

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

February 16, 2007

**Committee**  
**Report No.**

07-5

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

Chair and Members:

Your Policy Committee, having met on January 30, 2007, makes reference to County Communication No. 07-36, from the Mayor, relating to the appointment of Benjamin M. Acob as the Prosecuting Attorney.

By correspondence dated January 23, 2007, the Department of the Corporation Counsel transmitted a proposed resolution entitled "APPROVING THE APPOINTMENT OF BENJAMIN M. ACOB AS THE PROSECUTING ATTORNEY". The purpose of the proposed resolution is to approve the appointment of Benjamin M. Acob as the Prosecuting Attorney.

By correspondence dated January 26, 2007, Gail Tamanaha submitted written testimony in support of Mr. Acob's appointment.

By separate correspondence dated January 29, 2007, Peter A. Hanano, Michael H. Lau, and the Chief of Police submitted written testimony in support of Mr. Acob's appointment.

Your Committee notes that "within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the corporation counsel and prosecuting attorney with written notice of the appointment to the council", pursuant to Section 6-2(5) of the Revised Charter of the County of Maui (1983), as amended (Charter).

Your Committee further notes that "the council shall confirm or deny the confirmation within sixty (60) days after receiving notice of the appointment by the mayor", pursuant to Section 6-2(5) of the Charter.

Your Committee further notes that the Council must approve or disapprove the appointment by March 12, 2007, or the appointment will be deemed approved.

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Your Committee further notes 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”, pursuant to Section 8-3.2 of the Charter.

At its meeting, your Committee met with the Mayor, the Acting Prosecuting Attorney, and the First Deputy Corporation Counsel.

There was no public testimony.

Your Committee received written testimony from Artemio Baxa in support of Mr. Acob’s appointment.

The Mayor stated that Mr. Acob was deserving of the position based on his years of government experience in the Department of the Prosecuting Attorney. She added that the Council should already be familiar with the work he has done for the County.

In his opening remarks, Mr. Acob noted his 19½ years of law experience, of which 15 years have been in prosecution. As a First Deputy Prosecuting Attorney for the last 10 years, he has worked in each division of the Department and is aware of each division’s duties. He noted that this experience has allowed him to work collaboratively with various agencies in the community. He added that the values instilled in him during his upbringing will help to maintain an effective and efficient department.

Mr. Acob stated that, if he is confirmed, he would continue to maintain partnerships with various departments and community agencies. He further stated that he would focus on the Department’s effectiveness by requesting additional staff and resources. In addition, he would focus on prevention efforts such as restoring the community prosecutor programs in South Maui, and possibly Wailuku or Paia.

After much discussion, your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Policy Committee **RECOMMENDS** the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled “APPROVING THE APPOINTMENT OF BENJAMIN M. ACOB AS THE PROSECUTING ATTORNEY”, be **ADOPTED**; and

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2. That County Communication No. 07-36 be FILED.

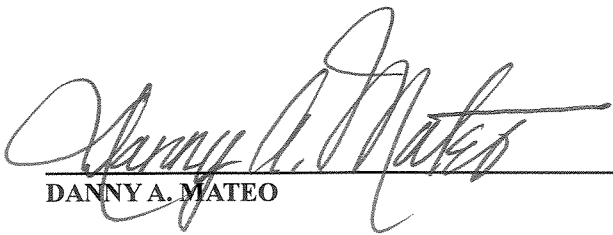
Adoption of this report is respectfully requested.

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DANNY A. MATEO Chair

BILL KAUAKEA MEDEIROS Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

MICHELLE ANDERSON Member

JOSEPH PONTANILLA Member

GLADYS C. BAISA Member

MICHAEL P. VICTORINO Member

JO ANNE JOHNSON Member

# Resolution

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

APPROVING THE APPOINTMENT OF  
BENJAMIN M. ACOB AS THE  
PROSECUTING ATTORNEY

WHEREAS, by letter dated January 8, 2007, Mayor Charmaine Tavares notified the Council that she appointed Benjamin M. Acob as the Prosecuting Attorney, pursuant to Sections 6-2(5) and 8-3.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty (60) days after receiving notice of the appointment by the mayor; and

WHEREAS, Charter Section 8-3.2 states that "[t]he prosecuting attorney shall be appointed by the mayor with the approval of the council"; now, therefore,

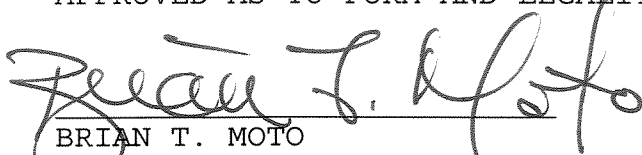
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of Benjamin M. Acob as the Prosecuting Attorney; and

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

2. That certified copies of this resolution be transmitted to the Mayor, the Managing Director, and the Prosecuting Attorney.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Brian T. Moto", written over a horizontal line.

BRIAN T. MOTO  
Acting Corporation Counsel  
County of Maui