

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

March 10, 2023

**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 February 21, 2023, and reconvened on February 22, 2023, makes reference to Resolution 23-37, entitled "APPROVING THE APPOINTMENT OF ANDREW MARTIN AS THE PROSECUTING ATTORNEY."

Resolution 23-37's purpose is to approve the appointment of Andrew Martin as 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 ("Charter").

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 13, 2023.

By correspondence dated January 12, 2023, the Mayor transmitted the County of Maui job description for the Prosecuting Attorney and a resume for the appointee.

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 years in civil litigation; and three years of managerial and budgetary experience.

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Your Committee received comments from the Mayor and Mr. Martin regarding the appointment before interviewing Mr. Martin.

The Mayor said Mr. Martin has been a Deputy Prosecuting Attorney for the County of Maui from 2005 to 2010 and 2015 to 2021, before being appointed as Prosecuting Attorney. The Mayor said Mr. Martin's experience in the private and public sector qualify him for the position.

Mr. Martin said, if confirmed, he hopes to continue to serve those affected by crime, including supporting the employees of the Department of the Prosecuting Attorney. He said he is proud of the vision and foundation he has laid out for the Department. He also said his priority is to foster confidence in the Department and criminal system through the effective and efficient prosecution of cases.

Your Committee expressed support for Mr. Martin's appointment.

Your Committee voted 9-0 to recommend adoption of Resolution 23-37. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye."

Your Committee notes the resolution required renumbering from Resolution 23-37 to Resolution 23-70.

Your Committee is in receipt of Resolution 23-70, CD1, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Resolution 23-70, CD1, as revised herein and attached hereto, entitled "APPROVING THE APPOINTMENT OF ANDREW MARTIN AS THE PROSECUTING ATTORNEY," be **ADOPTED**.

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



NOHELANI U'U-HODGINS, Chair

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Resolution

No. 23-70, CD1

APPROVING THE APPOINTMENT OF ANDREW MARTIN AS THE PROSECUTING ATTORNEY

WHEREAS, by letter dated January 12, 2023, Mayor Richard T. Bissen, Jr. notified the Council that he appointed Andrew Martin as the Prosecuting Attorney; and

WHEREAS, Charter Section 8-3.2 states that, "The prosecuting attorney shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council."; and

WHEREAS, Charter Section 6-2(5) requires that the Council confirm or deny the appointment within 60 days after receiving notice of the appointment by the Mayor; now, therefore,

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

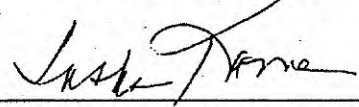
1. That it approves the appointment of Andrew Martin as the Prosecuting Attorney; and
2. That certified copies of this Resolution be transmitted to the Mayor and Managing Director.

APPROVED AS TO FORM AND LEGALITY



VICTORIA J. TAKAYESU
Acting Corporation Counsel
County of Maui
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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Lash Kame", written over a horizontal line.

Upon the request of the Mayor.