



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, JULY 15, 2021 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:** July 8, 2021
July 13, 2021
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:** June 17, 2021 Regular Meeting
- V. OLD BUSINESS**
 - A. Judiciary FY21 Remittances pursuant to P.L. 35-099
 - B. Update on the Judiciary's Response to COVID-19
 - C. Update on Capital Improvement Projects
 - D. JC Resolution Relative to Proposed Rescindment of JC20-028
- VI. NEW BUSINESS**
 - A. JC Resolution Relative to Proclaiming the Week of July 18-24 as Pretrial, Probation, and Parole Supervision Week
 - B. Notice of Next Meeting (August 19, 2021)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
 - A. Guam Bar Association – President's Report
- IX. ADJOURNMENT**

GDOE employee tests positive; COVID-19 vaccine not required

By Jolene Toves
jolene@postguam.com

Roughly 70% of Guam Department of Education employees are vaccinated against COVID-19 but that doesn't mean positive cases won't be seen at GDOE schools.

On Tuesday, the Joint Information Center reported one employee at D.L. Perez Elementary school tested positive for COVID-19. That raised the total number of COVID-19-positive GDOE employees since the start of the pandemic to 135.

The recent case marks the third GDOE employee who tested positive for the virus that causes COVID-19 during the Summer School program which began in June. GDOE officials reported two positive cases in the first week of summer school.

There are 5,800 students enrolled in summer school, attending face-to-face instruction, four days a week. Previously students attended school once a week limiting the risk of exposure to COVID-19 on campus.

With an increase in instructional days, there is more opportunity for transmission, a scenario GDOE has planned for as students will soon be in school five days a week.

Part of that plan included contact tracing, quarantine and online learning in cases when closure is necessary on a larger scale.

The positive cases seen this summer



SKIN TEST: Guam Department of Education school nurse Manny Dela Pena, left, administers a tuberculosis skin test to a student during an immunization outreach clinic at the Tiyan High School campus on Feb. 16. GDOE schools will continue to require masks but not COVID-19 vaccination. Post file photo

have given GDOE the opportunity to test parts of its approach.

"Yes, we've been able to test out our approach. However, we haven't had to shut down any schools or switch them to online learning because what we've seen and what's reassuring is that our existing protocols continue to indicate no spread of the virus within the school setting even as we identify cases," Fernandez said.

The success is something the department can celebrate.

"Because of the low positivity and the low number of cases in the community and because even as we've gone into summer school we have seen a continued safe environment for

students and employees I think that gives us confidence that reopening can happen safely," Fernandez said.

Last week, Fernandez addressed talk about requiring employees and students to vaccinate, indicating that Gov. Lou Leon Guerrero and the Department of Public Health and Social Services were researching the possibility.

He said they had until today to make a decision in time for it to be implemented prior to the start of the school year on Aug. 12.

While federal law permits employee vaccination mandates in workplaces, Krystal Paco-San Agustin, the governor's communications director

said, there were no federal or local mandates requiring student vaccination prior to the school year.

Mask-wearing will continue, vaccination not mandatory

Paco-San Agustin said, if the governor would mandate it, families would be given ample notice.

However, it appears that may not be any time in the near future.

"It appears that in their research that they are not recommending a mandate, especially while the vaccines are only under emergency use authorization and so I think that conversation puts an end to that conversation for now," said Fernandez.

The conversation may be revisited after the vaccines have received full authorization and FDA approval.

"That means we are going to continue to rely on voluntary vaccination and promoting vaccination as a strategy amongst our employees and kids but that mandatory vaccination that we discussed isn't something that will happen in the near term," Fernandez said.

GDOE is working with Public Health and private clinics on the island to offer vaccination and immunization outreach opportunities to students prior to the coming school year. The dates and times will be released when confirmed.

But as the department pushes for vaccination, Fernandez stressed that the masks will remain a requirement.

"We worked with the governor and we anticipate the face mask mandate to continue. Even she lifts it for the island, at this particular point and time, we expect to continue the face masks mandate within our schools," Fernandez said.

Wendy's Barrigada reopens drive-thru after employees test COVID-19-positive

The dining room was still closed Wednesday afternoon, but Wendy's Barrigada reopened the drive-thru following some of its workers

having confirmed cases of the novel coronavirus.

"The health, safety and well-being of our employees and community are our priorities. We were informed that three employees at our Barrigada location tested positive for COVID-19 through contact tracing," the company said in a released statement.

The local Wendy's franchise is "supporting" the three infected


employees, who are currently in quarantine and receiving care and treatment. The Department of Public Health and Social Services has been consulted, and other workers identified as close contacts have been asked to produce a negative test result for COVID-19 before returning to work.

"Our store temporarily closed yesterday for additional deep clean-

ing and sanitizing of the work areas and common spaces. This morning, we voluntarily closed for breakfast to allow staff to get tested," the company stated Wednesday.

Wendy's Guam said it will try to minimize disruption in hours of operations for its Barrigada location, and thanked its customers for their patience and understanding.

(Daily Post Staff)



JUDICIAL COUNCIL OF GUAM

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www.guamcourts.org

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION

The Judicial Council of Guam will conduct its monthly meeting on **Thursday, July 15, 2021, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, by videoconference.** A monitor will be set up for any members of the public who would like to observe and offer comments. The meeting will also be streamed live on YouTube at <https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4Q4g/featured>

The agenda will be made available prior to the meeting.

In addition, a request for Executive Session of the Judicial Council of Guam will be made pursuant to 5 G.C.A. §8111(c)(4) following the discussion of regular meeting agenda items. The agenda for the Executive Session will be to discuss ongoing litigation.

Any person(s) needing special accommodations, auxiliary aids or services, please contact the Administrator of the Courts at 475-3544, or Petrina M. Ula at 475-3413.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



GUAM ECONOMIC DEVELOPMENT AUTHORITY
590 S. MARINE CORPS, DR. SUITE 511 ITC BLD TAMUNING, GUAM 96913
TEL (671) 647-4332 FAX (671) 649-4146 www.investguam.com

NOTICE OF REGULAR BOARD MEETING

The Guam Economic Development Authority (GEDA), a public corporation, will be holding its Regular Board of Directors meeting on

Thursday, July 15, 2021 at 1:30PM

via Zoom and in the GEDA conference room located in Suite 511, 5th Floor, International Trade Center (ITC) Building, 590 South Marine Corps Drive, Tamuning, Guam.

For the link request or for persons requiring special accommodations, please contact GEDA's coordinator, Jennifer Calvo-Guzman, at 647-4332 or at jennifer.calvo@investguam.com by July 14, 2021.

Pursuant to PL 26-12, funding for this ad was paid by GEDA General Fund.

/s/ MELANIE MENDIOLA,
GUAM ECONOMIC DEVELOPMENT AUTHORITY CEO/ADMINISTRATOR

Study: A handful of cities driving urban greenhouse gas emissions

By Emma Rumney and Isla Binnie
Reuters

LONDON/MADRID — Just 25 big cities – almost all of them in China – accounted for more than half of the climate-warming gases pumped out by a sample of 167 urban hubs around the world, an analysis of emissions trends showed on Monday.

In per capita terms, however, emissions from cities in the richest parts of the world are still generally higher than those from urban centers in developing countries, researchers found in the study published in the *Frontiers* journal.

The study compared greenhouse gas emissions reported by 167 cities in 53 countries, and found that 23 Chinese cities – among them Shanghai, Beijing and Handan – along with Moscow and Tokyo accounted for 52% of the total.

It included more cities from China, India, the United States and the European Union because of their larger contribution to global emissions and significance to the climate debate.



CHINA: A woman wearing a mask walks past buildings on a polluted day in Handan, Hebei province, China, on Jan. 12, 2019. Reuters file photo

The findings highlighted the significant role cities must play in reducing emissions, said study co-author Shaoqing Chen, an environmental scientist at Sun Yat-sen University in the southern Chinese city of Guangzhou.

"It is simple, logical," he said. "If you don't act, eventually you will suffer from (climate change)," he said.

Average global temperatures have already risen by more than 1 degree Celsius compared to the pre-industrial baseline and are still on track to exceed

the 1.5-2 degree limit set by the Paris Agreement.

Chen and other scientists cautioned, however, that some of the data available for use in their study was patchy, with some cities reporting numbers from as far back as 2005.

A lack of consistency in how cities report emissions also makes comparisons tricky, they added.

Emissions reduction targets

Research published in 2018 in the *Environmental Research Letters* journal

analyzed a much larger sample of 13,000 cities, big and small, finding 100 cities containing 11% of the world's population drove 18% of its carbon footprint.

Still, the new analysis "contributes to the growing literature and our understanding of urban emissions," said Yale University Geography and Urban Science professor Karen Seto, who co-authored the 2018 paper.

"It's really difficult to compare apples to apples on city greenhouse gas emissions but you have to try, and the paper makes a pretty good effort," added Dan Hoornweg, a professor at Ontario Tech University and former adviser to the World Bank on sustainable cities and climate change.

Chen said the new analysis was the first to look at megacity emissions reduction targets and progress in cutting back.

Sixty-eight of the cities – mostly in developed nations – had set absolute emissions reduction targets.

But only 30 of the 42 cities where progress was tracked in the study had shown a reduction. Most of them were in the United States and Europe.

The analysis confirms scientists' expectations that whereas in China, cities with high per capita emissions are generally major manufacturing hubs, those in developed nations with the highest per capita rates tend to have strong levels of consumption.

NKorea dismisses US aid as 'sinister political scheme'

SEOUL (Reuters) — U.S. humanitarian aid is a "sinister political scheme" to put pressure on other countries, a North Korean researcher said, after suggestions from U.S. allies such as South Korea that coronavirus vaccines or other help could promote cooperation.

North Korea's foreign ministry published the criticism of U.S. aid on an official website on Sunday, a clear indication that it reflects government thinking.

Kang Hyon Chol, identified as a senior researcher at the ministry-affiliated Association for the Promotion of International Economic and Technological Exchange, listed a series of examples from around the world that he said highlight a U.S. practice of linking aid to its foreign policy goals or pressure on human rights issues.



FLAGS: U.S. and North Korean national flags are seen at the Capella Hotel on Sentosa island in Singapore, on June 12, 2018. Jonathan Ernst/Reuters

"This vividly reveals that the American ulterior intention of linking 'humanitarian assistance' with 'human rights issue' is to legitimize their pressure on the sovereign states and achieve their sinister political scheme," Kang wrote.

Among the examples he listed was declining American assistance to the government in Afghanistan, where the United States is due to withdraw the last of its troops in coming weeks.

"In actual practice, many countries have undergone bitter tastes as a result of pinning much hope on the American 'aid' and 'humanitarian assistance,'" Kang said.


American officials have said they are supportive of humanitarian aid to North Korea but that no efforts are

underway to provide direct assistance.

South Korea has vowed it would provide coronavirus vaccines if requested, and some analysts have argued that such foreign aid could provide an opening to resume diplomatic talks with the North, which has rebuffed most overtures from Seoul and Washington since 2019.

South Korea's unification ministry, which handles relations with the North, noted the article was not an official statement and said it would continue to seek ways to cooperate with Pyongyang to ensure health and safety in both Koreas.

North Korea has shown no public signs of interest in aid from South Korea or the United States, though it has accepted at least limited assistance from China and Russia.



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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman



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**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, JUNE 17, 2021
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
And via Videoconference**



Hon. F. Philip Carbullido
Chairman

Hon. Katherine A. Maraman
Member

Hon. Robert J. Torres
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Arthur R. Barcinas
Member



Advisory Committee Members:

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky



Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
Petrina Ula

Judicial Council Asst. Secretary:
Shelterihna T. Alokoa

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice F. Philip Carbullido, at the hour of 12:00 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido (calling in from the Judiciary)
Justice Robert J. Torres (calling in from off island)
Justice Katherine A. Maraman (calling in from Sinajana)
Presiding Judge Alberto C. Lamorena III (calling in from off island)
Judge Arthur R. Barcinas (calling in from the Judiciary)

Advisory Committee Members:
Family Court Referee Linda L. Ingles
Attorney Jacqueline C. Terlaje

Also, Present:
Ms. Kristina L. Baird, Administrator of the Courts (AOC)
Mr. Robert S. Cruz, Deputy Chief Administrator
Ms. Alicia A.G. Limtiaco, DPPCR
Mr. Andrew Sergio Quenga, Staff Attorney, Judiciary of Guam
Mr. Daniel Mensching, Staff Attorney, Judiciary of Guam
Ms. Dawn R. Blas, Judicial Educator
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Danielle T. Rosete, Clerk of Court, Superior Court
Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court
Ms. Barbara Jean T. Perez, Human Resources Administrator
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator

Mr. Carl V. Dominguez, Procurement & Facilities Management Administrator
Ms. Virginia W. Yasuhiro, Client Services and Family Counseling Division Administrator
Ms. Geraldine A. Cepeda, Compiler of Laws/Law Library Executive Director
Ms. Marcelene C. Santos, Public Guardian
Mr. Robert John S. Rabago, Management Information Systems Administrator
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Management Administrator
Ms. Carmelita G. Tenorio, Court Reporters Unit, C&M Division
Mr. Nibert C. Mendiola, MIS, retired
Ms. Denise J. Mendiola, Probation Division
Ms. Jessica Perez-Jackson, Administrative Service Officer
Ms. Shelterihna T. Alokoa, Judicial Assistant, Assistant Secretary
Ms. Petrina M. Ula, Judicial Assistant, Executive Secretary
Public Access in the Atrium

*Note: All individuals listed above participated via video conference as per social distancing directives.

II. PROOF OF DUE NOTICE OF MEETING

Due publication of the five-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, were published in the Guam Daily Post. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Carbullido began the roll call. Chief Justice F. Philip Carbullido, Associate Justice Robert J. Torres, and Presiding Judge Alberto C. Lamorena III identified themselves and their location over videoconference. With three (3) Judicial Council members present, a quorum was determined for this meeting. Justice Katherine A. Maraman joined the meeting at 12:05 p.m. Judge Arthur R. Barcinas later joined at 12:40 p.m.

IV. READING AND DISPOSAL OF MINUTES: May 20, 2021 Regular Meeting

Presiding Judge Lamorena moved to approve the May 20, 2021 Regular Meeting minutes, subject to correction. Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. With no discussion, the three (3) Judicial Council members voted in favor; the minutes were approved.

V. OLD BUSINESS

A. Judiciary FY21 Remittances under PL 35-099

Ms. Dianne Gudmalin, Finance Administrator (F.M.D.), reported that the Judiciary's scheduled bi-weekly allotment of \$1,132,491 for FY21 have been consistently received in full and on time. She stated that from the \$29,444,760 appropriated to the Judiciary, 73% or \$21,517,329 has been received. Ms. Gudmalin added that the last allotment was received on June 15, 2021; the next distribution is scheduled for June 29, 2021.

Ms. Gudmalin announced the Judiciary's FY22 Budget Hearing is scheduled for July 9, 2021, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building. She noted, due to the pandemic and CDC social distancing guidelines, the Office of Finance and Budget will only allow up to four (4) Judiciary employees to appear in person.

Chief Justice Carbullido added that the Budget Preparation Committee, which includes Justice Torres and Presiding Judge Lamorena, continues to meet regularly to assist Ms. Baird and Ms. Gudmalin with preparations for the upcoming budget hearing.

B. Update on the Judiciary's Response to COVID-19

Ms. Kristina Baird, Administrator of the Courts (AOC), reported the Judiciary's Response to COVID-19 includes continued sanitization of facilities, use of virtual platforms, and compliance with the CDC guidelines for social distancing using high-capacity courtrooms. She explained that the Judiciary resumed use of a contracted janitorial vendor to deep clean and sanitize all facilities three (3) times per week because of the increase in jury trial activity. The Procurement, Facilities, and Maintenance Division (PFMD) staff augments the vendor's efforts to sanitize with daily cleaning of all facilities, Ms. Baird added. She stated the Superior Court judges are addressing the case backlog through the use of the high-capacity courtrooms. Ms. Baird announced the Judiciary will be leasing the Academy of Our Lady of Guam (AOLG) cafeteria for three (3) weeks in July 2021 to accommodate large jury selections.

Ms. Baird noted that the CARES Act funding ended on December 31, 2020, however, the Judiciary continues to bill the Department of Administration (DOA) and the Bureau of Budget and Management Research (BBMR) for expenses attributable to the pandemic, including the sanitization and construction of high-capacity courtrooms.

Ms. Baird stated the Judiciary submitted written testimony to the 36th Guam Legislature supporting Resolution 93-36 which identified a proposed \$10,000,000 in American Rescue Plan (ARP) funds to be allocated to the Judiciary. She added the written testimony, which was provided to the Council in the meeting packet, sets out the Judiciary's funding priorities.

****At 12:05 p.m., Chief Justice Carbullido asked Council if item A. under New Business could be discussed at this time. There was no objection. He began a discussion of Agenda Item VI. A.**

Chief Justice Carbullido introduced the agenda item commending Mr. Nobert C. Mendiola for his 28 years of service to the Judiciary of Guam. Mr. Mendiola was brought forward and his division head, Mr. Robert Rabago, and each Council member shared thanks and accolades. Mr. Mendiola thanked the Council members and the Kotte family for their support throughout his career at the Judiciary.

C. Update on Capital Improvement Projects

Ms. Baird (AOC), reported on three (3) ongoing Capital Improvement Projects (CIP): the MIS move from the 8th judge's courtroom, the Route 4 and San Ramon building high-capacity courtrooms, and selection of an architect and engineering firm to design and renovate the 8th judge's courtroom and the Guam Historic Courthouse Building.

Ms. Baird reported the MIS division has moved out of the 8th judge's courtroom clearing the way for demolition to begin this weekend (June 20-21,2021). She stated all demo work will be done over the weekend, to not interfere with court business.

Ms. Baird explained the Route 4 and San Ramon building continue to be utilized as temporary high-capacity courtrooms to address the case backlog.

Ms. Baird stated that a Notice of Intent to Award has been posted; said notice will announce which architect and engineering firm has been awarded the contract to design and renovate the 8th judge's courtroom and the Guam Historic Courthouse Building. She added the contract will be finalized and forward movement on the renovation projects will be swift.

Ms. Baird reported there are no changes to the information provided in an update on the balance of the Bank of Guam drawdowns since the May 20, 2021 Council meeting.

Presiding Judge Lamorena thanked Ms. Baird and PFMD for addressing the audio issues at the Route 4 Building and requested the building be set aside for jury selection since it can accommodate up to eighty (80) jurors per selection.

D. Discussion re Proposed Rescindment of JC20-028

Chief Justice Carbullido again shared a proposed resolution Relative to Rescinding Judicial Council Resolution No. JC20-028 and Amending the Increment Schedule for the Attorney Pay Plan (APP). He stated Council deferred the resolution pending updates regarding ARP funding and the Judiciary's FY22 budget. Chief Justice Carbullido noted, as reported previously by Ms. Gudmalin and Ms. Baird in the meeting, there are no updates.

Justice Maraman recommended tabling the matter for thirty (30) days. There was no objection.

Chief Justice Carbullido pointed out he withdrew the proposed resolution relative to the Judicial Officers pay adjustment freeze.

VI. NEW BUSINESS

A. Certificate of Commendation: Nobert C. Mendiola

****See page 4**

B. JC Resolution Relative to Adopting the Revised Code of Conduct

Ms. Barbara Jean Perez, Human Resources Administrator (HR) and Mr. Andrew Sergio Quenga, Staff Attorney, recounted the development and progression of the Revised Code of Conduct (revised Code) before the Council today for adoption. Ms. Perez added the revised Code lines up with the Judiciary's core values of professionalism, integrity, and excellence, and is also in line with the JOG's vision and mission statement. She stated, as a source document, it clearly defines the duties, responsibilities, and expectations of Judicial employees consistent with Guam Law and court policies. Ms. Perez explained that if the Council acts on the proposed JC Resolution Relative to Adopting the Revised Code of Conduct, HR plans to distribute the revised Code court wide, requiring receipt acknowledgement from each employee, and to provide training of the revised Code as part of the upcoming Judiciary Ethics Academy. Attorney Quenga thanked the employees who attended the Question-and-Answer sessions and provided feedback as part of the development of the revised Code. He stated the feedback received from employees were included in the black marked copy of the revised Code attached to the Resolution as Exhibit A.

Justice Torres moved to adopt the Resolution; Presiding Judge Lamorena seconded the motion. Justice Maraman moved to amend the Resolution to insert an effective date of September 1, 2021; Presiding Judge Lamorena seconded the motion to amend. Chief Justice Carbullido called an oral vote. All Council members voted in favor of amending the Resolution Relative to Adopting the Revised Code of Conduct to include the effective date of September 1, 2021. Ms. Perez and Attorney Quenga thanked Justice Maraman for recognizing the need to include an effective date and agreed that September 1, 2021, allows the HR team the time needed to disseminate the revised Code and educate employees. **Chief Justice Carbullido called an oral vote. All Council members voted in favor of the Resolution Relative to Adopting the Revised Code of Conduct as amended.**

Chief Justice Carbullido commended the HR division and the staff attorneys for the tremendous effort put forth to revise the Judiciary's Code of Conduct.

C. JC Resolution Relative to Ratifying the Approval of the Modification Agreement to the 2020 Bank of Guam Credit Agreement

Chief Justice Carbullido stated Ms. Baird approached the Bank of Guam asking to extend the drawdown period for the proceeds from the loan by one (1) year, increasing the period from two (2) years to three (3) years. He added that it is essential to do this because the Judicial Building Fund (JBF) revenue collections are lagging compared to pre-COVID-19 collections. Second, because COVID-19 has delayed Master Plan construction projects, drawdowns from the loan have likewise been delayed. As previously reported by Ms. Baird, there have been only two (2) drawdowns: \$4,800,000 to refinance the outstanding balance, and the other to purchase the San Ramon building, the Chief Justice noted.

Presiding Judge Lamorena moved to adopt the Resolution; Justice Torres seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor of the Resolution Relative to Ratifying the Approval of the Modification Agreement to the 2020 Bank of Guam Credit Agreement.

D. Notice of Next Meeting (July 15, 2021)

Chief Justice Carbullido announced that the next Judicial Council regular meeting would be on Thursday, July 15, 2021.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

A. Guam Bar Association Board (GBA) – President’s Report

Attorney Jacqueline C. Terlaje reported the GBA is providing at least four (4) CLE credit opportunities over the summer term to the membership. She stated the GBA is co-sponsoring with the District Court of Guam a LGBTQ issues webinar on June 29, 2021. She added that a webinar that addresses cannabis issues and ethics would be held in September 2021 via Zoom. She noted that more information about the events will be sent out the membership as more details are finalized.

*****At 12:40 p.m. Chief Justice Carbullido called for a recess to begin Executive Session to discuss ongoing litigation matters as requested in a memo to the Judicial Council from Staff Attorney Andrew Sergio Quenga. The Executive Session was held in a Zoom breakout room.**

******At 12:41 p.m. Justice Maraman motioned to move to Executive Session; Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor.**

IX. EXECUTIVE SESSION


Chief Justice Carbullido, Justice Torres, Justice Maraman, Presiding Judge Lamorena, Judge Barcinas, AOC Kristina L. Baird, Staff Attorney Andrew Serge Quenga, DPPCR Alicia Limtiaco, Staff Attorney Daniel Mensching, Court Reporter Carmelita Tenorio, and Council Executive Secretary Petrina Ula were present during the Executive Session.


*****At 1:13 p.m., Chief Justice Carbullido moved to rise to regular session. The public meeting of the Judicial Council resumed. Chief Justice Carbullido stated no decision needs to be made in Regular Session due to convening in Executive Session and that the Executive Session was for information purposes only regarding pending or impending litigation. The Executive Session minutes will be published on the Judiciary's website and on file for public access.

X. ADJOURNMENT

The meeting was adjourned at 1:14 p.m.

Respectfully submitted this 15th day of July 2021.


SHELTERINA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam


PETRINA M. ULA.
Executive Secretary,
Judicial Council of Guam

The Minutes of the June 17, 2021 Regular Meeting as set out above were approved by the Judicial Council at the July 15, 2021 Regular meeting.


F. PHILIP CARBULLIDO
Chairman

Dated: 7-15-2021



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC21-

**RELATIVE TO RESCINDING JUDICIAL COUNCIL RESOLUTION NO. JC20-028
AND AMENDING THE INCREMENT SCHEDULE FOR THE ATTORNEY PAY PLAN**

WHEREAS, pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to set salaries of non-judicial, unclassified employees of the Judicial Branch consistent with the Guam Competitive Wage Act of 2014; and

WHEREAS, on September 17, 2020, the Judicial Council approved Resolution No. JC20-028 which froze any salary increases or increments for unclassified employees that would result in a salary being greater than the lowest salary earned by any Judicial Officer; and

WHEREAS, the Judicial Council now desires to rescind Resolution No. JC20-028 and amend the 2014 Classification & Compensation Implementation Policy and Procedures relative to the increments of Judiciary attorneys, and the Judiciary of Guam Attorney Pay Plan, to provide for a more equitable increment schedule at higher ranges while capping such increments below the lowest salary earned by any Superior Court Judge.

NOW THEREFORE BE IT RESOLVED, that Judicial Council Resolution No. JC 20-28 is rescinded.

BE IT FURTHER RESOLVED, that Section V.4 of the 2014 Classification & Compensation Policy is amended as follows:

ATTORNEYS

- a. Attorney Levels 1-4. Upon satisfactory review, Attorneys ~~in levels at Levels 1-4~~ Steps 1 through 6 shall be entitled to a salary increment after twelve (12) months, and Steps 7 through 9 after eighteen (18) months. Attorneys at Levels 1-4 Step 10 or above shall receive an increment after twenty-four (24) months with a 3.1% increase upon satisfactory review.
- b. Attorney Level 5. Upon satisfactory review, Attorneys at Level 5, Steps 1 through 6 shall be entitled to a salary increment after twelve (12) months, and Steps 7 and 8 after eighteen (18) months. Attorneys at Level 5 Step 9 or above shall receive an increment after twenty-four (24) months with a 3.1% increase upon satisfactory review.

RESOLUTION NO. JC21-
RELATIVE TO RESCINDING JUDICIAL COUNCIL RESOLUTION NO. JC20-028
AND AMENDING THE INCREMENT SCHEDULE FOR THE ATTORNEY PAY PLAN
Page 2

- c. However, an increase or increment shall be frozen if such increase or increment will result in a salary that exceeds the lowest salary earned by a Superior Court Judge. If the lowest salary earned by a Superior Court Judge is increased, the increase or increment to the attorney's salary shall be adjusted accordingly with no retroactive pay.

BE IT FURTHER RESOLVED, that the amendments herein shall be effective *nunc pro tunc* to October 1, 2020.

DULY ADOPTED this 20th day of May 2021 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: _____



BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-028

RELATIVE TO SALARIES OF UNCLASSIFIED EMPLOYEES

WHEREAS, pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to set salaries of non-judicial, unclassified employees of the Judicial Branch consistent with the Guam Competitive Wage Act of 2014; and

WHEREAS, on October 19, 2017, the Judicial Council adopted Judicial Council Resolution JC17-024, *Relative to Adjusting Judicial Officer Salaries*, which set the annual salary for the position of Judge of the Superior Court (other than the Presiding Judge) at \$139,777; and

WHEREAS, 7 GCA § 4401(b)(8) provides that "[a] magistrate shall . . . receive a salary *no greater than* ninety percent (90%) of a Judge who is *not* the Presiding Judge." (emphasis in original); and

WHEREAS, under the aforementioned JC17-024 and 7 GCA § 4401(b)(8), Magistrate Judges of the Superior Court currently earn a salary of \$125,799; and

WHEREAS, on July 17, 2014, the Judicial Council in Resolution No. JC14-016 adopted the pay scales and salary increases included in the Competitive Wage Act of 2014 for classified and unclassified, non-law enforcement employees of the Judiciary; and

WHEREAS, the current staffing pattern allows unclassified non-Judicial Officers to continuously receive salary increments and ultimately earn salaries higher than those earned by Judicial Officers;

NOW, THEREFORE, BE IT RESOLVED that salary increases or increments for any unclassified employee shall be frozen if such an increase or increment would result in the unclassified employee's salary being an amount greater than the lowest salary earned by any Judicial Officer.

BE IT FURTHER RESOLVED, that if the lowest salary earned by any Judicial Officer is increased, the increase or increment to an unclassified employee's salary affected by the freeze herein shall be adjusted accordingly at such time with no retroactive pay.

DULY ADOPTED this 17th day of September, 2020 at a duly noticed meeting of the Judicial Council of Guam.

A handwritten signature in black ink, appearing to read "F. Philip Carbullido".

F. PHILIP CARBULLIDO, Chairman

Dated: SEPTEMBER 17, 2020

ATTEST:

A handwritten signature in black ink, appearing to read "Petrina M. Ula".

Petrina M. Ula, Executive Secretary

Dated: SEPTEMBER 17, 2020



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 21-015

RELATIVE TO PROCLAIMING THE WEEK OF JULY 18-24 AS PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK

- WHEREAS,** community corrections, which includes the work of pretrial services, probation, and parole, is an essential part of the justice system; and
- WHEREAS,** Probation Officers as community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe guarded from criminal activity; and
- WHEREAS,** Probation Officers are responsible for supervising adult and juvenile offenders in the community; and
- WHEREAS,** Probation Officers are trained professionals who provide services and referrals for offenders; and
- WHEREAS,** Probation Officers collaborate with other local and federal community corrections professionals and work in partnership with community agencies and groups; and
- WHEREAS,** Probation Officers promote prevention, intervention, and advocacy; and
- WHEREAS,** Probation Officers provide services, support, and protection for victims; and
- WHEREAS,** Probation Officers advocate community and restorative justice; and
- WHEREAS,** Probation Officers are agents of change and work towards the goal of rehabilitation utilizing evidence-based programs and effective supervision to enhance justice-involved individuals' – both youth and adults – ability to be positive and engaged citizens who make meaningful contributions to our island; and
- WHEREAS,** Probation Officers have been an integral part of the Judiciary of Guam since the 1970's and they keep the courts informed of the conduct and condition of each probationer under their supervision.

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council does hereby recognize the week of July 18-24, 2021 as: Pretrial, Probation, and Parole Supervision Week and honor our Probation Officers and recognize their achievements.

DULY ADOPTED this 15th day of July 2021 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: _____

7-15-2021

ATTEST:

Petrina M. Ula, Executive Secretary

Dated: _____

7/15/21