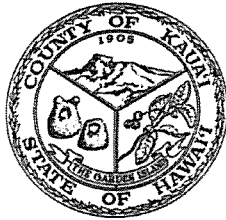


Bernard P. Carvalho Jr.
Mayor



Wallace G. Rezendes Jr.
Managing Director

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EMERGENCY PROCLAMATION

By the authority vested in me as Mayor by the Constitution and laws of the State of Hawai'i and Charter and laws of the County of Kaua'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, BERNARD P. CARVALHO JR., Mayor of the County of Kaua'i, hereby determine, designate and proclaim as follows:

WHEREAS, based upon scientific information and expertise available, Kaua'i is in danger from potential threats posed by Tropical Storm Olivia including but not limited to high winds, heavy rains, high surf, storm surge, landslides and flooding that may cause extensive damage to private and public property throughout the entire County of Kaua'i thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this Tropical Storm threatens 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 is expected to be of such a nature as to warrant rehabilitative assistance from the County; and

WHEREAS, the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; 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 disaster; and

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

WHEREAS, pursuant to section 127A-14, Hawai‘i Revised Statutes, the Mayor is authorized to determine 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, Hawai‘i Revised Statutes; and

WHEREAS, pursuant to section 127A-13(b)(2), Hawai‘i Revised Statutes, the Mayor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(b) (1), Hawai‘i Revised Statutes, the Mayor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Mayor to exist in the laws and to result from the operation of federal programs or measures taken under Chapter 127A, Hawai‘i Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Mayor may impose; and

WHEREAS, pursuant to section 127A-12(c)(6), Hawai‘i Revised Statutes, the Mayor may suspend chapter 103D and sections 103-50, 103-53, 103- 55, 105-1 to 105-10, and 464-4, Hawai‘i Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 127A-12(c)(11), Hawai‘i Revised Statutes, the Mayor may require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the mayor, to protect and safeguard its or the person's property, or to provide for such protection and safeguarding; 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 protection and safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the mayor may prescribe; and

WHEREAS, pursuant to section 127A-12(a) (5), Hawai'i Revised Statutes, 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 or 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 section 127A-13(b) (3), Hawai'i Revised Statutes, the Mayor may shut off water mains, gas mains, electric power connections, or suspension of other services; and

WHEREAS, pursuant to section 127A-13(b) (4), Hawai'i Revised Statutes, the Mayor may direct and control the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 127A-12(c)(14), Hawai'i Revised Statutes, the Mayor is further authorized to order and direct government agencies, officials, officers, and employees, to take such action and employ such measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency

functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 127A-12(c)(7), Hawai‘i Revised Statutes, the Mayor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Mayor deems necessary to carry out emergency management functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to the provisions of chapter 127A, Hawai‘i Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the County; and

WHEREAS, pursuant to section 127A-12(c)(17), Hawai‘i Revised Statutes, the Mayor may take any and all steps necessary or appropriate to carry out the purposes of Chapter 127A, Hawai‘i Revised Statutes notwithstanding that powers in Section 127A-13(b) may only be exercised during an emergency period; and

WHEREAS, pursuant to section 18.02 of the Charter of the County of Kaua‘i (hereafter "Charter"), the power to declare a state of disaster or emergency is conferred on the Mayor; and

WHEREAS, pursuant to section 18.03 of the Charter, the Mayor is authorized to expend the funds contained in the Emergency Management Contingency Fund for public purposes during any state of emergency or disaster.

NOW, THEREFORE, I, BERNARD P. CARVALHO, JR., Mayor of the County of Kaua‘i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawai‘i Revised Statutes, threatens the County of Kaua‘i and do hereby proclaim the entire County of Kaua‘i to be a disaster area for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the emergency or disaster; and hereby authorize and invoke the following measures under the Hawai‘i Revised Statutes:

- a. Section 127A-12, Hawai‘i Revised Statutes, emergency management powers, and all powers enumerated thereunder.
- b. Section 127A-13(b), Hawai‘i Revised Statutes, additional powers in an emergency period, including but not limited to:
 - (1) The suspension of any county permitting requirements in order to relieve hardships and inequities, or obstructions to the public health, safety, or welfare in order to implement emergency management functions and provide for the restoration, renovation, replacement, or reconstruction of county facilities and county property damaged or lost as result of the disaster event; and

(2) The suspension of any county permitting requirements that relate to the restoration, renovation, replacement, or reconstruction of county facilities and county property damaged or lost as result of the disaster event which impede or tend to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel.

Pursuant to section 127A-12(c)(11), Hawai‘i Revised Statutes, and I hereby require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the mayor, to protect and safeguard its or the person's property, or to provide for such protection and safeguarding; 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 protection and safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the mayor may prescribe;

Pursuant to sections 127A-12(a)(5), 127A-13(b)(3), and 127A-13(b)(4), Hawai‘i Revised Statutes, the Emergency Management Administrator of the County of Kaua‘i 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.

Pursuant to Section 127A-12(c), Hawai‘i Revised Statutes, and 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.

Pursuant to section 127A-13(b)(2), Hawai‘i Revised Statutes, I hereby suspend any county law that 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 are made applicable to emergency personnel.

I FURTHER DECLARE that a disaster emergency relief period shall commence September 10, 2018, and shall terminate automatically sixty days after the


issuance of this proclamation unless lawfully extended, which period shall also apply to the provisions and applicability of section 127A-30, Hawai'i Revised Statutes.

Done at the County of Kaua'i,
this 10th day of September, 2018.



BERNARD P. CARVALHO JR.
Mayor

APPROVED:



MAUNA KEA TRASK
County Attorney