

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

February 19, 2021

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on January 26, 2021, makes reference to County Communication 21-41, from Council Chair Alice L. Lee, relating to appointment and removal of administrative heads of departments.

By correspondence dated January 20, 2021, the Mayor transmitted a proposed resolution entitled "APPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY," and a copy of Mr. Martin's resume. The purpose of the proposed resolution is to approve the appointment of Andrew H. Martin as Prosecuting Attorney, in accordance with Section 8-3.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter").

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed resolution entitled "DISAPPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY." The purpose of the proposed resolution is to disapprove the appointment of Andrew H. Martin as Prosecuting Attorney, in accordance with Charter Sections 6-2(5) and 8-3.2.

Your Committee notes the position of Prosecuting Attorney has been vacant since December 4, 2020, upon the adoption of Resolution 20-172.

By correspondence dated January 25, 2021, the Mayor transmitted the County of Maui job description for the Prosecuting Attorney.

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Your Committee notes Section 2.14.110, Maui County Code, lists minimum qualifications for the position, including a Hawaii bar license; five years of legal practice, including three in criminal litigation; and three years of managerial and budget experience.

Your Committee notes Charter Section 8-3.2 provides that the Prosecuting Attorney be appointed by the Mayor with the approval of the Council. In addition, Charter Section 6-2(5) provides that the Council confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment will be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Mr. Martin as Prosecuting Attorney is March 21, 2021.

Your Committee interviewed Mr. Martin.

Mr. Martin acknowledged a team approach to accomplishing goals in the Department of the Prosecuting Attorney. He said he would implement an attorney training program. He plans to complete the renovation of the Children's Peace Center by the end of the year. His other ideas include a community outreach court to assist the homeless community and modernizing the office to improve workflow.

Since his appointment, Mr. Martin has served as Acting Prosecuting Attorney. Prior to his appointment, and as noted in his resume, Mr. Martin was the Second Deputy Prosecuting Attorney and Circuit Court Supervisor. He has been employed with the Department of the Prosecuting Attorney since February 2015. He oversees Deputy Prosecuting Attorneys in the Circuit Court, Family Court, Felony Screening, Appellate, and Vehicular Homicide, and Road Safety Units, including direct supervision of 16 trial attorneys. His law experience includes private practice on Maui from January 2011 to February 2015 with an emphasis on criminal defense. He has extensive legal experience since being admitted to the California bar in 2004 and Hawaii bar in 2005.

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Your Committee received voluminous oral and written testimony in unanimous support of Mr. Martin's appointment.

After reviewing Mr. Martin's experience and capabilities and giving due consideration to oral and written testimony, your Committee was satisfied Mr. Martin met the minimum qualifications for the Prosecuting Attorney position and recommended his appointment be approved. Your Committee was particularly impressed with Mr. Martin's work within the community to ensure justice for individuals, and a commitment to ensuring all employees in the Department of the Prosecuting Attorney are treated with respect and dignity.

Your Committee voted 9-0 to recommend adoption of the proposed resolution to approve the appointment and filing of the resolution to disapprove the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY," be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



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MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

## APPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY

WHEREAS, pursuant to Section 8-3.2 of the Charter of the County of Maui (1983), as amended, the prosecuting attorney shall be appointed by the Mayor with the approval of Council; and

WHEREAS, Mayor Michael P. Victorino hereby notifies Council of the appointment of Andrew H. Martin as prosecuting attorney and requests Council's approval; now, therefore,

BE IT RESOLVED by the Council of the County of Maui,

1. That it hereby approves of the appointment of Andrew H. Martin as prosecuting attorney; and
2. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND  
LEGALITY:

/S/ Richelle M. Thomson

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RICHELLE M. THOMSON  
Department of the Corporation Counsel  
County of Maui

# Resolution

No. \_\_\_\_\_

## DISAPPROVING THE APPOINTMENT OF ANDREW H. MARTIN AS PROSECUTING ATTORNEY

WHEREAS, by correspondence dated January 20, 2021, Mayor Michael P. Victorino notified the Council he appointed Andrew H. Martin as the Prosecuting Attorney, in accordance with Sections 6-2(5) and 8-3.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and


WHEREAS, Charter Section 8-3.2 states: "The prosecuting attorney shall be appointed by the mayor with the approval of the council"; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it disapproves the appointment of Andrew H. Martin as the Prosecuting Attorney; and
2. That a certified copy of this Resolution be transmitted to the Mayor.

**Resolution No.** \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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