

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, May 29, 2019, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2747

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

This Bill proposes to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, Natural Resources Preservation Fund to effectuate the amendment to Article XIX, Section 19.15.C. of the Charter of the County of Kaua'i that was approved by a majority of votes cast in the November 6, 2018 General Election, which authorizes use of fund moneys for specified improvements.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2747 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 24, 2019, by the following vote:

AYES: Brun, Chock, Cowden, Evslin, Kualii, Kagawa, Kaneshiro	TOTAL - 7,
NOES: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0,
RECUSED & NOT VOTING: None	TOTAL - 0.

Līhu'e, Hawai'i  
April 25, 2019

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

**NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.**

(One publication – The Garden Island – May 1, 2019)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14,  
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE  
PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES  
PRESERVATION FUND**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. It is the Public Access, Open Space, Natural Resources Preservation Fund Commission’s duty to provide biennial recommendations to the County Council regarding lands or entitlements proposed for acquisition. Currently the Public Access, Open Space, Natural Resources Preservation Fund may only be used for the acquisition of land or property entitlements for conservation purposes. This amendment would expand the permissible uses of the fund to include paying for improvements to lands or entitlements acquired by the fund, and to improving existing public beach accesses.

Because the acquisition of land or public easements often requires expenditures to improve the acquired land or easement, review of potential acquisition sites have been discontinued because no additional funding could be found for the necessary and accompanying improvements.

On November 6, 2018, by a majority of votes cast in the General Election, Article XIX, Section 19.15(C) of the Charter of the County of Kaua’i was amended to permit the Public Access, Open Space, Natural Preservation Fund to include improvements.

Pursuant to the newly-adopted charter amendment, the proposed ordinance would allow the fund to also be used to improve lands or easements acquired with the fund and to improve existing public beach accesses.

SECTION 2. Section 6-14.1 of the Kaua’i County Code 1987, as amended is hereby amended to read as follows:

“(a) In adopting each fiscal year’s budget and capital program, the Council shall appropriate a minimum of one-half of one percent (0.5%) of the certified real property tax revenues to a fund known as the public access, open space, natural resources preservation fund (“fund”). The moneys in this fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements and any corresponding improvement of those lands or property entitlements for land conservation purposes in the County of Kaua’i for the following purposes:

- (1) Public outdoor recreation and education, including access to beaches and mountains;
- (2) Preservation of historic or culturally important land areas and sites;
- (3) Protection of significant habitats or ecosystems, including buffer zones;
- (4) Preserving forests, beaches, coastal areas, and agricultural lands;

(5) Protecting watershed lands to preserve water quality and water supply;

(6) Conserving land in order to reduce erosion, floods, landslides, and runoff;

(7) Improving public access to, and enjoyment of, public land, and open space;

(8) Acquiring public access to public land, and open space;

(9) Conserving land for open space and scenic values.

(b) The moneys in this fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued pursuant to Sections 3.13, 3.14, or 3.15, Charter, in whole or in part, for the purposes enumerated in Subsection (a) of this Section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

(c) The moneys in this fund may also be used to improve public pedestrian access to coastal areas. Improvements to existing public pedestrian coastal accesses shall be limited to fencing, signage, demarcation, and parking.

~~(c)~~ (d) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in this fund shall not be used for any purpose except those listed in this Section.”

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK  
(By Request)

DATE OF INTRODUCTION:

April 24, 2019

Līhu‘e, Kaua‘i, Hawai‘i

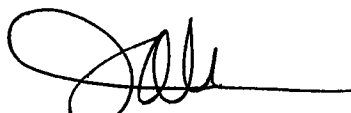
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2747, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 24, 2019, by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i  
April 25, 2019



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i