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COUNCIL OF THE COUNTY OF MAUI

2016 OCT -7 PM 3: 32

A G E N D A

Emergency Meeting of October 11, 2016
11:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier may be allowed to speak for three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

ROLL CALL

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

ORDINANCE - SECOND AND FINAL READING:

BILL NO. 102 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, EMERGENCY FUND"

THE COUNCIL OF THE COUNTY OF MAUI DOES HEREBY FIND THE FOLLOWING:

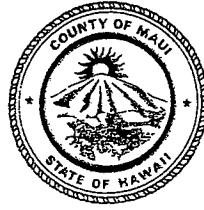
1. As a result of an extreme, unexpected rain event on September 13, 2016, extensive damage to private and public property has occurred. As a result, Mayor Alan M. Arakawa issued an Emergency Proclamation on September 14, 2016 (Exhibit "A") and Governor David Y. Ige issued an Emergency Proclamation on September 16, 2016 (Exhibit "B"). Both of these proclamations are still in effect.
2. The damage caused by the extreme rain event includes but is not limited to expansion of the riverbed of the Wailuku River. This expansion has had deleterious effects to both private and public property.
3. As a result of the extreme rain event, the County of Maui has undertaken major restoration and cleanup efforts for the affected area. This has resulted in an expenditure of funds, pursuant to the Emergency Proclamations, that was unanticipated in the Fiscal Year 2017 budget.
4. The County needs to continue its remediation efforts in order to prevent further damage to public and private property should there be a reoccurrence of heavy rains.
5. In order for the County to continue its efforts, an amendment is needed to Appendix A of the Fiscal Year 2017 Budget for the County of Maui as it pertains to Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2017, Emergency Fund.
6. Without immediate additional funding to undertake further restorative efforts, an imminent peril to the public health, safety, or welfare exists and will continue to exist until restoration and cleanup efforts are completed, and a meeting in less time than is provided for in Section 92-7, Hawaii Revised Statutes, is required.

NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.

Mayor

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

PROCLAMATION

By the authority vested in me as Mayor by the Revised Charter of the County of Maui (1983), as amended, and the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, ALAN M. ARAKAWA, Mayor of the County of Maui of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, Chapter 127A, Hawaii Revised Statutes (“HRS”) empowers me, Alan M. Arakawa, as Mayor of the County of Maui of the State of Hawaii, as the sole judge that an emergency or disaster has occurred or of the existence of imminent danger or threat of an emergency or disaster in any portion of the county; and

WHEREAS, a flash flood watch having been issued for the County of Maui on September 13, 2016, and extensive rains and flooding having occurred throughout the island of Maui beginning on September 13, 2016, with continued rains and flash flooding anticipated to continue through at least September 15, 2016; and

WHEREAS, extensive damage to private and public property from heavy rains and flooding has occurred and will continue to occur, and/or bodily injury to residents and visitors of Maui County as a result of heavy rains and flooding has occurred and will continue to occur, thereby endangering the health, safety, and welfare of the people, which warrants action in order to provide for the health, safety, and welfare of the people; and

WHEREAS, there is need for government agencies and representatives from the private sector to mobilize and provide immediate services to our island residents and to ameliorate and mitigate hazardous situations resulting from the current flooding event;

NOW, THEREFORE, pursuant to Section 14(b), HRS Chapter 127A, I, ALAN M. ARAKAWA, Mayor of the County of Maui, do hereby determine that an emergency and/or disaster has occurred in the County of Maui, and that the County of Maui continues to be under imminent threat of danger, and I DO HEREBY PROCLAIM that a local state of

EXHIBIT "A"

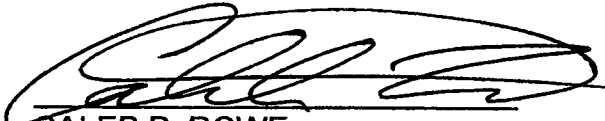
emergency exists as of 1:30 pm (time), this 14th day of September, 2016, which shall continue until terminated by any separate proclamation, or which shall automatically terminate sixty days after issuance of this PROCLAMATION, whichever occurs first. Pursuant to this Proclamation, I hereby exercise any and all powers listed in Sections 12 and 13 of Chapter 127A, HRS.

Done at the Kalana O Maui Building,
This 14th day of September, 2016.



ALAN M. ARAKAWA, Mayor
County of Maui

APPROVED:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor 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 occurrence of heavy rains and flooding that has caused extensive damage to private and public property throughout the entire State and impacting the counties of Maui and Kalawao, State of Hawai'i, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event of heavy rains and flooding has caused 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 State, and is expected to be of such a nature as 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 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 sections 127A-14 and 127A-16, Hawai'i Revised Statutes, the Governor 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 the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawai'i Revised Statutes, the Governor 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(a)(2), Hawai'i Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor 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 Governor may impose; and

WHEREAS, pursuant to section 127A-12(b)(8), Hawai'i Revised Statutes, the Governor 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(b)(13), Hawai'i Revised Statutes, the Governor may require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the Governor, 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, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the Governor may prescribe; and

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

WHEREAS, pursuant to section 127A-13(a)(6), Hawai'i Revised Statutes, the Governor may direct and control the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawai'i Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, 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(b)(9), Hawai'i Revised Statutes, the Governor 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 Governor 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 State; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawai'i Revised Statutes, the Governor 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(a) may only be exercised during an emergency period; 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, Hawai'i Revised Statutes has occurred in the above areas in the State of Hawai'i, and do hereby proclaim the counties of Maui and Kalawao, State of Hawai'i, to be disaster areas for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State 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:

1. Section 127A-16, Hawai'i Revised Statutes, by the activation of the Major Disaster Fund.
2. Sections 127A-13 and 127A-12, Hawai'i Revised Statutes, and in order to provide emergency relief as a result of this event, I hereby suspend as allowed by federal law, the following statutes:
 - a. Chapter 6E, Hawai'i Revised Statutes, **historic preservation.**
 - b. Section 37-41, Hawai'i Revised Statutes, **appropriations to revert to state treasury.**
 - c. Section 37-74(d), Hawai'i Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawai'i Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.
 - d. Section 40-66, Hawai'i Revised Statutes, **lapsing of appropriations.**
 - e. Chapter 46, Hawai'i Revised Statutes, **county organization and Administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Proclamation.

- f. Chapter 89, Hawai'i Revised Statutes, **collective bargaining in public employment.**
- g. Chapter 89C, Hawai'i Revised Statutes, **public officers and employees excluded from collective bargaining.**
- h. Section 102-2, Hawai'i Revised Statutes, **contracts for concessions in government buildings; bid requirements.**
- i. Section 103-2, Hawai'i Revised Statutes, **general fund.**
- j. Section 103-50, **building design to consider needs of persons with disabilities.**
- k. Section 103-53, Hawai'i Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**
- l. Section 103-55, Hawai'i Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
- m. Chapter 103D, Hawai'i Revised Statutes, **Hawai'i public procurement code.**
- n. Chapter 104, Hawai'i Revised Statutes, **wages and hours of employees on public works.**
- o. Sections 105-1 to 105-10, Hawai'i Revised Statutes, **use of government vehicles, limitations.**
- p. Section 127A-30, Hawai'i Revised Statutes, **rental or sale of essential commodities during a state of emergency; prohibition against price increases.**
- q. Chapter 171, Hawai'i Revised Statutes, **public lands, management and disposition of.**
- r. Chapter 174C, Hawai'i Revised Statutes, **state water code.**
- s. Chapter 180, Hawai'i Revised Statutes, **soil and water conservation districts.**

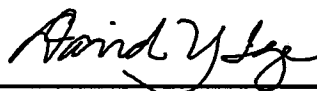
- t. Chapter 180C, Hawai'i Revised Statutes, **soil erosion and sediment control.**
- u. Chapter 183, Hawai'i Revised Statutes, **forest reserves, water development, zoning.**
- v. Chapter 183C, Hawai'i Revised Statutes, **conservation district.**
- w. Chapter 183D, Hawai'i Revised Statutes, **wildlife.**
- x. Chapter 184, Hawai'i Revised Statutes, **state parks and recreation areas.**
- y. Chapter 195, Hawai'i Revised Statutes, **natural areas reserves system.**
- z. Chapter 195D, **conservation of aquatic life, wildlife, and land plants.**
- aa. Chapter 198D, Hawai'i Revised Statutes, **Hawai'i statewide trail and access system.**
- ab. Chapter 205, Hawai'i Revised Statutes, **land use commission.**
- ac. Chapter 205A, Hawai'i Revised Statutes, **coastal zone management.**
- ad. Chapter 264, Hawai'i Revised Statutes, **highways.**
- ae. Chapter 269, Hawai'i Revised Statutes, **public utilities commission.**
- af. Chapter 286, Hawai'i Revised Statutes, **highway safety.**
- ag. Chapter 341, Hawai'i Revised Statutes, **environmental quality control.**
- ah. Chapter 342B, Hawai'i Revised Statutes, **air pollution.**
- ai. Chapter 342D, Hawai'i Revised Statutes, **water pollution.**
- aj. Chapter 342E, Hawai'i Revised Statutes, **non-point source pollution management and control.**

- ak. Chapter 342F, Hawai'i Revised Statutes, **noise pollution.**
 - al. Chapter 343, Hawai'i Revised Statutes, **environmental impact statements.**
 - am. Chapter 343D, Hawai'i Revised Statutes, **environmental disclosure.**
 - an. Chapter 344, Hawai'i Revised Statutes, **state environmental policy.**
 - ao. Section 464-4, Hawai'i Revised Statutes, **public works required to be supervised by certain professionals.**
 - ap. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawai'i Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the state or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.
3. Section 127A-12(b), Hawai'i Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state 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.

I FURTHER DECLARE that a disaster emergency relief period shall commence September 13, 2016, and shall continue until terminated automatically pursuant to section 127A-14, Hawai'i Revised Statutes, or by a separate proclamation, whichever

occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into by reason of the provisions of this proclamation relating to his emergency shall continue.

Done at the State Capitol, this
16th day of September, 2016.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



DOUGLAS S. CHIN
Attorney General
State of Hawai'i