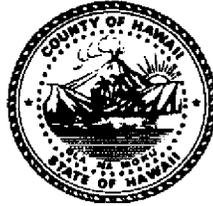


Harry Kim  
Mayor



Wil Okabe  
Managing Director

Barbara J. Kossow  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

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### FIFTH 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 Supplementary Emergency Proclamation suspending Hawai'i County Code, Chapter 19, Section 19-47, related to real property tax assessments to those parcels that suffered uninhabitability or isolation due to this eruptive event in those areas described as Leilani Estates, Lanipuna Gardens, Pohoiki Bay Estates and Kapoho Estates; and

WHEREAS, on May 30, 2018, the Mayor of the County of Hawai'i issued a Second Supplementary Emergency Proclamation suspending several County Code provisions related to the preparation, set-up, construction, or installation of temporary emergency shelters for residents displaced or voluntarily evacuated due to the active lava eruption; and

WHEREAS, on May 30, 2018, the Mayor of the County of Hawai'i issued Mayor's Emergency Rule #1 restricting access to the area containing Kapoho Beach Lots, Vacationland and Kapoho Farm Lots; and

WHEREAS, on May 31, 2018, the Mayor of the County of Hawai'i issued a Mandatory Evacuation Order for identified areas within the Leilani Estates subdivision; and

WHEREAS, on July 2, 2018, the Mayor of the County of Hawai'i issued a Third Supplementary Emergency Proclamation providing additional real property tax adjustments and relief; and

WHEREAS, on August 31, 2018, the Mayor of the County of Hawai'i issued a Fourth Supplementary Emergency Proclamation continuing the state of emergency and issuing a prohibition from people entering or remaining on the lava fields, including a fifty (50) yard safety buffer area; and

WHEREAS, the United States Geological Survey (USGS) Hawai'i Volcano Observatory (HVO), cannot project WITH ABSOLUTE CERTAINTY AN end date to this eruptive event and has noted that previous eruptive events in the area have continued eruptive activity after lengthy periods of lull; and

WHEREAS, the USGS HVO has identified many hazards when traversing over lava flow fields, including subsurface residual molten lava and gases that may not be visible; due to the hazards involved, the USGS HVO and Hawai'i County Civil Defense Agency have noted that injuries while traversing over lava flow fields are common and deaths have occurred.

WHEREAS, some evacuees of the eruptive event remain in temporary shelters provided by non-profit entities where the operational costs of maintain these shelters are mounting and becoming a hardship; and

WHEREAS, section 127A-13(b) provides that in the event of a local state of emergency the Mayor may relieve hardship, inequities or obstructions of public health, safety or welfare by suspending county laws in whole or in part; and

NOW, THEREFORE, I, Harry Kim, Mayor of the County of Hawai'i, do hereby proclaim and declare that a state of emergency due to this eruptive event continues to exist and continues to pose threat of imminent disaster on Hawai'i Island and that all provisions of my prior Proclamations, except for the fifty (50) yard buffer surrounding the lava flow field shall remain in full force and effect, effective, October 30, 2018, and continuing thereon until December 29, 2018 or unless terminated by a separate proclamation, which ever shall occur first.

I FURTHER DECLARE, that due to the aforementioned hazards that continue to exist, entry to and remaining on the lava flow field remains prohibited unless authorized by Hawai'i County Civil Defense Agency. No physical modifications to the lava flow fields are allowed, including but not limited to, clearing, crushing or the removal or infill of the lava flow field surface with the intent to establish roads, trails, driveways or clearings for any purpose.

I FURTHER ORDER that pursuant to Section 127A-13(b)(1) of the Hawai'i Revised Statutes, the following section of the Hawai'i County Code be suspended:

Chapter 21, Article 4, Section 21-29.1, as it applies to fees charged to private haulers discharging wastewater into a municipal facility, when the organization requesting a waiver of septage discharge fee(s) is a nonprofit organization operating a temporary emergency shelter site for the sole purpose of sheltering lava event survivors, and the organization's private hauler possesses a current septage discharge permit with the County.

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

  
Harry Kim  
Mayor  
County of Hawai'i