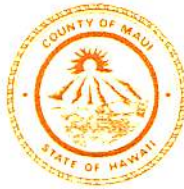


Michael P. Victorino  
Mayor

Sananda K. Baz  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

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2021 APR -9 AM 11:19

OFFICE OF THE  
COUNTY CLERK

REFERENCE NO. BD-BA 21-70

April 9, 2021

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Michael P. Victorino 4/9/21  
Mayor Date

Honorable Alice Lee, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

SUBJECT: **AMENDMENTS TO APPENDIX A, PART II, SPECIAL  
PURPOSE REVENUE FUNDS FOR FISCAL YEAR 2021  
(EMERGENCY FUND)**

On behalf of the Department of Public Works, I am transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, EMERGENCY FUND (MARCH 2021 FLOODING EVENT)."

The purpose of the proposed bill is to amend Appendix A, Part II of the Fiscal Year 2021 Budget by adding an appropriation for the Emergency Fund for costs related to the March 2021 Flooding Event.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS (2021 FLOODING EVENT, ROAD AND DRAINAGE INFRASTRUCTURE DAMAGES)."

COUNTY COMMUNICATION NO. 21-188

Alice L. Lee, Chair  
April 9, 2021  
Page 2

The purpose of the proposed bill is to amend Appendix C of the FY 2021 Budget by adding a project entitled "2021 Flooding Event Road and Drainage Infrastructure Damages" and the project description.

The Department of Public Works has identified emergency repair projects resulting from the heavy rains and flooding that occurred in March 2021. The Department has started preliminary work on the individual projects identified in Appendix C in order to expedite the projects and to be eligible for the provisions granted under the emergency proclamations issued by Governor Ige and Mayor Victorino. Attached for your reference are copies of the emergency proclamations.

I respectfully request that this matter be expedited for review and action. Thank you for your immediate attention in this matter. Should you have any questions, please contact me at ext. 7212.

Sincerely,



MICHELE M. YOSHIMURA  
Budget Director

Attachments

cc: Rowena Dagdag-Andaya, Director of Public Works

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021,  
EMERGENCY FUND (MARCH 2021 FLOODING EVENT)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5099, Bill No. 64 (2020), Draft 1, as amended, "Fiscal Year 2021 Budget", Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2021, is hereby amended as it pertains to the Emergency Fund, by adding an appropriation for the repair and reconstruction of road and drainage infrastructure damage and other related costs resulting from the March 2021 flooding event, to read as follows:

**"II. SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS  
FOR FISCAL YEAR 2021**

	<u>ESTIMATED BALANCE AS OF 6/30/2020</u>	<u>ANTICIPATED REVENUES FOR FY 2021</u>	<u>TOTAL FOR FY 2021</u>
J. Emergency Fund (Section 9-14, Revised Charter of the County of Maui (1983), as amended; Chapter 3.96, Maui County Code)	38,949,172	6,023,516	44,972,688
(1) <u>Provided, that \$9,000,000 shall be for the repair and reconstruction of road and drainage infrastructure damage and other related costs resulting from the March 2021 flooding event."</u>			

SECTION 2. New material is underscored.

SECTION 3. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/Kristina C. Toshikiyo

KRISTINA C. TOSHIKIYO  
Deputy Corporation Counsel

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF PUBLIC WORKS (2021 FLOODING EVENT, ROAD AND DRAINAGE  
INFRASTRUCTURE DAMAGES)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5099, Bill No. 64 (2020), Draft 1, as amended, "Fiscal Year 2021 Budget", Appendix C – Capital Improvement Projects, is hereby amended as it pertains to the Department of Public Works, Countywide, by adding a project entitled "2021 Flooding Event, Road and Drainage Infrastructure Damages" and project description, to read as follows:

<b>"APPENDIX C - Capital Improvement Projects"</b>		
Capital improvement project funding may not be used for any purpose other than as described in this appendix. The total amount appropriated for a project may be used for the work phases provided in the project description. A budget amendment shall be requested if the total amount appropriated will be insufficient to complete all work phases set forth in the project description or if the project description does not clearly represent the work to be performed		
	<b><u>Department of Public Works</u></b>	
	<b><i>1. Countywide</i></b>	
CBS-6069	<b>a. Countywide Bridge and Drainage Improvements</b>	2,850,000
	Funding for land acquisition, planning, design, construction, and construction management to support ongoing County CIP bridge and drainage projects and programs; and for the following FY 21 projects: 1) Countywide Bridge Inspection Program - conduct biennial inspections of County bridges in accordance with FHWA National Bridge Inspection Standards and AASHTO Manual for Condition Evaluation of Bridges to develop repair recommendations and cost estimates. The inspection program is a pre-requisite to receiving federal funds for repairs; 2) Countywide Bridge and Drainage Improvements - funding for storm response, drainage improvements to mitigate flooding in areas without adequate infrastructure, and for emergency repairs to damaged or failing assets that pose a hazard to public safety.	
CBS-6070	<b>b. Countywide Facilities Maintenance Program</b>	2,675,000

	Funding for planning, design, construction, and construction management to support ongoing County CIP facility maintenance projects and the following FY 2021 projects at the Kalana O Maui Campus, the County Service Center, and Highway's district baseyards. The projects include, but are not limited to the following: 1) Countywide Facilities Maintenance, to perform emergency repairs to damaged or failing equipment and building components; 2) Kalana O Maui Air Conditioning Piping Replacements, for design and construction to replace the air conditioning system waterlines; 3) Kalana O Maui Panel Siding Repairs, for construction of structural repairs and to replace the panel siding along the East and South building faces; 4) Kalana O Maui Stairwell Maintenance, to repaint stairwells and railings; and to add stair treads; 5) Old Courthouse Repairs, to replace windows and the air conditioning compressor; 6) Old Courthouse Building Basement/Admin Remodel - for design improvements to convert the basement space into a conference room; and 7) Fuel tank replacement at the Hana Baseyard.	
CBS-1023	<b>c. Countywide Road Resurfacing and Pavement Preservation</b>	6,500,000
	Funding for pavement condition assessments, land acquisition, planning, design, construction, and construction management to support ongoing County CIP and Federal Aid road pavement and slope stabilization projects and for the following FY 2021 projects: 1) Countywide Pavement Preservation, for the maintenance of existing pavement on County road performed by the Highways Division's Pavement Preservation Program; 2) Countywide District Resurfacing, to resurface existing pavements on County roads that are not eligible for federal funding; 3) Keomoku Road Maintenance.	
CBS-5022	<b>d. Countywide Federal Aid Program</b> Funding for land acquisition, planning, design, construction, and construction management to support ongoing and the following Federal Aid projects relating to road, bridge, drainage, and bikeway improvements that are approved to receive federal matching funds: 1) Makawao Avenue Pavement Reconstruction, design to reconstruct existing pavement and install shoulder improvements between the Eddie Tam Memorial Center and Apana Road; 2) Mill Street Pavement Rehabilitation, pavement reconstruction, and shoulder and drainline improvements from Market Street to Lower Main Street; 3) Pukalani-Makawao Pavement Rehabilitation, pavement reconstruction on Iolani Street, Loha Street, Liholani Street, and Makani Road; 4) South Kihei Road Pavement Rehabilitation, pavement construction from Lipoa Street to Auhana Road and from Keonekai Road to Alakoa Street; 5) Wailuku-Kahului Pavement Rehabilitation, design to reconstruct existing pavements on Kanaloa Avenue, Mahalani Street, Maui Lani Parkway, and Waiinu Road; and 6) S. Wailua and Waikakoi Bridge Replacement, planning and design to replace existing bridges in Kipahulu as recommended by the Countywide Bridge Inspection Program.	32,449,000
CBS-6067	<b>e. Countywide Traffic and Safety Program</b>	1,955,000

	Funding for land acquisition, planning, design, and construction to support ongoing County CIP traffic operations and safety projects, and for the following FY 2021 projects: 1) Bikeway and Sidewalk Improvements, improve and expand bicycle and pedestrian facilities and to increase awareness and education for bicycle and pedestrian safety, including Bike Plan Hawaii improvements, sidewalk network gap removal, and roadway safety education program; 2) Safety improvements, respond to public requests for safety improvements, address roadway concerns by installing guardrails, signs, striping, traffic signals, street lighting, speed humps and other traffic calming devices, shoulder widening, road realignment, and other improvements at intersections, crosswalks, and along County roadways. Projects to include Haleakala Highway and Makawao Avenue traffic signal upgrade; accessibility improvements; traffic data collection; and annual traffic calming program at Haiku Road, Kauhale Street, Kokomo Road, Lower Kula Road, Makani Road, Omaopio Road, Olinda Road, West Kuiaha Road, and Holopuni Road; 3) Traffic Signal Modernization, continue design and begin construction of upgrades to existing traffic signal systems at South Maui district intersections including replacement of controller hardware, detection, and signal faces; 4) Wainee Street traffic safety measures; 5) Planning to develop recommendations for improving traffic safety at the Hansen Road intersection at Pulehu Road.	
CBS-xxxx	<b>f. 2021 Flooding Event Road and Drainage Infrastructure Damages</b>	<b>9,000,000</b>
	<u>Funding from the County's Emergency Fund for land acquisition, planning, design, permitting, construction, and construction management to support projects resulting from the 2021 flooding event relating to road and drainage infrastructure damages. Projects to include: 1) Kaupakalua Bridge #35 at Peahi Road for repair of asphalt pavement, reconstruction of abutment at East approach, and construction for a new bridge deck; 2) Kaupakalua Road Shoulder Stabilization at Lepo Street for construction of retaining wall, slope stabilization, and installation of guardrail; 3) Haiku Road near Hog Back Road Slope Stabilization and Guardrail Repair for construction of retaining walls, installation of guardrails, and replacement of asphalt pavement; 4) Awalau Road Repair for construction of GRP lining to stabilize embankments, installation of guardrails, repair of CRM wingwalls/abutments of culverts, and repair of roadway pavement; 5) Kealakapu Road Pavement and Erosion repairs for construction of new pavement, repair of shoulder erosion, and restoration of pavement; 6) Piilani Highway Crossing at Nu'u Gulch Washout for restoration of asphalt and concrete pavement and repair of culvert structure; 7) Makena Road Crossing at Kaukahi Street for replacement of guardrails, repair of culvert structure, and repair of shoulder areas; 8) Polipoli Road Embankment Repair to rebuild the shoulder embankment; and 9) Molokai Akau Street Sinkhole at Pohaku Street to patch drainline at separated joint and backfill sinkhole area and repavement.</u>	
	<b>2. Hana Community Plan Area</b>	
CBS-3183	<b>a. Kalepa Revetment and Seawall Repairs</b>	<b>440,000</b>
	Planning and design of repairs to the existing seawall that is deteriorating along Piilani Highway in Kipahulu.	
CBS-6088	<b>b. Piilani Highway Slope Stabilization at Nuanualoa Gulch</b>	<b>1,350,000</b>
	Construction of slope stabilization improvements along Piilani Highway at Nuanualoa Gulch.	
	<b>3. Kihei-Makena Community Plan Area</b>	
CBS-2309	<b>a. North South Collector Road (Nama'u Place to Kulanihako'i Street)</b>	<b>750,000</b>
	Land acquisition and continue design, including a bikeway, to extend Liloa Drive between Kulanihako'i Street and Nama'u Place.	

	<b>4. Lanai Community Plan Area</b>	
CBS-6058	<b>a. Sixth Street and Lanai Avenue Intersection Safety Improvements</b>	150,000
	Planning, design, and construction of safety improvements at the intersection of and on Sixth Street and Lanai Avenue.	
	<b>5. Wailuku-Kahului Community Plan Area</b>	
CBS-3189	<b>a. Central Maui Drainline Improvements</b>	1,500,000
	Design and construction to replace existing drainlines in the Wailuku-Kahului area identified in the FY 2019 Drainline Assessment. Project locations include Oceanview Estates in Waiehu, Waiehu Heights, Kahului Town, and Wailuku Heights.	
CBS-1069	<b>b. Waiale Road Extension</b>	500,000
	Land acquisition for the Waiale Road corridor. Planning and design for the proposed roadway extension from Waiko Road to Honoapiilani Highway.	
	<b>6. Paia-Haiku Community Plan Area</b>	
CBS-xxxx	<b>a. Baldwin Avenue Public Parking Lot Improvements</b>	200,000
	Planning, design and permitting for fence repairs, enhancement of lighting, paving and striping of parking lot. To provide assessment for repairs to dilapidated fencing, increase lighting and improve parking lot surface.	
CBS-xxxx	<b>b. North Shore Greenway Bike Path Fencing</b>	50,000
	Design and construction of fencing along mauka side nearest to bike path. Fencing to be approximately 1,800 lineal feet, from Baldwin Beach Park to Paia Youth Center/Paia Beach Park. Fencing will be short wood railing and concrete post mirroring the fencing on the makai side of the bike path."	

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/Kristina C. Toshikiyo

KRISTINA C. TOSHIKIYO  
Deputy Corporation Counsel

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**PROCLAMATION**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

**WHEREAS**, Hawai'i has suffered a disaster caused by heavy rains and flooding beginning March 8, 2021 and which are forecast to continue through March 12, 2021, that has caused localized flooding and lingering saturated ground conditions, and periods of heavy rains and flooding which has caused extensive damage to public and private property, impacting the counties of Hawai'i, Maui, Kalawao, Kaua'i, and the City and County of Honolulu, State of Hawai'i, thereby endangering the health, safety, and welfare of the people; and

**WHEREAS**, as a result of the heavy rains and flooding, in Maui County, State of Hawai'i, the Peahi Bridge on Peahi Road was completely washed out and the Kaupakalua Bridge on Kaupakalua Road was displaced thereby making these roads impassible along with other reported damage to roads and bridges in Maui County, State of Hawai'i; and

**WHEREAS**, the saturated ground conditions, degraded stability and lateral support of hillsides and areas of land, and the increased water levels in the reservoirs throughout the State of Hawai'i have increased the risk of erosion, seepage, piping, and fear of dam failure in the reservoirs of the State of Hawai'i; and.

**WHEREAS**, this disaster has caused damages, losses, and suffering of such character and magnitude to warrant rehabilitative assistance from the State; and

**WHEREAS**, the Legislature of the State of Hawai'i has appropriated from the general revenues of the State monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the emergency; and



**WHEREAS**, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or to any county for the most expeditious and efficient relief of the conditions created by the emergency; and

**NOW, THEREFORE**, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the counties of Hawai'i, Maui, Kalawao, Kaua'i, and the City and County of Honolulu, State of Hawai'i, and do hereby authorize and invoke the following emergency provisions which are expressly invoked, if not already in effect upon this declaration of an emergency:

**I. Invocation of Laws**

Sections 127A-12 and 127A-13, Hawaii Revised Statutes, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, as a result of this event.

Sections 127A-3, 127A-12(a)(5), 127A-13(a)(5), and 127A-13(a)(6), Hawaii Revised Statutes, and the Director of Hawai'i Emergency Management and the Administrator of Emergency Management are directed to take appropriate actions to direct or control, as may be necessary for emergency management:

- 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 during, before, 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.

Section 127A-13(a)(1), Hawaii Revised Statutes, and I find that the dangerous conditions of certain reservoirs in the State of Hawai'i and erosion, and fear of dam failure in certain reservoirs constitute a public nuisance which are dangerous to the public health or safety or to property and hereby authorize the Director of Hawai'i Emergency Management or the Administrator of Emergency Management to direct that any public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person in order to protect the public health and safety.

Section 127A-12(b)(13), Hawaii Revised Statutes, requiring each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof, and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting or safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as I may prescribe.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, Hawaii Revised Statutes, by activating the Major Disaster Fund.

## **II. Suspension of Laws**

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by Chapter 127A, Hawaii Revised Statutes, specifically are made applicable to emergency personnel:

Chapter 6E, Hawaii Revised Statutes, **historic preservation**.

Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury; exceptions.**

Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for subsections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**

Chapter 46, Hawaii Revised Statutes, **county organization and administration** with respect to any county ordinance, rule, regulation, law, or provision in any form relating to county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinders, delays, or impedes the purpose of this Proclamation.

Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**

Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**

Section 103-2, Hawaii Revised Statutes, **general fund.**

Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**

Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**

Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**

Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**

Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

Sections 142-2 to 142-12, Hawaii Revised Statutes, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawai'i, Department of Defense.

Chapter 171, Hawaii Revised Statutes, **public lands, management and disposition of.**

Chapter 174C, Hawaii Revised Statutes, **state water code.**

Chapter 179D, Hawaii Revised Statutes, **dams and reservoirs.**

Chapter 180C, Hawaii Revised Statutes, **soil erosion and sediment control.**

Chapter 183, Hawaii Revised Statutes, **forest reserves, water development, zoning.**

Chapter 183C, Hawaii Revised Statutes, **conservation district.**

Chapter 183D, Hawaii Revised Statutes, **wildlife.**

Chapter 195D, Hawaii Revised Statutes, **conservation of aquatic life, wildlife, and land plants.**

Chapter 205A, Hawaii Revised Statutes, **coastal zone management.**

Chapter 264, Hawaii Revised Statutes, **highways.**

Chapter 286, Hawaii Revised Statutes, **highway safety.**

Chapter 341, Hawaii Revised Statutes, **environmental quality control.**

Chapter 342B, Hawaii Revised Statutes, **air pollution control.**

Chapter 342D, Hawaii Revised Statutes, **water pollution.**

Chapter 342E, Hawaii Revised Statutes, **non-point source pollution management and control.**

Chapter 342F, Hawaii Revised Statutes, **noise pollution.**

Chapter 342H, Hawaii Revised Statutes, **solid waste pollution.**

Chapter 343, Hawaii Revised Statutes, **environmental impact statements.**

Chapter 344, Hawaii Revised Statutes, **state environmental policy.**

Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**


### **III. Severability**

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such


provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

**I FURTHER DECLARE** that the disaster emergency relief period shall commence immediately and continue through May 8, 2021, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this  
9th day of March, 2021.

  
\_\_\_\_\_  
DAVID Y. IGE,  
Governor of Hawai'i

APPROVED:

  
\_\_\_\_\_  
Clare E. Connors  
Attorney General  
State of Hawai'i

**MICHAEL P. VICTORINO**  
Mayor

**SANDY K. BAZ**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

### **EMERGENCY PROCLAMATION**

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 Hawaii, I, MICHAEL P. VICTORINO, Mayor of the County of Maui of the State of Hawaii, hereby determine, designate, and proclaim as follows:

WHEREAS, severe, sudden, and extraordinary events of lightning, heavy rains, and flooding are causing 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 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; and

WHEREAS, pursuant to sections 127A-14(b), Hawaii 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; and

NOW, THEREFORE, I, MICHAEL P. VICTORINO, 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, Chapter 2.20 (intergovernmental agreements), §§3.12.060 and 3.12.070 (purchasing procedures), Chapter 3.56 (gifts and donations), 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 Hawaii 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. Sections 127A-12(a)(5), 127A-13(b)(3), and 127A-13(b)(4), Haw. Rev. Stat., and the Director of the Maui Emergency Management Agency is directed to take appropriate actions to direct or control, as may be necessary for emergency management:
  - 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 during, before, 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.

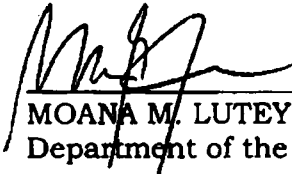
8. Section 127A-12(c), Haw. Rev. Stat., in order to provide emergency disaster relief, I hereby direct all County agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

This Proclamation of Emergency is effective March 8, 2021, 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.



MICHAEL P. VICTORINO, Mayor  
County of Maui  
March 8, 2021

APPROVED AS TO FORM AND LEGALITY:



MOANA M. LUTEY, Corporation Counsel  
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