

MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
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PUBLIC HEALTH 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 proclaim, determine, declare, and find:

WHEREAS, Chapter 127A, Hawaii Revised Statutes (“Haw. Rev. Stat.”) provides that, in the event of a state of emergency in the County of Maui, the Mayor may take action to relieve hardship and inequities or obstructions to the public health by suspending any County law, in whole or in part, or by alleviating the provisions of County laws on such terms and conditions as the Mayor may impose, including County licensing laws, and County laws relating to labels, grades, and standards; and

WHEREAS, Haw. Rev. Stat. § 127A-13(b)(2) provides that 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-14(b) further provides that the Mayor may declare the existence of a state of emergency in the County of Maui by proclamation if the Mayor finds that an emergency or

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disaster has occurred or that there is an imminent danger or threat of emergency or disaster; and

WHEREAS, WHO officials report that sustained transmission of COVID-19 from human to human is occurring. On February 28, 2020, the WHO's inspector raised the risk assessment of a Coronavirus outbreak to very high at a global level.

WHEREAS, as of October 23, 2020, there were 41,570,883 million cases and 1,134,940 deaths globally (<https://covid19.who.int/>). The United States has more than 8,445,242 million cases and 223,437 deaths (<https://coronavirus.jhu.edu/map.html>). To date, there are 14,335 cases and 206 deaths in the State of Hawaii, with 435 cases in Maui County (<https://health.hawaii.gov/coronavirusdisease2019>), with the island of Lanai experiencing its first reported cases; and

WHEREAS, on October 13, 2020, Governor David Y. Ige issued an 14th Proclamation related to the COVID-19 emergency, continuing the transpacific and inter-island quarantine for travelers into and within the state and establishing a pre-travel COVID-19 testing program; and

WHEREAS, the County of Maui's Emergency Management Agency advises of the potential effects of COVID-19 have created an imminent threat to life, health and safety of residents and visitors (the "Emergency Condition"); and

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

WHEREAS, the cumulative effects of the Emergency Condition may create a public calamity in the County of Maui, such that preparing for, and responding to, such effects is in the best interest of the County of Maui and its residents; and

WHEREAS, on March 4, 2020, a Public Health Emergency Proclamation was issued, declaring the existence of a state of emergency in the County of Maui pursuant to Haw. Rev. Stat. § 127A-14(b). On May 1, 2020, a second Public Health Emergency Proclamation was issued. Effective June 30, 2020, a third Public Health Emergency Proclamation was issued, and effective August 30,

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a fourth Emergency Proclamation was issued, which terminates October 29, 2020.

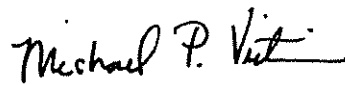
NOW, THEREFORE, I, MICHAEL P. VICTORINO, Mayor of the County of Maui, pursuant to the authority vested in me as the Mayor of the County of Maui as set forth above, in order to promote and protect the public health, safety, and welfare of the residents and visitors of the County of Maui, do hereby proclaim, 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. 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
3. 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
4. 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
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 3.36 (grants), and 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 the Department of Health to qualify the County of Maui for reimbursement from the Federal Emergency Management Agency and for other state and federal relief

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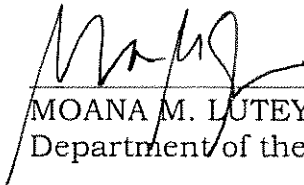
as may be available to reimburse the County of Maui for the expenses incurred in addressing this emergency.

This Proclamation of Emergency is effective October 30, 2020, 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
October 23, 2020

APPROVED AS TO FORM AND LEGALITY:



MOANA M. LUTEY, Corporation Counsel
Department of the Corporation Counsel

REVIEWED ON BEHALF OF GOVERNOR DAVID Y. IGE BY:



Print Name: David Y. Ige
Title: Governor
Date: October 27, 2020