



**OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I**

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Mayor's Emergency Rule #2

Pursuant to HRS §127A-12(a)(5)(D), §127A-12(c)(12), and §127A-25, a curfew from 9:00 pm to 5:00 am is established. Every individual within the County of Kaua'i must remain in their residence during the specified hours. The only exceptions to this rule are individuals:

1. Commuting to and from work;
2. Working for an essential service provider whose shifts are within the curfew window;
3. Delivery services associated with food service establishments or stores that sell food and household supplies; and
4. Seeking medical attention.

This rule shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS §127A-29.

Definitions:

"Essential service provider" – Any federal, state, or county government entity; a public utility providing water, wastewater, natural gas, telephone service, internet service, cable service, or electric power and; a medical service provider including hospitals, urgent care facilities, and emergency medical transportation.

"Residence" – a person's home, vacation rental, or hotel room.

Penalty per §127A-29:

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Term: Effective March 20, 2020, through May 3, 2020, subject to modification.

Derek S.K. Kawakami
Mayor
County of Kaua'i

APPROVED FOR FORM & LEGALITY:

Matthew M. Bracken
County Attorney
County of Kaua'i





OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

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 Kauai, in order to protect the health, safety, and welfare of the people, I, DEREK S.K. KAWAKAMI, Mayor of the County of Kauai, hereby determine, designate and proclaim as follows:

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern due to a respiratory disease caused by this novel coronavirus that was first detected in Wuhan City Hubei Province, China; and

WHEREAS, this novel coronavirus, renamed "COVID-19," has spread to other countries, including the United States; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") is the leading national public health institute of the United States and under the federal Department of Health and Human Services; and

WHEREAS, the CDC has been working closely with state and local partners, as well as public health partners to respond to COVID-19; and

WHEREAS, the Kauai Emergency Management Agency has been advised by the State of Hawaii, Department of Health of the potential adverse effects of COVID-19; and

WHEREAS, the Kauai Emergency Management Agency anticipates that the most likely impacts resulting from COVID-19 will include causing a threat to human health, safety and welfare that may result in the need to quarantine and/or evacuate residents from some areas as deemed appropriate by the State of Hawaii, Department of Health; and

WHEREAS, the County of Kaua'i seeks to prepare for and to mitigate any adverse cumulative effects of this Emergency Condition, that poses a threat to human health, safety, and welfare of County residents;

WHEREAS, pursuant to section 127A-14, Hawaii Revised Statutes, the Mayor is authorized to determine if there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes; and

WHEREAS, pursuant to section 127A-13(b)(2), Hawaii 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), Hawaii 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, Hawaii 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)(12), Hawaii Revised Statutes, the Mayor may restrict the congregation of the public in stricken areas; and

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

WHEREAS, pursuant to chapter 127A, Hawai'i Revised Statutes, the Mayor may exercise additional powers as required; 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 reserves from the emergency management contingency fund for public purposes during any state of emergency or disaster.

NOW, THEREFORE, I, DEREK S.K. KAWAKAMI, Mayor of the County of Kauai, hereby determine that an imminent danger or threat as contemplated by section 127A-14, Hawaii Revised Statutes, threatens the County of Kauai and do hereby proclaim these areas to be disaster areas 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

Pursuant to Section 127A-12(c)(11), Hawaii 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; and

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 Kauai Emergency Management Agency is directed to take appropriate actions to direct or control, as may be necessary for emergency management.

Pursuant to Chapter 127A, Hawaii 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 mitigate the danger. All County officials, officers, and employees are considered "emergency workers" and shall perform function as directed regardless of availability or any type of leave.

I FURTHER DECLARE that a disaster emergency relief period shall commence March 4, 2020, and continue for 60 days or until further act by this office.

Done at the County of Kaua'i
This 4th day of March 2020



Derek S. K. Kawakami
Mayor, County of Kaua'i

APPROVED:



Matthew M. Bracken
County Attorney