DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JOSEPH L.M. SANCHEZ
Acting, Superintendent of Education

2017 FEB 10 PM 1:41

February 2, 2017

The Honorable Eddie Baza Calvo
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Speaker Benjamin J.F. Cruz

FEB 10 2017
Time: 1:24 [ ] AM [ ] PM File No.
Received By

Honorable Benjamin J. F. Cruz
Speaker
Thirty-fourth Guam Legislature
Hagåtña, Guam 96932

GL#34-17-196

Dear Governor Calvo and Speaker Cruz:

Håfa Adai! Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions,* attached are electronic copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the January 17, 2017 special meeting. The meeting was held at Superintendent's Conference Room.

Should you have any questions, please contact me at 300-1547.

Senseramente,

JOSEPH L.M. SANCHEZ
Acting, Superintendent of Education

Attachment
- E-Copies of GEB Meeting Packet

cc: GEB Members
Deputy Supt., FAS
File

0196

PETER ALECXIS D. ADA
Chairman

GUAM EDUCATION BOARD
500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone Number: (671) 300-1627
Facsimile Number: (671) 472-5001
Website Address: www.gdoe.net/geb

MARIA A. GUTIERREZ
Vice Chair

VOTING MEMBERS

Peter Alecxis D. Ada, Chairman
Maria A. Gutierrez, Vice Chair
Lourdes M. Benavente
James C. Lujan
Ron L. McNinch, PhD
Mark B. Mendiola
Lourdes B. San Nicolas

EX-OFFICIO MEMBERS

(Vacant)
IBOGS Representative

Franklin R. Perez (AIJMS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Joseph L. M. Sanchez
Acting, GDOE Superintendent

Guam Education Board
SPECIAL MEETING
Tuesday, January 17, 2017
5 pm
Superintendent's Conference Room, Tiyan

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **Unfinished Business**

1. FY 2018 Budget

IV. **Executive Session**

V. **Announcements & Adjournment**

Looks are deceiving in Chinese town that was US e-waste dumping site

By Allison Griner
Global Reporting
Centre/Reveal News



ELECTRONICS GRAVEYARD: Guiyu, China, a town that rocketed to infamy as one of the world's biggest electronics graveyards, now contains its electronic waste businesses in an industrial park on the edge of town. Photos by Allison Griner/Global Reporting Centre/Reveal

Over more than a decade, Lai Yun got to know the Chinese town of Guiyu through his work as an environmental activist. He breathed its acrid air, squinted through its soupy smog and marveled at its jet-black river.

He also photographed the source of that pollution: mountains of old electronics piled so high that they spilled onto the town's streets, their innards splayed out, ready for workers to pick apart and recycle by hand.

So it was hard for him to recognize the place when he returned in December 2015. Guiyu, the town that had rocketed to infamy as one of the world's biggest electronics graveyards, was suddenly, almost miraculously, clean.

"Today," Lai says cautiously, "Guiyu looks like it's better."

How this change happened, and why, is a story that spans decades and international borders. It's also not the full picture. Lai recognizes, as a visit to Guiyu in August confirmed, that looks can be deceiving.

Lai is part of a generation of Chinese environmentalists born on the cusp of their nation's modern prosperity. But the wealth carried a harrowing cost: widespread pollution. Witnessing those changes inspired Lai to work for Greenpeace. There, he started to investigate a toxic underground industry: the international trade of electronic waste.

Seattle-based activist Jim Puckett already was hot on the trail.

"We had heard rumors in the United States that a lot of the electronics that were being collected by so-called recyclers were just being shipped off to China," Puckett says. He didn't know where it all was going, just why.

Devices such as printers, TVs and cellphones might seem harmless. On the inside, though, they contain toxic cocktails of chemicals and heavy metals. That makes them expensive, and sometimes dangerous, to dismantle.

Rather than handle what they collect stateside, some American recyclers ship their electronics to places without rigorous health and safety laws. That violates a 1989 treaty called the Basel Convention that bars the trade of hazardous waste across international borders. It explicitly targets "dumping from the richer countries to poorer countries" least equipped to deal with it, Puckett says.

He started a watchdog organization, the Basel Action Network, to help enforce the convention. The United States never ratified that treaty. It's the only developed country in the world that hasn't – and it's the world's largest producer of e-waste per capita. Tracking its electronic waste has become an international game of whack-a-mole as the illegal trade shifts from place to place in the developing world.

In 2001, Puckett and his colleagues in China finally zeroed in on the epicenter of the smuggling operations in Guiyu, a modest town of 150,000 not far from the South China Sea.

There, he saw tens of thousands of migrant workers tear electronics apart with little more than their bare hands.

E-WASTE continued on page 11

Learn more

- This story was originally published at www.revealnews.org/
- The mission of Reveal/The Center for Investigative Reporting is to engage and empower the public through investigative journalism and groundbreaking storytelling in order to spark action, improve lives and protect our democracy.



ACTIVIST: Lai Yun, a Chinese environmental activist, worked for Greenpeace investigating a toxic underground industry: the international trade of electronic waste.

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Vice Chair

PUBLIC NOTICE

Guam Education Board
SPECIAL MEETING
Tuesday, January 17, 2017 • 5 pm
Superintendent's Conference Room, Tiyan

AGENDA

I. Meeting Call to Order
II. Roll Call of Members
III. Unfinished Business
1. FY 2018 Budget
IV. Executive Session
V. Announcements and Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email: lmbcruz@gdoe.net.

This advertisement was paid by GDOE local funds.

Doc. No. 34GL-17-0196.

PETER ALECXIS D. ADA
Chairman

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Acting, GDOE Superintendent

GUAM EDUCATION BOARD
SPECIAL MEETING
Tuesday, January 17, 2017
5 pm
Superintendent's Conference Room, Building A., Tiyan

MINUTES

I. MEETING CALL TO ORDER

Mr. Peter Alecxis Ada, Chairman, called the meeting to order at 5:02 p.m.

II. ROLL CALL OF MEMBERS

Mr. Joseph L.M. Sanchez, Acting Superintendent and Executive Secretary, took the roll call. The following members were **present** for the meeting:

Voting Members:
Ada, Peter Alecxis D. -Chairman
Gutierrez, Maria A.- Vice Chair
Benavente, Lourdes M.- via Skype
Lujan, James C.
McNinch- Dr. Ron L.
Mendiola, Mark B.
San Nicolas, Lourdes B.

Non-Voting Members:

Absent:
Perez, Franklin (AIJMS) - GFT Representative- Excused
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison- Excused

The GEB Legal Counsel, Frank Gumataotao was present for the meeting.

The Acting Superintendent announced that there is a quorum. *(By law, five voting members constitute a quorum. Seven (7) voting members were present for this meeting.)*

Chairman Ada expressed the Board's condolences to Mrs. San Nicolas for the loss of her sister.

III. Unfinished Business

1) FY 2018 Budget

Mr. Mendiola reported that the Board had three (3) work sessions and still have issues pending. He made a motion to table FY 2018 budget so that it will give the committee more opportunity to work with management.

Chairman Ada asked if he has an anticipated date for final review of the budget.

Mr. Mendiola responded that once the committee finalizes the budget, the documents would be forwarded to the Board. He requested the meeting be recessed after the Board returns from executive session and reconvened next week Monday. He mentioned the committee would have a work session on Thursday, January 19, 2017 and be ready to present for action by the Board on Monday, January 23, 2017.

Mr. Mendiola moved, seconded by Mr. Lujan to table the continuation of the FY 2018 Budget subject to further discuss with the department and other entities.
Ms. San Nicolas mentioned that she has questions but will wait until the work session but did add that she would like to see the spending priorities,

Vice Chair commented that the committee would be making changes by removing some of the positions the Committee feels is not important to be in the FY 2018 Budget.
The Board voted by show of hands and approved the motion with a vote of 7-0. The motion passed.

The Board recessed at 5:09 p.m.
The Board at 5:36 p.m. went into Public session.

GEB Legal Counsel, Gary Gumataotao was excused from the meeting.

Present for the meeting: Attorney General Elizabeth Barrett-Anderson, Deputy Attorney General Kenneth Orcutt, Geroge Castro, Fred Nishihura, Janice Camacho, Chairman Ada, Vice Chair Gutierrez, Ms. Benavente (via skype), Mr. Lujan, Dr. McNinch, Mr. Mendiola, and Ms. San Nicolas.

Chairman Ada took a vote to go into executive session. The Board voted by show of hands and approved the motion with a vote of 7-0. The motion passed.

Deputy Attorney General, Kenneth Orcutt asked to go through the statutory requirements with the Board members before moving into executive session.

Chairman Ada asked the Board members if they would like Acting Superintendent Sanchez to participate in the executive session.

Deputy Attorney General, Kenneth Orcutt from the Office of the Attorney General of Guam mentioned that he is present today with the school board in the litigation related to Jon J. P. Fernandez. He briefed the Board on the statutory requirements regarding executive sessions.

A meeting may only be closed upon Written Recommendation of the attorney to hold executive sessions for purposes of discussing pending litigation in a confidential and privileged setting. He mentioned he has a written recommendation to go into executive session in the form of a declaration, which he will read for the record.

"I Kenneth Orcutt, Deputy Attorney General, from the Office of the Attorney General, representing the Defendant, Guam Education Board, (hereinafter

referred to as "Board"), in the above-captioned matter which is the Fernandez litigation.

Pursuant to 5 G.C.A. § 8111 (Executive Sessions), § (c) (1). I hereby recommend to the Defendant Board that they go into executive session for the purpose of the Board discussing legal matters and legal strategies with its attorneys, with regard to the above-captioned pending litigation. Such discussions are privileged under the attorney-client privilege recognized in 6 G.C.A. §3102 (2). It is important to go into executive session on this pending litigation in order to be enable candid discussions and advice the Board as client and the Office of the Attorney General as the Board's Attorney."

He mentioned that he has signed the Declaration and asked that the recommendation be kept in the Board's file. He added that the Board members were previously served with a copy of the declaration today.

2. In executive session, the Board can only discuss the pending litigation and nothing else.

3. An affirmative vote of the Board is necessary to go into executive session.

4. If vote is passed to go into executive session, please advise the audience that only Attorneys, court reporters, and Board members may attend such a meeting.

5. The law requires a verbatim transcript to be made by a court reporter, and the transcript is to be reduced in writing accordingly.

> *The Transcript is to be sealed for a period of six (6) months, and thereafter shall be a public document unless there is a court order, further sealing the transcript. Before a court could issue such an order, the court must read the transcript in chambers and determine that the Board would be unduly prejudiced by the release of the transcript, taking into account the public's right to know. In such event, the court may order the transcript released and made public, or may order the transcript sealed for a period not exceeding six (6) months only if there is ongoing litigation over the matters discussed and release would prejudice to the Board. Under no circumstances may a matter concerning litigation be sealed for more than three (3) months after the conclusion of the litigation.*

6. There must be public minutes made of all executive sessions, including existence of the transcript, the subject matter of the meeting (if not confidential), names of all persons attending the closed meeting, their capacities, and date and times the meeting started and closed.

7. A public agency may not vote on any matter before it during an executive session or closed meeting. All voting must be held in a public meeting and minutes shall be kept and opened to the public.

8. After an executive session, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matters relating to litigation or pending litigation have been discussed.

Deputy Attorney General Orcutt asked if the Board would like to go into executive session, the Chairman or a Board member make a motion to do so.

Vice Chair Gutierrez moved, seconded by Mr. Lujan to go into executive session. The Board voted by roll call 7-0 in favor of the motion. (Yeas: P. Ada, L. Benavente, M. Gutierrez, J. Lujan, Dr. McNinch, M. Mendiola, and Ms. San Nicolas.)

Chairman Ada asked the Board if the Board wishes to have Acting Superintendent Sanchez present. He mentioned that this is a client, Attorney privileged meeting.

Vice Chair Gutierrez commented that she would not be in support of the presence of the Acting Superintendent Sanchez during the executive session because it deals with Superintendent, Jon Fernandez.

Vice Chair Gutierrez moved, seconded by Mr. Mendiola that Acting Superintendent Sanchez not be allowed in the executive session since this has to deal with Jon Fernandez. The Board voted by roll call 7-0 in favor of the motion. (Yeas: P. Ada, L. Benavente, M. Gutierrez, J. Lujan, Dr. McNinch, M. Mendiola, and Ms. San Nicolas.)

IV. Executive Session

The Board moved into Executive Session at 5:47 p.m.
The Board at 6:35 p.m. went into Public session.

V. Announcements & Adjournment

Mr. Mendiola mentioned that earlier a motion was made to recess this meeting until after executive session. He asked to rescind his motion and would like to move to adjourn the meeting.

Mr. Mendiola moved, seconded by Vice Chair Gutierrez to adjourn the meeting. The Board voted by roll call 7-0 in favor of the motion. (Yeas: P. Ada, L. Benavente, M. Gutierrez, J. Lujan, Dr. McNinch, M. Mendiola, and Ms. San Nicolas.)

Mr. Mendiola moved, seconded by Vice Chair Gutierrez move to adjourn the meeting at 6:37 p.m.

Chairman Ada announced that because of the injunction the Board will not be answering any questions from the media.

MINUTES SUBMITTED BY:

Date: 2/6/17

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF January 17, 2017 SPECIAL MEETING:
(X) Approved as submitted (Ref: GEB Reg. mtg. January 31, 2017, Wettengel Elementary School)
( ) Approved subject to corrections
( ) Other: _____

PETER ALECXIS D. ADA
GEB Chairman

Date: 2/10/17

JOSEPH L. M. SANCHEZ
Acting Executive Secretary/GDOE Superintendent

Date: 2/8/17