COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

December 15, 2023 **Committee Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on September 27, 2023, October 25, 2023, October 30, 2023, October 31, 2023, November 1, 2023, November 2, 2023, and November 28, 2023, makes reference to Resolution 23-194, entitled "DEVELOPING A COMPREHENSIVE RECOVERY AND RESILIENCY PLAN IN RESPONSE TO THE ISLAND OF MAUI'S TRAGIC WILDFIRES OF AUGUST 2023."

Resolution 23-194's purpose is to develop and facilitate, through a series of complementary ordinances and resolutions, and as authorized by each of the eight Council standing committees within their subject-matter jurisdictions, a comprehensive recovery and resiliency plan in response to the island of Maui's tragic wildfires of August 2023.

Following the August 2023 wildfires on Maui, your Committee held two public meetings, at The Westin Maui Resort and Spa and Lāhainā Civic Center, to hear from residents impacted by the wildfires, with the focus on immediate and long-term needs and concerns for the recovery and resiliency of Lāhainā.

Your Committee also held meetings in the Council Chamber to hear from individuals unable to testify in person, and displaced individuals who are now residing in areas other than West Maui or were impacted by the Olinda and Kula wildfires.

Your Committee heard from representatives of the County Administration and subject-matter experts as it pertained to housing, zoning, permitting, water, infrastructure, transportation, agriculture, culture, social services, government oversight, budget, and economic development and recovery.

Your Committee also received updates from the Director of the Office of Recovery relating to the Administration's recovery efforts, including Recovery Support Functions and the 2023 Maui County Wildfires Initial Recovery Needs Assessment.

Your Committee acknowledged the numerous requests and concerns shared through written and oral testimony.

With the information received through testimony and from resource personnel, your Committee compiled a list of recommended topics to be addressed by each of the eight Council standing committees, as follows:

Agriculture, Diversification, Environment, and Public Transportation Committee

- Transportation (e.g., buses, park and ride, emergency evacution roads, multimodal transportation, and related easement issues)
- Agricultural land management in the Lāhainā area
- Climate Action Resiliency Plan
- Community co-op models
- Native seed bank
- Environmental restoration
- Redemption and recycling for West Maui
- Economic diversity

Budget, Finance, and Economic Development Committee

- Tax relief (residential and commercial)
- Moratorium on short-term rentals and bed-and-breakfast units
- Mortgage forbearance
- State and Federal budget requests
- Master financial plan
- Mortgage moratorium or interest deferral
- Rental assistance
- Federal Emergency Management Agency schedule of matching funds for rebuilding and redevelopment
- Comprehensive Economic Development Strategy

Disaster, Resilience, International Affairs, and Planning Committee

- Tax relief (residential and commercial)
- Debris removal
- Firebreaks and greenways
- Managed retreat
- Emergency egress routes
- Solar expansion for redeveloped homes
- Disaster case management systems
- Lāhainā Community Land Trust
- West Maui Community Plan update
- Private landowner management and brush abatement
- Resiliency hub (e.g., the 50 acres of land identified as Park/Open Space on the Community Plan Map north of Pulelehua)

Efficiency Solutions and Circular Systems Committee

- Historic and cultural preservation
- Lāhainā, as the center for Hawaiian cultural heritage and capital of the Hawaiian Kingdom

- Ethnic community focal points
- Communication and coordination between departments (systems improvements)
- Unemployment, job resiliency, and circular systems
- Mokuʻula and Mokuhinia
- Department of ʻŌiwi Resources

Government Relations, Ethics, and Transparency Committee

- Office of Recovery
- Master plan development
- Communications (internal and external)
- Building design guidelines for rebuilding (See Historic Architectural Styles – Lahaina Area)
- Eminent domain (e.g., road expansion and secondary exits)

Housing and Land Use Committee

- Front Street park ~ Front Street as the heartbeat of Lahaina
- Interim housing inside burn zone
  - Subject to master plan requirements
- Interim housing outside burn zone (modified zoning ordinances)
  - Subject to master plan requirements
  - Temporary tiny home areas within appropriate community plan areas
- Pre-approved architectural plans
- Special redevelopment area
- Government land for housing
- Redevelopment agency

Water and Infrastructure Committee

- General infrastructure needs
- R1 water infrastructure expansion

- Integrated water systems (e.g., collapsing public and private systems within regions)
- Utility line requirements (e.g., undergrounding of lines)
- Expedited permitting process
- Hazardous waste and debris removal
- Purchasing private water systems
- Update to the Water Use and Development Plan
- Bypass extension to improve Lāhainā resiliency

Water Authority, Social Services, and Parks Committee

- Education, including Kula Kaiapuni K-12 campus
  - Potentially affiliated with Lāhainā complex school area (so youth can continue to play sports at Lahainaluna High School)
- Childcare and adult daycare
- Recreation
- Integrating west side hospital
- West Maui Water Authority
- Mental health
- County department of health or County emergency services
- Fire memorial space and structure
- Community kitchen
- Redevelopment of senior center
- Redevelopment of resource center

Your Committee noted the list could also serve as a guide for the Administration and the public to know which standing committee is working on a specific component of the comprehensive recovery and resiliency plan.

Your Committee also noted the Council, as a legislative body, has the ability to determine which standing committee may best address future additional topics that may not be easily categorized within the list.

Your Committee agreed that adopting the resolution and providing the list of recommendations via a committee report would be the first step to committing to, and beginning work to developing, a comprehensive recovery and resiliency plan in response to the island of Maui's tragic wildfires of August 2023.

Your Committee voted 6-0 to recommend adoption of Resolution 23-194. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, and Sinenci voted "aye." Committee members Johnson, Rawlins-Fernandez, and Sugimura were excused.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-194, attached hereto, entitled "DEVELOPING A COMPREHENSIVE RECOVERY AND RESILIENCY PLAN IN RESPONSE TO THE ISLAND OF MAUI'S TRAGIC WILDFIRES OF AUGUST 2023," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

NOHELANI U'U-HODGINS, Chair

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Resolution

No. 23-194

DEVELOPING A COMPREHENSIVE RECOVERY AND RESILIENCY PLAN IN RESPONSE TO THE ISLAND OF MAUI'S TRAGIC WILDFIRES OF AUGUST 2023

WHEREAS, the Island of Maui's tragic wildfires of August 2023 have resulted in unfathomable devastation and despair; and

WHEREAS, Mayor Richard T. Bissen, Jr. has issued emergency proclamations relating to wildfires on August 8, 2023, and August 11, 2023, with the second proclamation attached as Exhibit "A"; and

WHEREAS, members of the Maui County Council join all Maui County residents in solidarity, sympathy, and mourning for the lives that have been lost in the disaster; and

WHEREAS, Maui County has lost invaluable cultural and historic assets, and numerous Maui County residents have lost their homes, possessions, pets, businesses, jobs, and schools, and are facing short- and long-term loss of shelter and economic hardship along with mental, physical, and emotional challenges; and

WHEREAS, as the tragedy continues to unfold, County officials, including Maui County Councilmembers, must continue to fulfill their responsibilities and act with respect, compassion, and diligence to mitigate the harm to residents in the days, weeks, months, and years ahead; and

WHEREAS, under Chapter 127A, Hawaii Revised Statutes, "Emergency Management," the Mayor and the Maui Emergency Management Agency's administrator are responsible for leading the County's disaster response; and

WHEREAS, Councilmembers and other legislative-branch personnel are supporting emergency-management efforts by assisting at shelters, donation-distribution sites, and the Emergency Operations Center; making charitable donations; amplifying official emergency updates through their own communication channels; and responding to constituents' inquiries; and

WHEREAS, as the County's policymaking body, the Council is responsible for the critical task of vetting and approving requested budget amendments needed for short- and long-term recovery, including developing a comprehensive recovery and resiliency plan through the enactment of a series of complementary ordinances and resolutions; and

WHEREAS, because of the tragedy's enormity, all eight Council standing committees will play a critical role in developing legislation that will cumulatively form a comprehensive recovery and resiliency plan; and

WHEREAS, the Council's standing committees should avail themselves of available resource materials for guidance on legislation, including HRS Chapter 127A; the Revised Charter of the County of Maui (1983), as amended; the Maui County General Plan; and similar recovery plans in other municipalities that have experienced devastating wildfires; and

WHEREAS, this Resolution is intended to fulfill, among other objectives, Maui Island Plan Goal 3.1: "Maui will be disaster resilient"; now, therefore,

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

1. That it commits to developing a comprehensive recovery and resiliency plan in response to the Island of Maui's tragic wildfires of August 2023 through a series of complementary ordinances and resolutions;

2. That the Rules of the Council are suspended as necessary to allow committee chairs to directly refer bills and resolutions to their respective committees to facilitate the development of a comprehensive recovery and resiliency plan;

3. That the Council's standing committees are authorized and requested to consider legislation for a comprehensive recovery and resiliency plan on areas within its jurisdiction;

4. That it requests the chair of each standing committee consult with experts in fulfilling the tasks assigned by this Resolution,

with the understanding that residents directly impacted by the wildfires have the most relevant expertise; and

5. That certified copies of this Resolution be transmitted to the Honorable Josh Green, M.D., Governor, State of Hawaii; James Barros, Administrator, Hawaii Emergency Management Agency; the Honorable Richard T. Bissen, Jr., Mayor, County of Maui; Herman Andaya, Administrator, Maui Emergency Management Agency; and Kyle Ginoza, Chair, Fire and Public Safety Commission, County of Maui.

chr:misc:230814a

INTRODUCED BY:

ALICE L. LEE

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director

OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI'I 96793
www.mauicounty.gov

SECOND EMERGENCY PROCLAMATION RELATING TO WILDFIRES

By the authority vested in me as Mayor of the County of Maui, by the Revised Charter of the County of Maui (1983), as amended, and the Constitution and laws of the State of Hawai'i, I, RICHARD T. BISSEN, JR., Mayor of the County of Maui of the State of Hawai'i, hereby determine, designate, and proclaim as follows:

WHEREAS, on August 8, 2023 I issued my Emergency Proclamation and declared an imminent danger of a state of emergency in all or any portion of the County of Maui; and

WHEREAS, since then several large wildfires have devastated Lāhainā, have caused the death of at least 55 persons with anticipation that the number of deaths will rise, and have also caused catastrophic property damage in the Lāhainā area, as well as in portions of Kula and Olinda; and

WHEREAS, these fires have burned homes, burned thousands of acres, cut off communications, forced road and school closures, and caused evacuations of Lāhainā and portions of Upcountry; and

WHEREAS the continuing catastrophic conditions that affect the health and safety of a large number of people make it necessary for me to supplement my emergency proclamation in order to ensure a continued and effective County-wide response to the conditions caused by wildfires; and

WHEREAS, Chapter 127A Hawai'i Revised Statutes, provides for the establishment of County Organizations for emergency management and disaster relief with the Mayor having direct responsibility and authority over emergency management within the County; and

WHEREAS, very dry conditions and strong and potentially damaging easterly winds caused by the passage of Hurricane Dora to the south of the State continue to contribute to the wildfire danger; and

EXHIBIT "A"

WHEREAS, these fires threaten to cause damages, losses, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of the County, and has the potential to be of such a nature as to warrant rehabilitative assistance from the County; and

WHEREAS, due to the possibility of imminent disaster due to property damage and/or bodily injury to residents of the County, and the need for government agencies and representatives from the private sector to mobilize and provide immediate services to our island residents, a Civil Defense state of emergency is authorized pursuant to Chapters 127A, Hawai'i Revised Statues, as amended.

WHEREAS, the anticipated occurrence of a severe, sudden, and extraordinary event of damaging high winds and very dry conditions threatens to cause damage, loss, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of Maui County, and is expected to be of such a nature as to warrant rehabilitative assistance from the County and the State; and

WHEREAS, there is need for government agencies and representatives from the private sector to mobilize and provide immediate services to County residents and to mitigate hazardous situations in advance of the weather effects from Hurricane Dora; and

WHEREAS, pursuant to sections 127A-14(b), Hawai'i Revised Statutes ("Haw. Rev. Stat.") the Mayor is authorized to declare by proclamation whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under Chapter 127A, Haw. Rev. Stat., and the expenditure of funds thereunder; and

WHEREAS, pursuant to §127A-13(b)(2), Haw. Rev. Stat., the Mayor may suspend any County law that impedes or tends to impede, or that may be detrimental to, the expeditious and efficient execution of, or conflict with, emergency functions; and

WHEREAS, Haw. Rev. Stat. §127A-13(b)(4) further provides that the Mayor may direct and control mandatory evacuation of the civilian population; and

WHEREAS, Haw. Rev. Stat. §127A-13(b)(5) further provides that the Mayor may exercise any additional emergency functions to the extent necessary to prevent hoarding, waste, destruction of materials, supplies,

commodities, accommodations, facilities, and services to effectuate equitable distributions as the public welfare may require; and

WHEREAS, Haw. Rev. Stat. §127A-12(a)(5), the Mayor may direct or control, as may be necessary for emergency management, alerts, warnings, notifications, and activations; warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters; and

WHEREAS, pursuant to Haw. Rev. Stat. §127A-12(c)(17), the Mayor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Haw. Rev. Stat., notwithstanding that powers in Haw. Rev. Stat. §127A-13(b) may only be exercised during an emergency period.

NOW, THEREFORE, I, RICHARD T. BISSEN, JR., Mayor of the County of Maui, pursuant to the authority vested in me as the Mayor of the County of Maui as set forth above, in order to promote and protect the public health, safety, and welfare of the residents and visitors of the County of Maui, do hereby proclaim, determine, declare, and find that:

1. There is imminent danger of a state of emergency in all or any portion of the County of Maui, as of the date and time of this Proclamation; and

2. Any public property of the County, real or personal, may be possessed, used, managed, controlled, or reallocated as I require for the purposes of emergency management functions under Haw. Rev. Stat. Chapter 127A, including parks, playgrounds, and other public or private buildings; and

3. The provisions, in whole or in part, of Haw. Rev. Stat. Chapter 103D and Haw. Rev. Stat. §§ 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4 that impede or tend to impede the expeditious discharge of the functions of emergency management, or that compliance therewith is impracticable due to existing conditions and, therefore, such provisions shall not apply to any such emergency management functions; and

4. Without regard to Haw. Rev. Stat. Chapters 76, 78, and 88, agencies, officials, officers, employees of the County and other persons may be ordered and directed as I deem necessary to carry out emergency management functions under Haw. Rev. Stat. Chapter 127A; and

5. The provisions of the Maui County Code, in whole or in part, shall be suspended including, but not limited to Title 10 (vehicles and traffic), Title 11 (public transit), Title 12 (streets, sidewalks and public places), Title 14 (public services), Title 16 (buildings and construction), Title 19 (zoning) and Title 20 (environmental protection), Chapter 2.20 (intergovernmental agreements), §§ 3.12.060 and 3.12.070 (purchasing procedures), § 3.96.030(B) (emergency fund), Chapter 3.48 (payment of real property taxes), Chapter 3.56 (gifts and donations), and Sections 9-9 and 9-10, Revised Charter of the County of Maui (1983, as amended) to the extent that they impede the expeditious discharge of the functions of emergency management or the compliance therewith is impracticable due to existing conditions; and

6. All County officers and employees shall be required to take all steps requested by the State of Hawai'i Director of Department of Health to qualify the County of Maui for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the County of Maui for the expenses it incurs in addressing this emergency.

7. Pursuant to Sections 127A-12(a)(5), 127A-13(b)(3), and 127A-13(b)(4), Haw. Rev. Stat., the Director of the Maui Emergency Management Agency is, as may be necessary for emergency management, directed to take appropriate actions to direct or control:

   a. Alerts, warnings, notifications, and activations;
   b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
   c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
   d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic before, during, and after alerts, emergencies, or disasters;
   e. Shut off water mains, gas mains, electric power connections, or suspension of other services; and
   f. Mandatory evacuation of the civilian population.

8. Pursuant to Section 127A-12(c), Haw. Rev. Stat., in order to provide emergency disaster relief, I hereby direct all County agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

9. Pursuant to Haw. Rev. Stat. § 127A-12(a)(5)(D), § 127A-12(c)(12), and § 127A-25, entry to the Lāhainā wildfire disaster area is prohibited. As of the date of this proclamation, the "Lāhainā wildfire disaster area" includes the area beginning at the designated Maui Police Department ("MPD") checkpoint at the intersection of Honoapi'ilani Highway (HI-30) and the start of Lāhainā Bypass Road, through Lāhainā town, and through to the designated MPD checkpoint near Wahikuli Wayside Park on Honoapi'ilani Highway (HI-30, Mile Marker #22-23). No one shall be allowed to use any mode of transportation for entry to the Lāhainā wildfire disaster area, including, but not limited to: vehicles, motorcycles, bicycles, scooters, airplanes, helicopters, boats, ocean vessels, etc. The only exceptions to this proclamation are:

a. West Maui residents may enter from 6:00 a.m. to 10:00 p.m.;
b. Visitors with confirmed hotel or other accommodation reservations in West Maui from 6:00 a.m. to 10:00 p.m.;
c. Individuals commuting to and from work;
d. Individuals commuting to and from the airport;
e. Individuals engaged in subsistence fishing or hunting;
f. Individuals conducting work for an essential service provider. "Essential service provider" is any federal, state, or county government entity; a public utility providing water, wastewater, natural gas, telephone service, internet service, cable service, or electric power; transportation services and; a medical service provider including hospitals, urgent care facilities, medical product providers, and emergency medical transportation;
g. Individuals providing delivery services associated with food service establishments or stores that sell food and household supplies; and
h. Individuals seeking medical attention.

Proof of qualification for any exception may be required. Violation of this proclamation is a misdemeanor, subject to penalty pursuant to Haw. Rev. Stat. § 127A-29.

10. Pursuant to Haw. Rev. Stat. § 127A-12(a)(5)(D), § 127A-12(c)(12), and § 127A-25, a curfew from 10:00 p.m. to 6:00 a.m. is established in Lāhainā wildfire disaster area. As of the date of this proclamation, the "Lāhainā wildfire disaster area" includes the area beginning at the designated MPD checkpoint at the intersection of Honoapi'ilani Highway (HI-30) and the start of Lāhainā Bypass Road, through Lāhainā town, and through to the designated MPD checkpoint near Wahikuli Wayside Park on Honoapi'ilani Highway

(HI-30, Mile Marker #22-23). Every individual within the Lāhainā wildfire disaster area must remain indoors during the specified hours and no one shall be allowed to use any mode of transportation, including, but not limited to: vehicles, motorcycles, bicycles, scooters, airplanes, helicopters, boats, ocean vessels, etc. The only exceptions to this proclamation are individuals:

a. Commuting to and from work;
b. Commuting to and from the airport;
c. Subsistence fishing or hunting;
d. Conducting work for an essential service provider;
e. Providing delivery services associated with food service establishments or stores that sell food and household supplies; and
f. Seeking medical attention.

Proof of qualification for any exception may be required. Violation of this proclamation is a misdemeanor, subject to penalty pursuant to Haw. Rev. Stat. § 127A-29.

I FURTHER DECLARE that this proclamation supersedes Mayor Richard T. Bissen's August 8, 2023 Emergency Proclamation. This Proclamation of Emergency is effective August 11, 2023, and shall terminate on the first to occur of (1) sixty (60) days after the date of this Proclamation, or (2) issuance of a Declaration of Termination of Emergency issued by the undersigned, whichever occurs first. Pursuant to this Proclamation, I hereby exercise any and all powers listed in Haw. Rev. Stat. Chapter 127A.

RICHARD T. BISSEN, JR., Mayor
County of Maui
August 11, 2023

APPROVED AS TO FORM AND LEGALITY:

for VICTORIA J. TAKAYESU
Corporation Counsel
LF2023-1216
2023-08-11 Second Emergency Proclamation [v3]