

Resolution

No. 23-203

AUTHORIZING A COUNCIL COMMITTEE TO CONDUCT A FORMAL INVESTIGATION OF COUNTY AGENCIES ON THE COUNTY'S RESPONSE TO THE AUGUST 2023 WILDFIRES ON MAUI ISLAND

WHEREAS, Section 3-6(3) of the Revised Charter of the County of Maui (1983), as amended, authorizes the Council to “conduct investigations of . . . the operation of any department or function of the county” and “any subject upon which the council may legislate”; and

WHEREAS, as a part of a formal investigation, the Council is authorized by Section 78-9, Hawai'i Revised Statutes, to compel persons elected, appointed, or employed by the County “to testify or answer any question regarding . . . the government, property, or affairs” of the County; and

WHEREAS, there is widespread concern about the County's response to the August 2023 wildfires on Maui Island; and

WHEREAS, in a August 17, 2023 press release, Attorney General Anne Lopez announced that “she will be engaging a third-party private organization with experience in emergency management and processes to assess the performance of State and County agencies in preparing and responding to the Maui wildfires”; and

WHEREAS, on August 28, 2023, the Congressional House Oversight and Accountability Committee announced that it will conduct an investigation into the federal government's response to the wildfires on Maui Island; and

WHEREAS, the severe impact of the August 2023 wildfires warrants additional scrutiny to comprehend the series of events that lead to the catastrophic destruction and loss of lives; and

WHEREAS, questions have been raised by the public about how the County functions in preparation for and in response to an emergency event; and

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WHEREAS, the Council is concerned about County resiliency and intends to assess the performance of agencies with oversight to this critical incident in order to bolster County-wide preparedness; and

WHEREAS, a thorough formal investigation will provide essential information needed to prevent a similar disaster in the future; and

WHEREAS, the Council finds that to be fully informed of the relevant facts and circumstances pertaining to this matter, a formal investigation including public testimony or statements under oath or affirmation is required; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it authorizes the Disaster, Resilience, International Affairs, and Planning Committee to conduct a formal investigation of the Department of Fire and Public Safety, Police Department, Maui Emergency Management Agency, and Department of Public Works related to the County's response to the August 2023 wildfires on Maui Island;
2. That a formal investigation of the Department of Fire and Public Safety, Police Department, Maui Emergency Management Agency, and Department of Public Works is required to determine whether County fulfilled their duties and whether any corrective legislation or other remedies are warranted;
3. That during the formal investigation of the departments, the Disaster, Resilience, International Affairs, and Planning Committee may summon the following County officers and employees to appear or testify before the Committee:
 - a. Department of Fire and Public Safety
 - (1) Fire Chief.
 - (2) Deputy Fire Chief;
 - b. Police Department
 - (1) Chief of Police.
 - (2) Deputy Chief of Police;

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- c. Maui Emergency Management Agency
 - (1) Emergency Management Administrator;
- d. Department of Public Works
 - (1) Director of Public Works.
 - (2) Deputy Director of Public Works;
- 4. That on lawful notice of process, the Disaster, Resilience, International Affairs, and Planning Committee may summon any person who is necessary to complete the formal investigation, whether they are elected, appointed, or employed in the County;
- 5. That the Disaster, Resilience, International Affairs, and Planning Committee may request in writing other persons, including former County employees, to voluntarily appear and give testimony or statements under oath or affirmation during the formal investigation;
- 6. The formal investigation may be conducted on the County's response to the August 2023 wildfires on Maui Island;
- 7. That the Disaster, Resilience, International Affairs, and Planning Committee must prepare and submit its findings and recommendations to the Council by March 15, 2024; and
- 8. That certified copies of this Resolution be transmitted to the Fire Chief, Chief of Police, Maui Emergency Management Administrator, Director of Public Works, Fire and Public Safety Commission, Police Commission, and the Mayor.

INTRODUCED BY:

Tamara M. Paltin

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