

**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 are of such a nature as to warrant rehabilitative assistance from the County and the State; and

WHEREAS, the saturated ground conditions caused by the heavy rains and flooding are anticipated to degrade the stability and lateral support of hillsides and areas of land, causing landslides, and the increased water levels in reservoirs throughout Maui County may increase the rate of erosion, seepage, piping, and fear of dam failure in the reservoirs of Maui County; and

WHEREAS, there is need for government agencies and representatives from the private sector to mobilize and provide immediate relief of the conditions created by the hazardous situations; and

WHEREAS, pursuant to Section 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 Section 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. Section 127A-13(b)(4) further provides that the Mayor may direct and control mandatory evacuation of the civilian population; and

WHEREAS, Haw. Rev. Stat. Section 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. Section 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. Section 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. Section 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. That an emergency or disaster contemplated by Section 127A-14, Hawaii Revised Statutes, has occurred in the County of Maui.
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 lands.
3. The provisions, in whole or in part, of Haw. Rev. Stat. Chapter 103D and Haw. Rev. Stat. Sections 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.
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), Sections 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.
6. All County officers and employees shall be required to take all steps requested by the State of Hawaii Director of Emergency Management 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. In accordance with Sections 127A-12(a)(5), 127A-13(b)(3), and, 127A-13(b)(4), Haw. Rev. Stat., the Administrator 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. 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.

This Proclamation of Emergency is effective December 5, 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.

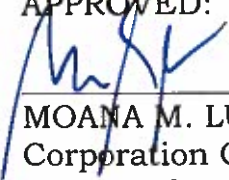
Pursuant to this Proclamation, I hereby exercise any and all powers listed in  
Haw. Rev. Stat. Chapter 127A.



---

MICHAEL P. VICTORINO  
Mayor  
County of Maui

APPROVED:



---

MOANA M. LUTEY  
Corporation Counsel  
County of Maui