

**CODE OF ORDINANCE**  
**ARTICLE 14**  
**PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES PRESERVATION**  
**FUND**

Section 8-25.1. **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, and Natural Resources Preservation Fund ("Fund"). The moneys in this Fund shall be utilized for purchasing or otherwise acquiring 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 disabled and public access to, and enjoyment of, public land and open space.

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

(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 paragraph (a) of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

(c) 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. (Ord. No. 812, December 15, 2003)

Section 6-14-2. **Administration.**

(a) A community-based process that incorporates countywide community input for the purposes of establishing annual recommended priorities of lands or other property entitlements

to be acquired for those land conservation purposes described in Section 6-14.1 (a) of this article and paragraph C of Section 19.15 of the Charter shall be utilized by the County.

To meet this intent, a fund advisory commission ("Commission") shall be established consisting of (9) appointees.

(1) The Mayor shall select four (4) appointees, with at least one (1) from each of the following development plan areas and one (1) at-large:

- (A) Waimea - Kekaha
- (B) Lihu'e - Hanamā'ulu; and
- (C) Kapa'a - Wailua

(2) The Council shall select four (4) appointees, with at least one (1) from each of the following development plan areas and one (1) at-large:

- (A) Hanapepe - Ele'ele;
- (B) Koloa - Poi'pu - Kalaheo; and
- (C) North Shore (Anahola to Ha'ena)

(3) One (1) island wide, at-large appointee shall be selected by the appointed eight (8). If there is no agreement on the selection of the one (1) additional member within forty-five (45) days of the appointment of the eight members, the one (1) additional member shall be appointed by the Mayor and confirmed by the Council.

(4) Initial terms of appointment shall be as follows:

(A) All at-large appointees shall serve initial terms of one (1) year.

(B) Two (2) Mayoral district appointees shall serve three-year terms.

(C) One (1) Mayoral district appointee shall serve an initial one-year term.

(D) Two Council district appointees shall serve initial terms of two (2) years.

(E) One Council district appointee shall serve a three-year term.

Pursuant to Charter Section 23.02 (B), all subsequent appointments shall serve for staggered terms of three (3) years and until their successors are appointed. However, no holdover term shall extend beyond ninety (90) days.

(5) The role of the Commission shall be to:

(A) Work with the Planning Department to develop an annual list of priority of projects to be considered for funding; and

(B) Solicit public input on development of the annual list of priority projects to be considered for funding.

(b) The Commission shall establish annual recommended priorities of lands or property entitlements to be acquired, or

for the funding of projects directly related to the purposes of this article.

(c) For administrative purposes, this Commission shall be attached to the Planning Department.

(d) At any given time, no more than five percent (5%) of this fund shall be used for administrative expenses.

(e) Meetings of this Commission shall comply with requirements of Chapter 92, Hawaii Revised Statutes (the "Sunshine Law").

(f) The Commission shall adopt administrative rules of procedure pursuant to Chapter 91, Hawaii Revised Statutes (the "Hawaii Administrative Procedures Act") within one hundred eighty (180) days of the full appointment of the Commission's membership. (Ord. No. 812, December 15, 2003)

Section 6-14.3 **Appropriation of Funds.**

(a) Appropriations for expenditure from this fund shall be made by ordinance.

(b) The Commission shall transmit annual recommendations to the Council for priorities of lands or other property entitlements to be acquired, or for the funding of projects directly related to the purposes of this article. (Ord. No. 812, December 15, 2003)