimura's consideration to move, yeah.

COUNCILMEMBER SUGIMURA: (*Audio interference*) --

CHAIR MOLINA: And then...now, I need a second.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Seconded by Member Paltin. Okay. Member Sugimura, continue with your discussion on this proposal.

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COUNCILMEMBER SUGIMURA: Thank you. It adds language in here as it was recommended through Robin Shishido's letter to the...to the Committee dated May 26, 2022. And basically, it adds in 5.22.020, talking about adding the phrase, in addition to other requirements of State law, they wanted us to be cognizant that there may be other requirements to State law. So, that's all this does.

CHAIR MOLINA: Okay. Members, any discussion on Member Sugimura's proposal? Everybody ready to vote? Okay. All those in favor, signify by saying aye and raising your hand. Aye.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. Chair mark it nine ayes, zero opposition.

**VOTE:       AYES:   Chair   Molina,   Vice-Chair   Rawlins-Fernandez,  
                          Councilmembers Johnson, Kama, King, Lee, Paltin,  
                          Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

CHAIR MOLINA: Member Sugimura, you have the floor again for your next consideration.

COUNCILMEMBER SUGIMURA: Thank you, that's it.

CHAIR MOLINA: Okay. Oh, okay. So, this...the two that you submitted to us are for the same thing.

COUNCILMEMBER SUGIMURA: *(Audio interference)* the other...no, the other one --

CHAIR MOLINA: Okay. For some reason I got two copies *(audio interference)* --

COUNCILMEMBER SUGIMURA: -- should have been the prohibit unguided tours, which I withdrew. I withdrew that one, the ASF --

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CHAIR MOLINA: Okay. All right.

COUNCILMEMBER SUGIMURA: -- and *(audio interference)* --

CHAIR MOLINA: Very good.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Members, any other considerations before we take action on the bill?  
Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just drafted this now. It's not an ASF,  
so I'll put it in the chat.

CHAIR MOLINA: In chat, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, I move to strike A, B, and F. And replace it  
with a new A, businesses may conduct guided or unguided commercial bicycle tours  
from sunrise to sunset above the three-mile marker on Haleakalā Crater Road seven  
days a week. Guided or unguided bicycle tours may not operate on Haleakalā Crater  
Road, Haleakalā Highway, or Kekaulike Avenue, except as provided. And then a new B  
would be, businesses may conduct guided commercial bicycle tours from 8:00 a.m. to  
1:30 p.m., except on Wednesdays, and...oh, sorry...the three...the three holidays that  
were mentioned --

CHAIR MOLINA: Uh-huh.

VICE-CHAIR RAWLINS-FERNANDEZ: -- on Baldwin Avenue. That's my motion.

CHAIR MOLINA: Okay. Is there a second for the motion? Okay. Seconded by Member Sinenci.  
Further discussion? Okay. Oh, okay. I see Member King. Go ahead.

COUNCILMEMBER KING: Yeah, just...just a question, you said except as provided. I thought  
we made all of those areas illegal, so...you --

CHAIR MOLINA: Vice-Chair, you would you like to respond?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. So, the sentence before it is what  
is provided.

COUNCILMEMBER KING: What is provided on those --

VICE-CHAIR RAWLINS-FERNANDEZ: Businesses may conduct guided or unguided  
commercial bicycle tours from sunrise to sunset above the three-mile marker on

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Haleakalā Crater Road seven days a week. Oh, I forgot the age part.

COUNCILMEMBER KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, that is what...that is what is provided. And then everything else is prohibited.

COUNCILMEMBER KING: Okay. And then you...you added back in the 15-year-old age?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I'm going to...yeah.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Does that clarify that...this matter for you, Member King? Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah. So, we don't need both the Haleakalā Highway or Kekaulike Avenue, the first sentence. That's below...sorry, I don't know the map of...of the roads.

CHAIR MOLINA: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, Chair. All the roads that Mr. Mayer provided. And I can add the State Highway numbers too, if *(audio interference)* --

COUNCILMEMBER SINENCI: Oh, okay. All right.

VICE-CHAIR RAWLINS-FERNANDEZ: -- clarification.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Members, any other discussion? If I may ask the Vice-Chair...so, for the second paragraph, businesses may conduct guided commercial bike--this is just guided and not unguided, from 8:00 to 1:30 p.m.?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Yeah, I thought you didn't want unguided. Your District is okay with unguided?

CHAIR MOLINA: Well, yeah, I was open to having...still allowing for both --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

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CHAIR MOLINA: -- but with the limitations. I don't know if...that you want to include that as a friendly amendment, or you would like me to amend that (*audio interference*) --

CHAIR MOLINA: Yeah.

CHAIR MOLINA: Thank you. So, Members, for the record, it's business may conduct guided and unguided commercial bike tours from 8:00 to 1:30 p.m., except on Wednesdays and State holidays, on Baldwin Avenue. So, that is what...if I stand to be corrected from Vice-Chair Rawlins-Fernandez. And again, if there's...in the future, there's some concerns from Makawao and Pā'ia community about the guided...or unguided tours, or anything for that matter, it can be addressed at Council, assuming we have a formal ordinance that specifies all these regulations. Any other discussion on Vice-Chair Rawlins-Fernandez's proposal? Okay. Seeing none. Then, Members, Chair's going to call for the vote. All those in favor signify by saying aye and raising your hand. Aye.

CHAIR MOLINA: Okay. Thank you. Chair mark it nine ayes with zero opposition.

**NOES:** None.

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**ACTION: APPROVE amendment.**

COUNCILMEMBER SUGIMURA: Main one.

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CHAIR MOLINA: -- I guess the motion to substitute bill as amended. Am I stating that correctly?

MS. APO TAKAYAMA: Chair, yes, you have --

CHAIR MOLINA: Okay.

MS. APO TAKAYAMA: -- the motion to substitute on the floor.

CHAIR MOLINA: Yeah. Sorry, this is a big monster, even in all my years, I've never encountered addressing a matter with so much things coming at you. But thank you. And Members, thank you for your patience with the Chair. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, really quickly. Are there any objections to any nonsubstantive revisions, like including the State highway numbers and clarify...you know.

CHAIR MOLINA: Renumberings, reletterings, and all that stuff, yeah. Okay. No objections.

COUNCILMEMBERS: No objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay. Staff, any other considerations before the Chair calls for the vote?

MS. APO TAKAYAMA: Chair, no. So, the...just to clarify, you have the motion to substitute on the floor. And then after that motion, you'll go back to the main motion as amended, and then vote on that as well.

CHAIR MOLINA: Okay. So, simply put, we're going to have to take two votes, then, yeah?

MS. APO TAKAYAMA: Yes, that's correct.

CHAIR MOLINA: Okay. All right. Chair will entertain a motion to support the substitution of the revised proposed bill with the further revised or proposed version attached to the ASF correspondence dated August 10, 2022. Let's take a vote on that. All those in favor, signify by saying aye and raising your hand.

**COUNCILMEMBERS VOICED AYE.**



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CHAIR MOLINA: Okay. All those opposed. Okay. Thank you. Chair will mark it nine ayes, with zero opposition.

**VOTE:       AYES:   Chair   Molina,   Vice-Chair   Rawlins-Fernandez,  
                          Councilmembers Johnson, Kama, King, Lee, Paltin,  
                          Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment to substitute bill.**

CHAIR MOLINA: Okay. Now, we'll take a...the vote on the bill as amended...the substitute bill as amended. Okay. All those in favor, signify by...and of course, to include the nonsubstantive changes that Vice-Chair Rawlins-Fernandez had mentioned, to include all of that into this final vote. Any other things we should include...Chair needs to be made aware of before we call for the vote? Okay. Is there a need for a separation vote, Members? Okay. Chair will call for the vote. Here we go. All those in favor, signify by saying aye and raising your hand.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: All those opposed. Chair marks it nine ayes.

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**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez, Councilmembers Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura.**

**EXC.: None.**

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CHAIR MOLINA: Oh, thank you. And Mr. Forrest, I assume you're...you're good too, right? That gentleman has worked extremely hard on this legislation, as well as the upcoming legislation for our 1:30 p.m. meeting chaired by Member King. Okay. So with that said, the recessed GREAT Committee meeting of August 31st, 2022, will now be adjourned. The time is 12:26 p.m., and the date is Thursday, September 8, 2022. This meeting is now adjourned. . . .*(gavel)*. . .

**ADJOURN: 12:26 p.m.**

APPROVED BY:



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

great:min:220908:th

Transcribed by: Tricia Higa

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CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 93 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 14th day of October 2022, in Mililani, Hawai'i

A handwritten signature in black ink, appearing to read "Tricia Higa", is written over a horizontal line.

Tricia Higa