



# The County of Maui

Council Chamber  
200 South High Street, 8th  
Floor  
Wailuku, Hawaii 96793

## Legislation Details (With Text)

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| <b>On agenda:</b>     | 3/15/2019   | <b>Final action:</b> |  |
| <b>Title:</b>         | APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY) (GET-1(3))  |                      |  |
| <b>Sponsors:</b>      |   |                      |  |
| <b>Indexes:</b>       |   |                      |  |
| <b>Code sections:</b> |   |                      |  |
| <b>Attachments:</b>   | 1. Correspondence from Mayor 01-14-2019, 2. Resume - John Kim, 3. Revised resolution 01-16-2019, 4. Disapproval resolution 01-16-2019, 5. Correspondence from Acting Prosecuting Attorney 01-18-2019, 6. Financial Disclosure Statement, 7. Barbara Barry 01-21-2019, 8. Jeffery Tamas 01-23-2019, 9. Ronson Ibarra 01-23-2019, 10. Johann Smith 01-23-2019, 11. Kimberlyn Scott 01-23-2019, 12. Madge Schaeffer 01-23-2019, 13. Anonymous 01-23-2019, 14. Pamella Tumpap 01-28-2019, 15. Request for additional information 01-31-2019, 16. Joanne Hicks 02-02-2019, 17. Cody Nemet 02-04-2019, 18. Joel Katz 02-04-2019, 19. Mel Wildman 02-04-2019, 20. Councilmember Kama 02-13-2019, 21. Correspondence from County Clerk 02-27-2019, 22. Correspondence from Mayor 03-01-2019, 23. Correspondence to Corporation Counsel 03-04-2019, 24. Testimony from Timothy Tate 03-03-2019, 25. Correspondence from Corporation Counsel 03-04-2019, 26. Testimony from Leona Wilson 03-05-2019, 27. Testimony from Norma Barroga Cronkite 03-05-2019, 28. Testimony from Antonio V. Ramil 03-07-2019, 29. Testimony from Anonymous 03-06-2019, 30. Testimony from Don S. Guzman 03-08-2019, 31. Testimony from Mitch Tasaki 03-08-2019, 32. Testimony from Joseph Toma 03-09-2019, 33. Testimony from Cary Virtue 03-10-2019, 34. Testimony from Hermelina Lorenzo 03-10-2019, 35. Testimony from Glenn Pesenhofer 03-11-2019, 36. Testimony from Aiden Lee Velasco 03-11-2019, 37. Testimony from Tracie Takatani 03-11-2019, 38. Testimony from Erik Olson 03-11-2019, 39. Testimony from Brandon Paredes 03-11-2019, 40. Testimony from Elizabeth Ayson 03-11-2019, 41. Testimony from Simone C. Polak 03-11-2019, 42. Testimony from Gerald Poblete 03-11-2019, 43. Testimony from Matthew S. Kohm 03-11-2019, 44. Testimony from Graham Mottola 03-11-2019, 45. Testimony from Michael Di Rosario 03-11-2019, 46. Testimony from William Greenleaf 03-11-2019, 47. Testimony from Paula Phillips 03-11-2019, 48. Testimony from Nick Drance 03-12-2019, 49. Testimony from Elizabeth Ayson 03-12-2019, 50. Testimony from Susan Grubbs 03-12-2019, 51. Testimony from Jane Doe 03-12-2019, 52. Resume - Donald Guzman, 53. Testimony from Glenn Kosaka 03-08-2019, 54. Testimony from Michael Baskin 03-11-2019, 55. Testimony from Sydney Smith 03-11-2019, 56. Testimony from Sylvia Litchfield 03-12-2019, 57. Testimony from Mark Simonds 03-13-2019, 58. Testimony from Elizabeth Ayson 03-14-2019 |                      |  |

| Date | Ver. | Action By | Action | Result |
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### APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY) (GET-1(3))

The Committee is in receipt of the following:

1. Correspondence dated March 1, 2019, from the Mayor, transmitting a proposed resolution to approve the appointment of Donald S. Guzman as Prosecuting Attorney, pursuant to Charter Sections 6-2(5) and 8-3.2.
2. Correspondence dated March 4, 2019, from the Department of the Corporation Counsel, transmitting the following:

- a. A revised proposed resolution entitled “APPROVING THE MAYOR’S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY.” The purpose of the revised proposed resolution is to approve the Mayor’s appointment of Donald S. Guzman as Prosecuting Attorney. The revised proposed resolution incorporates the minimum qualifications for the position, as set forth in Section 2.14.110, Maui County Code, effective January 2, 2019, and nonsubstantive revisions.
- b. A proposed resolution entitled “DISAPPROVING THE MAYOR’S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY.” The purpose of the proposed resolution is to disapprove the Mayor’s appointment of Donald S. Guzman as Prosecuting Attorney, pursuant to Charter Sections 6-2(5) and 8-3.2.

The Council must confirm or deny the appointment by April 30, 2019, or the appointment will be deemed confirmed. The Committee may consider whether to recommend adoption of the revised proposed resolution approving the appointment or the proposed resolution disapproving the appointment, with or without further revisions. The Committee may also consider other related action.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees; or Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.