

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR



Mayor's Emergency Rule #19 Amendment #4

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~~ **June 28**, 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~~], **which will occur on July 8, 2021**; 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.

Under the Mayor's Emergency Rules 16 and 24, the County of the Kaua'i, in collaboration with the State and partners in the travel industry, developed the Enhanced Movement Quarantine ("EMQ") program, an innovative approach to managing travel and quarantine during the height of the COVID-19 pandemic.

The EMQ program has proven to be a successful model. However, the County and State have experienced success over the last six months in vaccinating residents, managing positive COVID-19 cases for residents and visitors, and overseeing travel. There is no longer a strong

need for the EMQ program. Accordingly, Mayor’s Emergency Rules 16 and 24 shall be repealed on midnight, July 8, 2021 and the EMQ program will end on that date.

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 Kaua’i Business and Recreational Guidelines for COVID-19 (updated [~~May 25~~ **June 28**, 2021]).

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

METRICS	TIER 1	TIER 2	TIER 3	TIER 4	TIER 5	TIER 6
Case Count (7 day average)	12+	8+	5+	3+	[Less than 3 NA]	NA
Test Positivity Rate	Greater than 5%	2.5-5%	1-2.49%	Less than 1%	[Less than 1% NA]	NA
Vaccine Status <u>or</u> <u>Date</u>	NA	NA	NA	NA	[60%+ Hawai’i residents fully vaccinated July 8, 2021]	70%+ Hawai’i residents fully vaccinated

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~~ **June 28**, 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 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 5 on July 8, 2021.

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~~ **4**, 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 Tiers **5 or 6**, it will no longer move from a higher to lower tier **automatically. The County will amend this Mayors' Emergency Rule #19 to effectuate a move from a higher to lower tier from Tiers 5 or 6 in the event the County needs to move to a 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.

II. Enhanced Movement Quarantine

Mayor's Emergency Rules 16 and 24 shall be repealed on midnight, July 8, 2021 and the EMQ program will no longer be in effect in the County of Kaua'i.

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.



Derek S.K. Kawakami
Mayor

APPROVED FOR FORM & LEGALITY:



Matthew M. Bracken
County Attorney

CONCURRENCE:



David Y. Ige
Governor of Hawai'i
Or
Major General Kenneth Hara
Director, HI-EMA

DATE OF CONCURRENCE:

Jun 30, 2021



KAUAI BUSINESS & RECREATIONAL GUIDELINES FOR COVID-19 Updated: June 28, 2021



70% fully vaccinated

Tier	TIER 1	TIER 2	TIER 3	TIER 4	TIER 5	TIER 6
Case Count Test Positivity Rate Vaccinations completed	12+ Greater than 5%	8+ 2.5-5%	5+ 1-2.49%	3+ Less than 1%	In effect July 8, 2021	70% fully vaccinated

Sectors and Businesses:

Sector	TIER 1	TIER 2	TIER 3	TIER 4	TIER 5	TIER 6
Social Gatherings	5 indoor/5 outdoor	5 indoor/15 outdoor	5 indoor/25 outdoor	10 indoor/25 outdoor	25 indoor/75 outdoor	Open!
Parks, Beaches, Trails, Campgrounds	Open (max group= 5)	Open (max group= 15)	Open (max group= 25)	Open (max group= 25)	Open (max group= 75)	Open!
Outdoor Team Sports	Suspended	Suspended	Allowed	Allowed	Allowed	Open!
Indoor Team Sports	Suspended	Suspended	Allowed with restrictions	Allowed with restrictions	Allowed with restrictions	Open!
Gyms, Fitness Facilities, Exercise Classes	Closed	25% capacity	50% capacity	50% capacity	75% capacity	Open!
Pools	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Shooting & Archery Ranges	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Golf Courses	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Real Estate Services	Appointment only	Allowed (max 5 indoors)	Allowed (max 5 indoors)	Allowed (max 10 indoors)	Allowed (max 25 indoors)	Open!
Car & Truck Dealerships	Appointment only	Appointment only	Allowed	Allowed	Allowed	Open!
Automated & Mobile Service Providers	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Retail & Service	25% capacity	50% capacity	Allowed	Allowed	Allowed	Open!
Faith-based Services	25% capacity recommended	50% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Restaurants & Bars	Take-out or outdoor dining only Max group: 5	50% indoor capacity (max group: 4 indoor/15 outdoor)	50% indoor capacity (max group: 6 indoor/25 outdoor)	50% indoor capacity (Max group: 10 indoor/25 outdoor)	75% indoor capacity (Max group: 25 indoor/75 outdoor)	Open!
Museums, Gardens, Tours & Other Commercial Attractions	Outdoor areas only Max group: 5	50% indoor capacity (max group: 5 indoor/15 outdoor)	50% indoor capacity (max group: 5 indoor/25 outdoor)	50% indoor capacity (max group: 10 indoor/25 outdoor)	75% indoor capacity (max group: 25 indoor/75 outdoor)	Open!
Arcades & Bowling	Closed	25% capacity (max group: 5)	50% capacity (max group: 5)	50% capacity (max group: 10)	75% capacity (max group: 25)	Open!
Commercial Recreational Boating	25% capacity recommended	25% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Helicopter & Skydiving Tours	50% capacity recommended	50% capacity recommended	Allowed	Allowed	Allowed	Open!
Mass Transportation	50% capacity recommended	50% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Hair Salons, Nail Salons, & Barbershops	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Personal Care Services (tattoo, massage, waxing, piercing, etc.)	Outdoor only	Allowed	Allowed	Allowed	Allowed	Open!
Business Offices	Remote encouraged	Remote encouraged	Remote encouraged	Remote encouraged	Remote encouraged	Open!
Markets, craft fairs, etc.	Outdoor Only	Allowed	Allowed	Allowed	Allowed	Open!
Professionally organized receptions, meetings, and events at an official venue	5 indoor/10 outdoor w/restrictions	10 indoor/20 outdoor w/restrictions	20 indoor/40 outdoor w/restrictions	25 indoor/50 outdoor w/restrictions**	40 indoor/100 outdoor w/restrictions**	Open!
Indoor Movie Theaters	25% capacity	50% capacity	50% capacity	50% capacity	75% capacity	Open!
Drive-in Events	Allowed	Allowed	Allowed	Allowed	Allowed	Open!

*Max group sizes do not apply to individuals within the same household
**Please refer to the Kauai Business & Recreational Guidelines document for additional information.