

# OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR



## **Mayor's Emergency Rule #19 Amendment #3**

The following are amendments or additions to this rule and they shall be read as follows: additions underlined and **bolded**; deletions [bracketed] and ~~stricken~~.

### **Purpose:**

The County of Kaua'i continues to recognize the presence of COVID-19 in our community. Physical distancing and other preventive measures remain necessary to limit the spread of the coronavirus. A spike in infections could overwhelm our healthcare system, as the island's capacity to provide emergency and hospital services is limited.

The County has updated the Kaua'i Business and Recreational Guidelines for COVID-19 to guide our approach going forward. The strategy is based on clear metrics centered on COVID-19 case counts and testing positivity rates. This strategy has been specifically tailored for the Island of Kaua'i. Residents and travelers should follow the Kaua'i Business and Recreational Guidelines for COVID-19 (**updated May 25, 2021**) and announcements from the County of Kaua'i to keep themselves aware of the current rules surrounding re-opening.

**The updated guidance is designed to provide greater flexibility and fewer restrictions at tiers with smaller case counts and test positivity rates. The updated guidance also creates two new tiers:**

- **Tier 5 for when 60% or more of Hawai'i residents are fully vaccinated, the 7-day average of case counts is less than 3, and there is less than a 1% test positivity rate; and**
- **Tier 6, which will occur when 70% or more of Hawai'i residents are fully vaccinated.**

**At Tier 6, the restrictions put into place by the Kaua'i Business and Recreational Guidelines for COVID-19 will no longer be in effect, though State rules would still apply.**

Face coverings are still required in accordance with the Governor's Emergency Proclamation.

### **Rule:**

#### **I. Gatherings, Businesses, Operations, & Activities**

Pursuant to HRS §127A-12(a)(5)(D), §127A-12(c)(12), 127A-25, and the Governor's Proclamation, all indoor and outdoor social gatherings, businesses, operations, and activities are subject to the restrictions and physical distancing requirements found in the Governor's

Proclamation, any applicable State and CDC guidelines, and the ~~[updated]~~ Kaua'i Business and Recreational Guidelines for COVID-19 **(updated May 25, 2021)**.

The Kaua'i Business and Recreational Guidelines for COVID-19 strategy is based on ~~[four]~~ **six** tiers. Each tier is based on the level of disease transmission of COVID-19 within the County, which is determined by ~~[two]~~ **three** criteria: (1) the 7-day average number of daily cases reported; ~~[and]~~ (2) the 7-day average test positivity rate; **and (3) the percentage of Hawai'i residents that are fully vaccinated.**

<b>METRICS</b>	<b>TIER 1</b>	<b>TIER 2</b>	<b>TIER 3</b>	<b>TIER 4</b>	<b>TIER 5</b>	<b>TIER 6</b>
Case Count (7 day average)	<del>[8+] <u>12+</u></del>	<del>[5-8] <u>8+</u></del>	<del>[2-4] <u>5+</u></del>	<del>[Less than 2] <u>3+</u></del>	<b><u>Less than 3</u></b>	<b><u>NA</u></b>
Test Positivity Rate	Greater than 5%	2.5-5%	1-2.49%	Less than 1%	<b><u>Less than 1%</u></b>	<b><u>NA</u></b>
<b><u>Vaccine Status</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>	<b><u>60%+ Hawai'i residents fully vaccinated</u></b>	<b><u>70%+ Hawai'i residents fully vaccinated</u></b>

The rules governing allowed and closed indoor and outdoor social gatherings, businesses, operations, and activities at each tier can be found in the Kaua'i Business and Recreational Guidelines for COVID-19 **(updated May 25, 2021)**.

In order to move from a lower tier to a higher tier (i.e. from Tier 1 to Tier 2) **in Tiers 1 through 4**, the County must:

- 1) have been in the current tier for ~~[at least]~~ two weeks; AND
- 2) meet the case count criteria for that next tier for one (and most recent) week; AND
- 3) meet the test positivity rate criteria for that next tier for one (and most recent) week.

**In order to move from Tier 4 to Tier 5, the County must:**

- 1) **have been in Tier 4 for two weeks; AND**
- 2) **meet the case count criteria for Tier 5 for one (and most recent) week; AND**
- 3) **meet the test positivity rate criteria for Tier 5 for one (and most recent) week; AND**
- 4) **determine that 60 percent or more of Hawai'i residents are fully vaccinated.**

**The County will reach Tier 6 once it reaches the one benchmark of having 70 percent or more of Hawai'i residents fully vaccinated. Once the County meets the requirements of Tier 6, then the Kaua'i Business and Recreational Guidelines for COVID-19 will no longer be in effect and restrictions put into place by the Guidelines will not be operational at any tier. Rules promulgated at the State level will continue to apply to the County of Kaua'i, except as modified under Mayor's Emergency Rules issued in accordance with Section I of the Governor's Proclamation.**

In order to move from a higher tier to a lower tier (i.e. Tier 2 to Tier 1) **for Tiers 1 through 5**, the County must exceed one OR both criteria in the current tier for two consecutive weeks. The County may move backward more than one (1) tier at a time. **Once the County reaches Tier 6, it will no longer move from a higher to lower tier.**

In the case of rapid spread of COVID-19 that overwhelms the healthcare system, it may become necessary to implement restrictions not described in the Kaua'i Business and Recreational Guidelines for COVID-19 in shorter timeframes than two weeks.

**Force and Effect:**

This rule shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS § 127A-29.

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

**Term:**

Effective upon the concurrence of the Governor, subject to modification.

APPROVED FOR FORM & LEGALITY:



Derek S.K. Kawakami  
Mayor



Aaron D. Larrimore  
Deputy County Attorney

CONCURRENCE:

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large loop at the end.

David Y. Ige

Governor of Hawai'i

Or

Major General Kenneth Hara

Director, HI-EMA

DATE OF CONCURRENCE:

May 25, 2021