

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Kaua'i County Council will hold a public hearing on Wednesday, June 4, 2025, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

Bill No. 2954

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 implement the approved Charter Amendment to allow up to five percent (5%) of the Public Access, Open Space, Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the fund.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and kauai.gov/Government/Council/Webcast-Meetings. Written testimony may be submitted via counciltestimony@kauai.gov, mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill No. 2954 during the May 14, 2025 Council Meeting, by the following vote:

| | | |
|-----------------------|---|------------|
| AYES: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL - 7, |
| NOES: | None | TOTAL - 0, |
| EXCUSED & NOT VOTING: | None | TOTAL - 0, |
| RECUSED & NOT VOTING: | None | TOTAL - 0. |

Lihue, Hawai'i
May 14, 2025

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

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – May 22, 2025)

**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**

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

SECTION 1. Findings and purpose. The purpose of this Ordinance is to implement the approved Charter Amendment to allow up to five percent (5%) of the Public Access, Open Space, Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the fund.

SECTION 2. Chapter 6, Article 14 Section 6-14.1, Kaua'i County Code 1987, as amended, (Purpose) of the Public Access, Open Space, Natural Resources Preservation Fund is hereby amended to read as follows:

“§ 6-14.1. Purpose.

(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.

(d) At any given time, no more than five percent (5%) of this fund shall be used for the maintenance of one (1) land or property entitlement and any corresponding improvements that were purchased or acquired using this fund; or two (2) public pedestrian access to coastal areas that were improved using this fund.

[(d)e] 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 application thereof to any person, persons, or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this 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. This Ordinance shall take effect upon its approval.

Introduced by:



ADDISON BULOSAN
(By Request)

DATE OF INTRODUCTION:

May 14, 2025

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. 2954, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on May 14, 2025, by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Lihu'e, Hawai'i
May 14, 2025



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