

Harry Kim
Mayor



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SECOND SUPPLEMENTARY EMERGENCY PROCLAMATION

WHEREAS, Chapter 127A Hawai'i Revised Statutes, provides for the establishment of County organizations for emergency management and disaster relief with the Mayor having direct responsibility and authority over emergency management within the County.

WHEREAS, Chapter 127A Hawai'i Revised Statutes and Chapter 7, Articles 1 and 2 of the Hawai'i County Code, establishes a Civil Defense Agency within the County of Hawai'i and prescribes its powers, duties, and responsibilities, and Section 13-23 of the Hawai'i County Charter empowers the Mayor of the County to declare emergencies; and

WHEREAS, on May 3, 2018, the Mayor of the County of Hawai'i and the Governor of the State of Hawai'i issued respective Emergency Proclamations declaring states of emergency due to active lava erupting along the East Rift Zone in Lower Puna, County and State of Hawai'i; and

WHEREAS, on May 9, 2018, the Governor of the State of Hawai'i issued a Supplementary Proclamation expanding the scope and application of his Proclamation in order to provide further emergency disaster relief by suspending additional sections of the Hawai'i Revised Statutes; and

WHEREAS, on May 22, 2018, the Mayor of the County of Hawai'i issued a Supplemental Emergency Proclamation suspending Section 19-47 of the Hawai'i County Code relating to real property tax assessments for parcels in Leilani Estates, Lanipuna Gardens, Pohoiki Bay Estates or Kapoho Estates rendered uninhabitable and/or isolated due to the active lava eruption; and

WHEREAS, the United State Geological Survey (USGS) Hawaii Volcano Observatory (HVO), at this time cannot project an end date to this eruptive event and continues to issue warnings; and

WHEREAS, a significant and potentially growing number of residents of Leilani Estates, Lanipuna Gardens, Pohoiki Bay Estates, Kapoho Estates, the greater Kapoho area, and nearby and surrounding areas have been displaced from their residences due to the active lava eruption either permanently or for an unknown duration, as one

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hundred twenty eight or more structures have already been destroyed, cut off, or otherwise rendered at least temporarily uninhabitable by the lava eruption, the lava eruption threatens to consume more structures, and the lava eruption has caused emissions including gasses which along with the threatened hazard of potential lava inundation, have caused a number of residents to voluntarily evacuate their residences; and

WHEREAS, the significant and growing number of residents displaced and/or voluntarily evacuated due to the active lava eruption are in need of temporary emergency shelter; and

WHEREAS, the County of Hawai'i has been providing temporary emergency shelter for a number of residents displaced and/or voluntarily evacuated due to the active lava eruption in shelters or on sites intended for very short-term temporary use; however, due to the growing number of displaced or voluntarily evacuated persons, undetermined duration of the active lava eruption, and the number of residents who have permanently lost their residences, there is an immediate and growing need to provide temporary emergency shelters for residents displaced and/or voluntarily evacuated due to the active lava eruption which will also be used temporarily, but are suitable for longer-term use; and

WHEREAS, certain non-profit and/or other private entities have expressed interest in providing longer-term temporary emergency shelters for persons displaced and/or voluntarily evacuated due to the active lava eruption, which may require certain site preparation and/or the construction and/or installation of structures that would require certain reviews, approvals, and/or permits from the County of Hawai'i under normal circumstances; and

WHEREAS, Section 127A-13(b)(1) Hawai'i Revised Statute, provides that during the emergency period, the Mayor may "[r]elieve hardship and inequities, or obstruction to public health, safety, or welfare, found by the mayor to exist in the laws of the county and to result from the operation of federal programs or measures taken under this chapter, by suspending the county laws in whole or in part, or by the alleviating the provisions of county laws on such terms and conditions as the mayor may impose..."; and

WHEREAS, the preparation, set-up, construction, and/or installation of the temporary emergency shelters for displaced or voluntarily evacuated residents on either public or private lands would normally require approvals, reviews, or permits from various County of Hawai'i Departments pursuant to the following Chapters of the Hawai'i County Code: Chapter 5, regarding Building; Chapter 9, regarding Electricity; Chapter 10, regarding Erosion and Sedimentation Control; Chapter 17, regarding Plumbing; Chapter 23, regarding Subdivisions; Chapter 25, regarding Zoning; and, Chapter 26, regarding Fire; and

WHEREAS, I find that if the Chapters of the Hawai'i County Code cited above are maintained, then hardship and inequities, or obstructions to the public welfare will

befall those residents displaced or voluntarily evacuated due to this eruptive event who are in need of temporary longer-term emergency shelter; and

WHEREAS, in order to relieve this hardship and inequity, or obstruction to public welfare, it is necessary to suspend the above-cited provisions of the Hawai'i County Code to allow for the rapid preparation, set-up, construction, and/or installation of the longer-term temporary emergency shelters for displaced or voluntarily evacuated residents on public lands, and certain private lands if the private landowner(s) execute a Memorandum of Agreement with the Director of the Department of Public Works for the County of Hawai'i to ensure that certain minimum guidelines are met to protect public health and safety; and

NOW, THEREFORE, I, Harry Kim, Mayor of the County of Hawai'i, do hereby proclaim and declare that a state of emergency continues to exist due to threat of imminent disaster on the Hawai'i Island, effective 30th, May, 2018, and continuing thereon for 60 days or until further act by this office. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any contract entered into under this Proclamation for providing services pursuant to this Proclamation or an associated Memorandum of Agreement shall be limited to a period not to exceed twelve (12) months, but may be extended for a period of six (6) months provided such extension is at no additional cost above existing contract compensation and payment schedules.

I FURTHER ORDER, that pursuant to Section 127A-13(b)(1) Hawai'i Revised Statutes, the following Chapters of the Hawai'i County Code are suspended to prepare, set-up, construct, or install longer-term temporary emergency shelters for residents displaced or who voluntarily evacuated due to the active lava eruption on either public lands or certain private lands if the private landowner(s) have executed a Memorandum of Agreement with the Director of the Department of Public Works for the County of Hawai'i to ensure that certain minimum guidelines are met to protect public health and safety: Chapter 5, regarding Building; Chapter 9, regarding Electricity; Chapter 10, regarding Erosion and Sedimentation Control; Chapter 17, regarding Plumbing; Chapter 23, regarding Subdivisions; Chapter 25, regarding Zoning; and, Chapter 26, regarding Fire.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hawai'i to be affixed. Done this 30th day of May, 2018 in Hilo, Hawai'i.

A handwritten signature in black ink, appearing to read "Harry Kim", with a stylized flourish at the end.

Harry Kim
Mayor
County of Hawai'i