



# JUDICIAL COUNCIL OF GUAM

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Hon. F. Philip Carbullido,  
Chairman

Hon. Frances Tydingco-Gatewood,  
Member

Hon. Robert J. Torres,  
Member

Hon. Alberto C. Lamorena, III,  
Member

Hon. Katherine A. Maraman  
Member

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Advisory Committee Members:

Hon. Steven S. Unpingco

Hon. Michael J. Bordallo

Hon. Elizabeth Barrett-Anderson

Hon. Anita A. Sukola

Atty. Rodney Jacob

Atty. William J. Blair

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Administrator of the Courts:

Mr. Perry C. Taitano

## JUDICIAL COUNCIL OF GUAM

### Regular Meeting

May 19, 2005, 12 Noon, Thursday

Justice Monessa G. Lujan Appellate Courtroom  
3<sup>rd</sup> Floor, Supreme Court, Guam Judicial Center

### MINUTES

#### **I. CALL TO ORDER**

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice F. Phillip Carbullido, at the hour of 12:15 p.m.

#### **II. PROOF OF DUE NOTICE OF MEETING**

Due publication of the five-day and two-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, were published with the Pacific Daily News. Acknowledgment on file.

#### **III. DETERMINATION OF QUORUM**

The Chairman called for roll call:

Present:

Chief Justice, F. Philip Carbullido, Chairman  
Justice Frances Tydingco-Gatewood  
Justice Robert J. Torres  
Presiding Judge Alberto C. Lamorena, III  
Judge Katherine A. Maraman

Advisory Committee Members Present:

Judge Steven S. Unpingco  
Judge Anita A. Sukola  
Judge Arthur R. Barcinas  
Atty. Rodney Jacob , Guam Bar President

Also Present:

Mr. Perry C. Taitano, Administrator of the Courts  
Mr. Dan Tydingco, Director, Policy Planning & Community Relations  
Atty. Bruce Bradley, Judiciary Staff Attorney  
Mr. Anthony Meno, Controller  
Mr. Joe Leon Guerrero, Chief Deputy Marshal  
Mr. Richard Martinez, Clerk of Court  
Ms. Barbara Tedpahago- Perez, Human Resources Administrator  
Mr. Peter Leon Guerrero, MIS Administrator  
Mr. Joe Tenorio, Chief Probation Officer  
Mr. Ed Alvarez, Adult Probation Officer  
Mr. Raymond Taimanglo, Procurement Administrator  
Ms. Samantha Brennan, President, I Inetnon I Empleyao I Kotte  
Kathy Maher, Director, Public Defender Services Corporation  
Supreme Court staff  
Superior Court staff

**IV. READING AND DISPOSAL OF MINUTES OF APRIL 22, 2005:**

Justice Torres moved to adopt the minutes and Justice Tydingco-Gatewood seconded the motion. There being no discussion, and there being no objection, the Minutes of the Regular Meeting of the Judicial Council of April 22, 2005, was duly adopted. The Chairman indicated a correction on the Agenda regarding the review of the hazardous pay policy. This item will be heard as New Business and will be taken up as Item "C" under New Business, as an amendment to the Agenda.

**V. OLD BUSINESS**

**A. Internet Policy**

The Chairman stated that the Internet Policy was discussed at the last board meeting and asked if the board was ready to adopt it today.

Justice Torres stated that he was not ready. The comment period was extended for the adoption of security measures and passwords and suggested that comments should be collected before the next meeting and we should consider adopting the policy at our next judicial council meeting.

Judge Maraman asked if the internet policy was revised. Justice Torres stated that it had been revised because the committee incorporated the administrative passwords and the format that the committee wanted to use for everyone.

Presiding Judge asked if the policy also applied to the internet provided downstairs for the lawyers. Justice Torres said that it does not.

**After discussion, action on the internet policy was deferred until the next Judicial Council meeting.**

## **VI. NEW BUSINESS**

### **A. Judge's Proposed Parking Lot Project**

The Chairman asked Mr. Perry Taitano to give a summary of the proposed Judge's parking lot project.

Mr. Taitano stated that the Council has accepted the conceptional design and the plans are being finalized now. Mr. Chairman said that the Council has not adopted it. Mr. Taitano said that the conceptional design was presented and the electrical and structural designs are awaiting approval by Council.

The Chairman clarified that the conceptional design referred to by the AOC was circulated to all the Judges. He also would like to entertain a motion to approve the Judge's Parking Lot Project and to authorize the AOC to go out on an RFP for the construction of the Parking Lot Project after receiving the detailed A&E designs. The Chairman indicated that the Council earlier approved funding for the A&E for the first parking lot which was scrapped because it was too expensive. The Chairman also wanted approval for an authorized budget in terms of proceeding forward. He asked Mr. Taimanglo if Seventy-Five Thousand Dollars was an adequate amount at this time. Mr. Taimanglo stated that it was.

The Chairman stated that the motion that he wanted this body to consider is three-fold. 1) to proceed forward and authorize the AOC to bid out the proposed parking lot project for the judge's area; 2) authorize a construction budget of \$75,000.00 for the construction of the Judges' parking lot project; 3) The Council advance the funds then transfer the funds to the construction capital improvements category of the budget from any lapsed funds and request

reimbursement from Farmer's Home. He asked if there a second to the motion before discussion. Judge Maraman seconded the motion.

Judge Maraman stated that she thought that when the Courts put a project out for bid, it usually did not put a cap on the cost rather the court would wait for the lowest bid.

The Chairman said that the maximum amount is \$75,000.00 and if it is going to exceed that amount then Mr. Taitano needs to come back to the Judicial Council; The Chairman just want them to work with a budget stating "it's not that we're going to spend that much; or limit it to that much, but that's just a budget that I think is workable."

Mr. Taimanglo stated that whenever he works on a project, a budget should be in place for planning purposes.

The Chairman stated that the AOC needs to have a budget to work with in terms of this project. When we go out to bid, there needs to be some reasonable assurance that we can go forward with this project in terms of the bidders. If it turns out that the \$75,000.00 for construction is not sufficient because the bids are too high then the AOC and staff must return to the Judicial Council and ask for a review and action.

Motion was made, seconded and approved unanimously.

#### **B. Guam Judiciary Seal**

Justice Torres indicated that the Seal is ready to go. The Chairman said that as the third separate branch of government we can adopt our own seal and if that's something we wish to consider, that will be fine.

Justice Gatewood suggested that the Court should have two Seals, one in English and one in Chamorro. Judge Lamorena agreed with Justice Gatewood that we should have two - one in English and Chamorro since they're both the official language under the Organic Act. The Chairman and Justice Torres said that they have no problem with having two seals and stated after the court stationary is standardized, the two seals will be developed. Mr. Dan Tydingco also said that the seal should be used on the Court's I.D.

Justice Torres moved to approve the Seal and Justice Gatewood seconded the motion. The motion was approved unanimously.

#### **C. Review of Hazardous Pay Policy**

The Chairman stated that during the Budget Public Hearing, Senator Klitzkie had raised the

issue that our Marshal's are being paid hazardous pay for preexisting duties as prescribed in their job description and he requested we review our Hazardous Pay Policy. The Chairman requested that the AOC put together a committee to review the Court's Hazardous Pay Policy in light of the fiscal constraints that we are encountering and come up with a proposed revision, if any.

Judge Lamorena suggested that HR review hazardous pay policies applicable to all employees of the government of Guam who receive such pay.

Judge Sukola stated that Judge Lamorena is correct and that the hazardous pay should also apply to clerks in the courtroom, marshals in the courtroom, marshals in the back where all the prisoners are located.

The Chairman indicated that hazardous pay should be narrowed rather than broadened. He also indicated that there may be a concern that the Hazardous Pay Policy is being abused in terms of providing for it across the board as regular pay, whether it's hazardous or not. The Chairman believed that the law regarding hazardous pay may not have been intended to be provided for as regular pay without regard to whether the working conditions were hazardous. The Chairman pointed out that rather than have the Legislature take it away all together from our Marshals and Probation Officers, he would like for us to narrowly review the hazardous pay policy.

Judge Lamorena indicated that there are some agencies that have across the board hazardous pay. They assume that the eight hours that they put in are hazardous pay, regardless. Judge Lamorena said that that's why he's asking HR to review the Guam Police Department's policy on hazardous pay. He indicated if GPD has no policy, then we're better off than GPD because we do have one. Mr. Dan Tydingco said that he had a discussion with Senator Klitzski after the budget hearing. The Senator wanted to know which court personnel were exposed to hazardous conditions.

The Chairman requested that the AOC and his staff review the issue and come back to the Council with any recommendations.

## VII. COMMUNICATIONS

### **The Chairman announced Judge Unpingco's Birthday.**

Judge Judge Sukola sent out her special thanks all employees and Justices for pushing for employees salary increments and security issues, specifically the update of firearms.

The Chairman also announced Dan Tydingco's Birthday.

The Chairman also indicated that continued efforts will be made with the budget and have commitments from certain senators to support our efforts for an increase in the Judge's salary. He has requested Judge Bordallo to draft the language.

### VIII. PUBLIC COMMENT

#### A. Court Employees Association: President's Report

Ms. Samantha Brennan, president of the I Inetnon I Emplehao I Kotte, gave the following summary and also provided copies of the President and Treasurer's Reports:

Association balance - \$4,728.60

Weekly Bake Sale - Wednesday, this week raised \$124; prior week raised \$155.

Relay for Life: Friday, May 27, 2005, 7:00 p.m. to 8:00 a.m., May 28. Site: George Washington High School field; Will have canopies and chairs set up. Division schedule and food menu is being circulated and the contact person is Lisa Baza as well as Joleen Respecio. Two bake sales will be donated to relay fore life. \$150.00 deposit had to be paid to reserve spot at George Washington. Chief Justice donated \$150.00 to the association for the Relay for Life.

Game Works: June 4, Saturday, from 4 to 9 p.m., \$20 per person or 3 for \$50.

Car Wash: June 18, 2005, all day at the Agana McDonalds. Prepaid tickets will be sold.

Employees Lounge: Now open. Keypads has been installed. There is a password and every Division Head are aware of the password. They will come to you and let you know what the password is. The President has the capacity to change the password at any time in any event there is a problem. Marshal of the Court will have security on a daily basis. The hours are from 8-5 p.m.; The T.V. was donated by Justice Gatewood and the Association is paying for the cable.

Membership total is 218 (out of 310 employees, 91 are not).

### IX. EXECUTIVE SESSION (See CONFIDENTIAL MINUTES ATTACHED)

### X. RECESS

There being no further business for discussion, the regular meeting of the Judicial Council recessed at the hour of 12:50 p.m. All were excused.

Respectfully submitted this 14th day of June, 2005.

  
VIVIAN T. CRUZ