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M&C Fwd:Judicial Council April 16, 2020 Regular Meeting Packet

1 message

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Cc: Rennae Meno <rennae@guamlegislature.org>

05-01-20	8:30 PM	04-16-20	Judicial Council April 16, 2020 Regular Meeting Packet.*	Judicial Council of Guam

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yang mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Shelterihna Alokoa** <salokoa@guamsupremecourt.com>
Date: Fri, May 1, 2020 at 8:30 PM
Subject: M & C_Judicial Council April 16, 2020 Regular Meeting Packet
To: Speaker's Office <speaker@guamlegislature.org>
Cc: Staff Attorney Serge Quenga <aquenga@guamcourts.org>

Buenas yan hafa adai Messages and Communication Staff for the Honorable Tina Muña Barnes:

Pursuant to 5 GCA § 8113.1 and as the Judicial Council Assistant Secretary, I am sending an electronic copy of the Judicial Council Meeting packet. Th meeting materials that were given to Council members for the April 16, 2020 Judicial Council regular meeting.

I respectfully request a reply to confirm receipt of the attached packet. Please also let me know if you have any questions, comments, or concerns.

--

Si Yu'us ma'åse' yan puedi ha' todu maolek.

(Thank you and have a great day.)

Respectfully,

Shelterihna Alokoa

Assistant Secretary, Judicial Council of Guam
Suite 300, Guam Judicial Center
120 West O'Brien Drive

Hagåtña, Guam 96910-5174

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JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, APRIL 16, 2020 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA TELECONFERENCE

AGENDA

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING: April 09, 2020
April 14, 2020

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: March 26, 2020 Regular Meeting

V. OLD BUSINESS
A. Judiciary FY20 Remittances pursuant to P.L. 35-36
B. Update on Loan and RFP for Interim Financing and On-going Renovation Projects

VI. NEW BUSINESS
A. JC Resolution Relative to Temporarily Suspending the Merchant Services Fee
B. JC Resolution Authorizing Differential Pay for COVID-19 Essential Employees
C. JC Resolution Relative to Review of Jurisdictional Limit for Small Claims Court
D. JC Resolution Relative to Proclaiming May as Guam Drug Court Month
E. JC Resolution Relative to Recognizing the Importance of Jury Service and Declaring Jury Appreciation Week
F. JC Resolution Relative to the Declaration of Law Day and Law Week
G. Update on Judiciary's Response to COVID-19
H. Notice of Next Meeting (May 21, 2020)

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT
A. Guam Bar Association – President's Report
B. Court Employees Association

IX. ADJOURNMENT

CURRENCY EXCHANGE RATES
On April. 8, $1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

50.596 PHP₱	108.850 JPY¥	1,220.97 KRW₩	30.1160 TWD NT$	7.0650 CNY¥	1.6275 AUD A$	0.9208 EUR €

Governor: Economic recovery could take years

By Gaynor D. Daleno
and Haidee Eugenio Gilbert
The Guam Daily Post



NOT A SINGLE TOURIST: *Water sports equipment and beach paraphernalia sit idle on the beach fronting the Hyatt Regency Guam in Tumon on Sunday. Local tourism has gone from more than 100,000 visitors a month to "negative," the governor acknowledged in a press briefing Wednesday. David Castro/The Guam Daily Post*

Without indications that air travel and tourist arrivals will resume soon, it could take as long as two years for Guam's economy to fully bounce back, the governor said.

"There's an estimation that it will take anywhere from one to two years to totally recover from this pandemic situation," Gov. Lou Leon Guerrero said in a press briefing Wednesday.

"That is also why ... Congress is putting out $2 trillion worth of packages of financial help to all the United States and territories," the governor said, in part.

International air travel to Guam has stopped except for the "lifeline flights" United Airlines has been operating into Guam from Japan or Honolulu. Prior to the COVID-19 fears of travel, Guam saw more than 100,000 visitor arrivals a month and more than 1.5 million in a year.

The governor said she is hopeful the U.S. Congress will pass a fourth COVID-19 economic stimulus package. She said this package would be "structured primarily in putting more money into infrastructures, so that when we start recovering, we could start hiring more people to work in infrastructure projects."

"We're already putting together a shovel-ready infrastructure package to give to Congress or to give to the federal government so that we can get the monies also for infrastructure so that we could put people back to work," she said.

Ratings firm gives GovGuam a negative outlook

The governor said she wasn't surprised that the bond-rating agencies, such as Standard & Poor's, have changed the outlook for government borrowers, including GovGuam, to "negative."

"I think S&P is doing the same thing to everybody. ... I'd be very surprised if their credit (rating) is not changed to negative outlook," Leon Guerrero said.

S&P Global Ratings recently changed the outlook of all U.S. public finance sectors to negative due to the "COVID-19 and the swift onset of a recession," according to the Guam Economic Development Authority.

Following this recent decision, the S&P Global Ratings changed the outlook on the government of Guam's General and Limited Obligation Bonds and Certificates of Participation from stable to negative, GEDA stated.

GEDA assured the negative outlook will not mean additional GovGuam cost on debt repayments.

GovGuam's debt payments have a set interest rate that doesn't change with the negative outlook, according to GEDA. Future borrowing, however, could be affected.

GovGuam's outlook changed to negative because of "significantly declining tourism activity due to health and safety risks posed by the COVID-19 pandemic," GEDA stated.

The S&P affirmed its BB- rating on Guam's general obligation and limited obligation bonds and its B+ rating on Guam's appropriation-backed certificates of participation, according to GEDA. The release further states that there is a one-in-three chance Guam will get a lower credit rating over the next two years.

"The Guam Economic Development Authority emphasizes that the change in outlook on GovGuam credits is not unique to Guam, nor does it impact the fixed amount of debt service payments or the government's ability to pay debt service on time," stated Artemio "Ricky" Hernandez, GEDA deputy administrator.

"Despite the economic downturn created by the COVID-19 crisis, the government of Guam continues to fully prioritize its payment of bond and debt obligations."

KFC supports health care heroes



FOR FRONT-LINERS: *Members of KFC Guam's management team delivered meals to health care heroes working at Guam Memorial Hospital, the Skilled Nursing Unit being used as a COVID-19 isolation facility, and Guam Regional Medical City. "While we are facing times of uncertainty as a community, KFC remains steadfast for our front-liners who protect our community," said Frank Cruz, KFC Guam general manager and vice president.*
Photo courtesy of KFC Guam



JUDICIAL COUNCIL OF GUAM

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NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct its monthly meeting on **Thursday, April 16, 2020, in the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña at 12:00 p.m.** The agenda will be made available prior to the meeting.

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

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Doc. No. 35GL-20-1764.*

Doctor: 'We probably have hit our peak'

By Mindy Aguon
mindy@postguam.com

Over the last four weeks, Dr. Peter Lombard has been tracking statistics on the island's COVID-19 cases and trying to create projections and trajectories of the virus, hospitalizations and trends.

Many in the medical community have tried to do the same with the information released by the government.

"A lot of us have been trying to follow the data, trying to track the numbers," said Lombard. Sometimes, the data from the Department of Public Health and Social Services "is inconsistent."

The ophthalmologist stresses he is not a statistician or an epidemiologist but believes he has enough accurate information inputted to see some trends in his models.

On April 3, the governor's medical advisory group projected Guam's death toll from COVID-19 could reach 700 in five months, if the spread of the disease could be reduced by 50% from the worst-case projection. If the spread could be reduced by only 20%, the group warned, Guam could see 3,000 COVID-19 deaths.

"I know there's some speculation out there that it was too overly aggressive, or others saying it was completely irresponsible to put numbers out there that we're going to be that far off from what's turning out to be reality, but I don't fault them for trying to be safe and over-preparing," the doctor said. "I think the assumptions they were making and models they were using were accurate for the assumptions that they made."

> "If we get 10 new cases today, you're going to expect one or two of those will be hospitalized about five days from now. To keep our growth rate in the range of 3-5% is going to be something that I believe we can sustain in the constraints of our health care system."
>
> – *Dr. Peter Lombard, ophthalmologist*



Fortunately, those numbers aren't proving true. Lombard attributes that to the various social distancing and isolation measures that were imposed.

"I think they were having much more of an effect at that point already than we could know. There's no way we could have known at that time. As you know, the social distancing we're doing today, we're not going to really see ... the benefits of that for another week or two weeks," he explained.

Based on his projections, he believes Guam has started to hit its peak, but he cautioned it isn't time to lift restrictions yet. "The only thing that will make the active cases flatten or rise again is if we have a local spark and a mini-surge because we have a cluster or two that adds a lot of cases very rapidly, then that will go up again. That's always going to be the present fear, that we will have a spark again," said Lombard.

He said worldwide, many statisticians are looking at the seven-day rolling average growth rate and new cases.

"I think it will be very useful for us to know what's going to happen within the next two weeks in terms of hospitalizations. If we get 10 new cases today, you're going to expect one or two of those will be hospitalized about five days from now. To keep our growth rate in the range of 3-5% is going to be something that I believe we can sustain in the constraints of our health care system," he said.

The governor's medical advisory group had previously expressed serious concerns about Guam's ability to handle increased hospitalizations once the island's cases peak.

"We probably have hit our peak. Time will tell," said Lombard, who expressed concern about whether Public Health has information about other clusters but declined to disclose it to the public. "If we look at the data, we can expect to continue to come off the peak."

But he warns that now isn't the time to give up on social distancing and other measures.

Lombard is also calling for more transparency with reporting and information coming out of Public Health.

"If our goal is to identify all possible positive cases, then it just makes sense we get the word out to the public," he said. "If they just find one positive case because they informed the public about the details of a site, then you have to think it's worth it. Because one case could easily turn into a cluster."

Public Health Director Linda Unpingco-DeNorcey has said the department would not reveal specific health care establishments and other businesses that were associated with clusters of COVID-19 cases. But in previous press briefings, she identified Iglesia ni Cristo and United Airlines.

When compared to confirmed cases in the states, Lombard said Guam is doing very well considering the steep numbers in states like New York, New Jersey and Louisiana.

"What looks good about this for Guam – we really look flat here," he said.

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IFB NO: GIAA-004-FY20
TELEPHONE PRE-BID CONFERENCE: Apr. 22, 2020 - 10 AM (ChST)
DEADLINE FOR RECEIPT OF WRITTEN QUESTIONS: Apr. 24, 2020 - 5:00 PM (ChST)
IFB SUBMISSION DEADLINE: May 08, 2020 - 10 AM (ChST) GIAA Admin. Office
IFB OPENING: May 08, 2020 - 10:15 AM (ChST) GIAA Conf. Rm.

The A.B. Won Pat Int'l. Airport Authority, Guam (GIAA), will receive sealed bids for landscaping and plant rental services. The IFB packet is available for public inspection between 8 a.m. - 5 p.m., Monday through Friday, excluding holidays, at the GIAA Administration Office, 3rd Floor Main Terminal, and is also available for download at **www.guamairport.com**. A non-refundable fee of $10.00, in cash, certified check, or cashier's check is required as payment for electronic bid files (.pdf) on a USB flash drive, which can be obtained from the GIAA Administration Office. All bids must be accompanied by a bid security in the amount of 15% of the total bid price in the form of a bid bond or certified/cashier's check made payable to the GIAA. **All prospective bidders must register by submitting to GIAA the Acknowledgement of Receipt Form included as part of the IFB. GIAA shall not be liable for failure to provide notice(s) or addenda to any bidders who do not submit an Acknowledgement of Receipt Form.** GIAA reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all nonconforming or conditional bids or counter proposals when in GIAA's opinion, such rejection or waiver will be in GIAA's best interest. For additional information, contact Mr. Henry M. Cruz, the Single Point of Contact, via email at giaaifb420@guamairport.net.

THOMAS C. ADA
Executive Manager

JOHN "JQ" M. QUINATA
Deputy Executive Manager

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/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

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Doc. No. 35GL-20-1764.*

JUDICIAL COUNCIL OF GUAM
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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

Advisiory Committee Members:

Hon. Anita A. Sukola

Hon. Vernon G. Perez

Hon. Maria T. Cenzon

Hon. Elyze M. Iriarte

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

Administrator of the Courts:
Kristina L. Baird

Judicial Council Secretary:
June Bells Cariño

Judicial Council Asst. Secretary:
Shelterihna T. Alokoa

JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, MARCH 26, 2020
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center
And via Videoconference

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 12:06 p.m.

ROLL CALL:

Chief Justice F. Philip Carbullido
Justice Katherine A. Maraman
Justice Robert J. Torres
Presiding Judge Alberto C. Lamorena III
Judge Arthur R. Barcinas

Advisory Committee Members:
Judge Maria T. Cenzon
Judge Elyze M. Iriarte
Judge Pro Temp Linda Ingles

Also Present:
Ms. Kristina Baird, Administrator of the Courts (AOC)
Mr. Robert Cruz. Deputy Administrative Director of the Courts
Ms. Alicia A.G. Limtiaco, DPPCR
Mr. Andrew "Serge" Quenga", Staff Attorney Judiciary of Guam
Ms. Dawn R. Blas, Judicial Educator
Ms. Marcelene Santos, Public Guardian
Ms. Hannah G. Arroyo, Clerk of Court, Supreme Court
Ms. Danielle Rosete, Clerk of Court, Superior Court
Ms. Erica Eschbach, Staff Attorney, Supreme Court
Ms. Cerina Mariano, Court Programs Administrator
Mrs. Barbara Jean Perez, HR Administrator

Mr. Troy Pangelinan, Marshal of the Courts
Ms. Rossanna Villagomez-Aguon, Chief Probation Officer
Ms. Trisha T. Suzuki, Probation Officer Supervisor
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator
Ms. Francine Brillantes, Court Fiscal Supervisor
Mr. Carl Dominguez, Procurement & Facilities Management Administrator
Ms. Marissa C. Antonio, Deputy Procurement & Facilities Mgt. Administrator
Ms. Virginia Yasuhiro, CSFC Administrator, Client Services and Family Counseling Division
Mr. Joseph Mannion, MIS Administrator
Ms. Jeanette M. Quintanilla, Senior Probation Officer/IFIK President
Ms. Kristina Blaz, Public Information Officer
Mr. Renato "Nato" Alviedo, Audio Security Technician
Ms. June Bells Cariño, Chamber Administrator
Ms. Shelterihna T. Alokoa, Chamber/Courtroom Clerk

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. Acknowledgements are on file. Chief Justice Carbullido informed all those present that the Daily Post failed to publish the judiciary's two-day notice.

Staff Attorney Serge Quenga stated that Governor Leon Guerrero's recent Executive Order No. 2020-06 (EO2020-06) signed on March 24, 2020 suspends certain provisions of the Open Government Law including 5 GCA §8107. **He informed Council that his legal opinion was that the Judicial Council meeting could proceed even without the 48hour notice due to said suspension in EO2020-06.** A copy of Attorney Quenga's legal opinion is attached. He noted that Executive Order No. 2020-06 does not suspend 5 GCA 8113.1, the submission of meeting materials to the offices of Governor Leon Guerrero, Speaker Muna Barnes, and Public Auditor Cruz. Mr. Quenga recommended that Council make a motion to authorize Chief Justice Carbullido to approve the meeting minutes after transcription. Chief Justice Carbullido stated that Council would vote on the matter later in the meeting.

****Chief Justice Carbullido informed all present that the Supreme Court issued Administrative Order 20-213 the day before, March 25, 2020. He stated that the order suspends Judicial Council Rules of Operation and Conduct 1.07 and replaces the rule with Emergency Interim Rule 1.07 which permits Judicial Council members to participate in Council meetings via videoconference. He added that the order requires Council members to respectively identify themselves and their location.**

III. DETERMINATION OF QUORUM

Chief Justice Carbullido began the roll call. Chief Justice F. Philip Carbullido, Justice Katherine A. Maraman, Justice Robert J. Torres, Presiding Judge Alberto C. Lamorena III, and Judge Arthur R. Barcinas identified themselves and their location over videoconference, respectively. With the presence of five (5) Judicial Council members, a quorum was determined for this meeting.

IV. READING AND DISPOSAL OF MINUTES: February 20, 2020 Regular Meeting

Justice Torres moved to approve the Minutes for the February 20, 2020 Regular Meeting, subject to correction. Presiding Judge Lamorena seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the minutes were approved.

***At this time, Chief Justice Carbullido asked Council members if Meeting Agenda item VI. B. could be discussed. There was no objection from Council members**. The Chief Justice presented a resolution which approves Interim Rule 1.07 of the Judicial Council Rules of Conduct and Operation for the reasons stated in Guam Supreme Court Administrative Order 20-213. He reminded Council members that he spoke on this matter at the beginning of the meeting. **Justice Torres moved to adopt the resolution and Justice Maraman seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the resolution was approved.**

V. OLD BUSINESS

A. Judiciary FY20 Remittances under P.L. 35-36

Ms. Gudmalin reported that, as of the meeting date, $15,952,862.00 of the FY20 $32,670,798.00 allotment had been paid to the judiciary. She informed Council that the judiciary was notified by the Department of Administration that there would be an FY20 allotment cut of $1,133,838.00 which would be divided through the bi-weekly remittances from March 24, 2020 to September 22, 2020. She stated that this decrease was reflected in the latest allotment payment. Ms. Gudmalin said that on March 25, 2020, the JOG received $1,152,338.00 which was $81,039.00 less than the usual bi-weekly allotment payment of $1,233,377.00. She concluded that the JOG will now receive regular remittances of $1,152,338.00 until the end of the fiscal year.

Chief Justice noted there has been a cut in the allotment and not in the JOG's appropriation. He stated that the whole appropriation amount will be paid to the JOG before the end of the fiscal year. He added that, in the meantime, he and the

administration division will draft a plan to effectively continue JOG operations at lower costs. The Chief Justice informed Council members he will share the plan with Council members for approval and a special meeting may be called if action is needed before the April 2020 Judicial Council Regular Meeting.

B. Update on Capital Improvement Projects

Ms. Kristina Baird announced that the purchase negotiations and sale agreement for the San Ramon building are being finalized; however, a 90-day extension was approved due to Guam's State of Emergency with the COVID-19 pandemic. She stated that the JOG may open the escrow by Monday, March 30, 2020. She added that the JOG will go to the Bank of Guam for the first loan draw down with the purchase price of the San Ramon building as well as for the Carrier cooler for one of the JOG's air conditioning chillers.

Ms. Baird also reported that, once the architectural and engineering soundness report for the Route 4 building is received, the JOG will send out the renovation plans for bid. She noted that an RFI will go out on March 30 for an employee timekeeping system and a software program similar to JustWare. She added that a RFHP for health insurance will also go out on May 01, 2020. Chief Justice Carbullido mentioned that Ms. Gudmalin will set aside six to nine months revenue from the Judicial Building Fund to pay the Bank of Guam loan in case of future difficulties related to the current pandemic.

VI. NEW BUSINESS

A. JC Resolution Relative to Approving the Judiciary of Guam FY2021 Budget

Chief Justice Carbullido reminded Council that usually the JOG works on the budget in April but the timeline of the JOG budget must be moved up due to several pressing reasons including the effects of the COVID-19 pandemic on the Government of Guam and Senator San Agustin's request to submit the budget as soon as possible. He informed Council that the JOG hopes to submit the FY2021 Budget Proposal to the Legislature by April 09, 2020.

Chief Justice Carbullido presented a resolution that approves the FY2021 JOG budget as summarized in the resolution's Exhibit A. He noted that the resolution also authorizes the Chief Justice and Administrator of the Courts to finalize all remaining supporting information relative to the Fiscal Year 2021 Judiciary of Guam Budget and need not present the supporting information to the Judicial Council for further approval. **Presiding Judge Lamorena moved to adopt the resolution and Justice Torres seconded the motion.**

Ms. Gudmalin explained the changes in the budget made after the Judicial Council working session on March 25, 2020. She stated that the majority of the changes were just terminology. **After some discussion, Chief Justice Carbullido called an oral vote; however, there was a problem with contacting Presiding Judge Lamorena's line in the videoconference. Once it was resolved, Presiding Judge Lamorena moved to have the audio clips of the videoconference difficulty removed from the meeting recording and Chief Justice Carbullido seconded that motion. There was no objection**,

Chief Justice Carbullido called an oral vote again regarding the resolution. **All Council members voted in favor; the FY2021 JOG budget was unanimously approved.**

B. JC Resolution Relative to Administrative Order Suspending Judicial Council Rules of Operation and Conduct 1.07

*This resolution was unanimously approved early in the meeting. Please see page 3.

C. Update on Judiciary's Response to COVID-19

Ms. Baird reported to all present that several sanitizing measures have been ongoing since the beginning of the GovGuam isolation period. She thanked the JOG facilities team for their hard work in the heavy sanitization of all the judiciary buildings. She added that the Guam Judicial Center's entire Heating, Ventilation, and Air Conditioning (HVAC) system is being professionally cleaned by a third party which should be done by April 13, 2020. She said that GTA is also in the JOG facilities installing the new telephone system and handsets. She concluded saying that more may be done depending on funding such as professional common area carpet cleaning.

Chief Justice Carbullido informed Council he received a request for assistance from Lieutenant Governor Joshua Tenorio. He described that the Executive Branch is requesting any available Law Enforcement Officers (LEOs) to assist in the security and monitoring of individuals in the government quarantine facilities. He added that 10 marshals and 5 probation officers have been identified by Chief Marshal Pangelinan and Chief Probation Officer Villagomez-Aguon. Chief Justice Carbullido clarified that the identified LEOs are not being ordered to assist and have the option to opt out. He noted that the Executive Branch will provide the necessary training and safety equipment plus Staff Attorney Quenga will prepare an Agreement to state the terms of the intra-branch agreement. **All Council members agreed that the JOG can help in this way with the consent of the involved LEOs.** Chief Justice Carbullido thanked all Council members and said he will sign the agreement.

D. Notice of Next Meeting (March 26, 2020)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be later in the month on Thursday, April 16, 2020. He added that a special meeting may be called prior to April 16 if needed.

VII. COMMUNICATIONS

Judge Barcinas reminded Council members that he was tasked with the Night Court Docket Committee and possible measures. He asked that the matter be tabled until the JOG is past the State of Emergency with the COVID-19 pandemic. **Council members agreed that the Night Court Docket topic will be deferred until further notice.**

Chief Justice Carbullido stated, for the record, that the Judicial Council Meeting was made available to the public by having a laptop and large monitor set up in the Guam Judicial Center atrium with Mr. Joseph Mannion. He noted that any member of the public that came to the courthouse wishing to attend the meeting could participate via videoconference in the atrium.

The Chief Justice reminded Council of Mr. Quenga's recommendation for a motion authorizing the Chief Justice to approve the meeting minutes after transcription. Justice Torres made the motion and Judge Barcinas seconded. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the motion was approved.

VIII. PUBLIC COMMENT

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

There was no report as no one from the GBA Board attended the meeting.

B. Court Employees Association (IFIK) – Board of Governor's Report

IFIK President Jeanette Quintanilla shared thanks from all the IFIK members for the JOG Administration's continued efforts and hard work. She also thanked Ms. Nikki Cruz for her regular Employee Assistance Program e-mails that contain helpful information such as tips for working and schooling from home.

**Chief Justice Carbullido concluded the meeting by wishing everyone well and thanked everyone for their patience and understanding.

X. ADJOURNMENT

Presiding Judge Lamorena moved to adjourn and Judge Barcinas seconded the motion. All other Council members voted in favor of the motion. The meeting was adjourned at 12:51 p.m.

Respectfully submitted this 1st day of April, 2020.

SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam

JUNE BELLS CARIÑO
Executive Secretary,
Judicial Council of Guam

The March 26, 2020 Minutes of Regular Meeting as set out above are approved.

F. PHILIP CARBULLIDO
Chairman

Dated: 4/1/2020

Legal Memorandum

Date: March 26, 2020

To: Chief Justice and Chairman of the Judicial Council

From: Staff Attorney

Subject: Legal Opinion on Whether the Open Government Law's Two Day Notice Requirement for Today's Judicial Council Meeting is Necessary in Light of Executive Order 2020-06

I have been advised that the 5 day notice for today's scheduled Judicial Council meeting was published by the Court's vendor newspaper of general circulation, but the 48 hour notice was not published. These requirements are contained in the Open Government Law at 5 GCA § 8107. However, because of the on-going COVID-19 (Coronavirus) public health emergency declared by the Governor of Guam in Executive Order 2020-03 and subsequent measures enacted by the Governor in Executive Order 2020-06, the lack of the 48 hour notice does not prohibit the Judicial Council meeting from being conducted today.

Specifically, Paragraph 5 of EO 2020-06 temporarily suspends the public notice requirements in 5 GCA § 8107 and other parts of the Open Government Law. This EO provides in relevant part:

> 5. SUSPENSION OF CERTAIN PROVISIONS OF THE OPEN GOVERNMENT LAW.
>
> The application of Sections 8103, 8107, 8108, 8109, 8110, 8114, and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended until April 13, 2020. To ensure the public is well-informed in this time of emergency, public agencies shall document their meetings in minutes and continue compliance with Section 8113.1, Title 5 of the Guam Code Annotated. Actions taken at meetings of public agencies without compliance with all provisions of the Open Government Law shall not be effective until compliance with Section 8113 .1, Title 5 of the Guam Code Annotated.

Thus, it is clear that the lack of the 48 hour notice does not prohibit today's meeting. However, it is equally clear that compliance with Section 8113.1 of the Open Government Law is required in order for any action taken by the Judicial Council to be effective. Section 8113.1 provides:

> Reporting Requirements for Boards and Commissions. The governing Boards and Commissions of all agencies, public corporations, and departments of the government of Guam shall provide electronic copies of the monthly Board and Commission meeting agendas, approved minutes, and other attachments and addendums as discussed in each monthly meeting, to I Maga'lahen Guåhan and the Speaker of I Liheslaturan Guåhan no later than fifteen (15) days after the end of said meeting and post the same on its website

of the agency, public corporation, or department to which it governs. The audio recording of each meeting shall be provided to the Office of Public Accountability within seven (7) calendar days after the meeting. The Office of Public Accountability shall post these audio files on its website upon receipt of audio files.

The 3 requirements of this Section are itemized as follows for easy reference:

- submission of electronic copies of the agenda, approved minutes, attachments and addendums to the Governor and Speaker,
- post the same information on the court's website, and
- provide the audio recording to the OPA.

Please note that the approval of the minutes is required by this Section 8113.1. Because of the exigency of the items to be approved by the Judicial Council during this state of emergency, the Council may consider, upon motion, authorizing the Chair to approve the minutes after transcription subject to ratification of the Chair's approval at the next meeting of the Council.

It is worth noting that notwithstanding the suspension of the notice requirements by EO 2020-06, the Council made best efforts to comply with such requirements and that the public will be allowed to view the meeting through videoconferencing at the Judicial Center, with all mandated safety precautions pursuant to the Governor's applicable Executive Orders and directives being observed.

To conclude, pursuant to EO 2020-06, the lack of a 48 hour notice does not prohibit today's Judicial Council meeting from being conducted. However, compliance with Section 8113.1 is necessary for any action taken today to be effective.

Respectfully submitted,

Andrew S. Quenga, Staff Attoney

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-__

RELATIVE TO TEMPORARILY SUSPENDING THE MERCHANT SERVICES FEE UNDER EXIGENT CIRCUMSTANCES CAUSED BY THE COVID-9 EMERGENCY

WHEREAS, the Governor of Guam in Executive Order 2020-03 declared a public health emergency in Guam due to the COVID-19 emergency; and

WHEREAS, the Supreme Court of Guam in Administrative Orders has closed the court for all but essential serves and deferred payment of filing fees; and

WHEREAS, payments by patrons for certain services has continued by online and telephonic credit card transactions; and

WHEREAS, the temporary suspension of the merchant service fee associated with credit card transactions will assist court patrons in this difficult economic period and would not be overly burdensome on the court.

NOW, THEREFORE, BE IT RESOLVED that the merchant service fee authorized in Judicial Council Resolution No. 13-015, and as adjusted through Judicial Council Resolution Nos. 15-004 and 15-008, is hereby temporarily suspended for thirty (30) days from the date of this Resolution.

BE IT FURTHER RESOLVED, that the Administrator of the Courts is hereby authorized to extend this temporary suspension for one (1) additional thirty (30) day period unless the emergency declaration is rescinded by the Governor of Guam or as otherwise ordered by the Chief Justice.

DULY ADOPTED this 16th day of April 2020 at a duly noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

PENDING APPROVAL

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-__

RELATIVE TO AUTHORIZING DIFFERENTIAL PAY FOR ESSENTIAL EMPLOYEES RESPONDING TO THE COVID-19 EMERGENCY

WHEREAS, on March 14, 2020, the Governor of Guam in Executive Order 2020-03 declared a public health emergency in Guam due to the COVID-19 emergency; and

WHEREAS, on March 16, 2020 the Governor of Guam in Executive Order 2020-03 closed all non-essential Government of Guam offices and suspended non-essential government services; and

WHEREAS, in accord with Executive Order 2020-04, the Supreme Court of Guam, also on March 16, 2020, issued Administrative Order ADM20-210, closing the courts and all other facilities of the Judicial Branch of Guam, except for essential court operations at the Judicial Center in Hagåtña; and

WHEREAS, since March 16, 2020, only essential employees, as determined by the Administrator of the Courts ("AOC") have had to report to the Judicial Center and all non-essential employees were ordered to stay home; and

WHEREAS, on April 05, 2020, the Governor in Executive Order 2020-08 authorized differential pay for essential government employees responding directly to the pandemic or whose services could not be provided by teleworking and whose physical presence at the worksite was required; and

WHEREAS, on April __, 2020, Public Law 35-___ was enacted to approve the retroactive application of differential pay.

WHEREAS, essential Judiciary employees required to report to work during this emergency have enabled the Judiciary to continue providing essential services and certain Deputy Marshals and Probation Officers have been assigned to the Department of Homeland Security to work alongside the Guam Police Department and other agencies in the Government's emergency responses;

WHEREAS, the Judicial Council recognizes these essential employees deserve to be compensated fairly for their selfless duty to the Judiciary and the people of Guam; and

WHEREAS, the Administrator of Courts and the Judiciary's Human Resources Division have presented to the Judicial Council the Coronavirus (COVID-19) Response Differential Pay Policy (the "Policy"), appended as Attachment A, which will provide special pay to these essential employees.

NOW, THEREFORE, BE IT RESOLVED that the Policy attached is approved.

BE IT FURTHER RESOLVED, that the Administrator of the Courts hereby may terminate the Policy when the courts have been reopened by Administrative Order of the Supreme Court of Guam or, with the Deputy Marshals and Probation Officers assigned to Homeland Security, upon termination of that assignment.

DULY ADOPTED this 16th day of April 2020 at a duly noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

JUDICIARY OF GUAM
POLICY AND PROCEDURES

TITLE: CORONAVIRUS (COVID – 19) RESPONSE DIFFERENTIAL PAY POLICY	**EFFECTIVE DATE:**
PREPARED BY: HUMAN RESOURCES OFFICE	**APPROVED BY:**

I. BACKGROUND.

On March 14, 2020, the Governor of Guam, in Executive Order 2020-03, declared a public health emergency in Guam due to the Coronavirus (COVID-19) pandemic. On March 16, 2020, the Governor of Guam, in Executive Order 2020-04, closed all non-essential Government of Guam offices and suspended non-essential government services. In accord with Executive Order 2020-04, the Supreme Court of Guam, also on March 16, 2020, issued Administrative Order ADM20-210, closing the courts and all other facilities of the Judicial Branch of Guam, except for essential court operations at the Judicial Center in Hagåtña. Since March 16, 2020, only essential employees, as determined by the Administrator of the Courts ("AOC") have been required to report to the Judicial Center. All non-essential employees were ordered to stay home.

On April 5, 2020, the Governor executed Executive Order 2020-08 providing differential pay to essential employees responding directly to the pandemic and other essential employees whose services could not be provided by teleworking and whose physical presence at the worksite was required. On April __, 2020, Public Law 35-___ was enacted to approve the retroactive application of differential pay to March 16, 2020 when the public health emergency was declared in Executive Order 2020-03.

Consistent with Executive Order 2020-08 and P.L. 35-___, this policy is intended to authorize differential pay for essential Judiciary employees so they are compensated fairly for their response to the Coronavirus emergency.

II. PURPOSE.

The purpose of this Coronavirus (COVID-19) Response Differential Pay Policy ("Policy") is to provide differential pay ("Differential Pay") for essential employees whose work could expose them to the Coronavirus (COVID-19) or whose work cannot be performed by telecommuting or otherwise working remotely and must report to the worksite to continue essential court operations and mandates. This policy recognizes these employees for accepting the risks and dangers of exposure to the Coronavirus and compensates such employees for their selfless duty to the Judiciary and the people of Guam.

III. ELIGIBILITY.

A. This Policy applies to all essential Judiciary employees required to physically report to work at Judicial facilities, assigned to quarantine sites or employees providing other services to the Guam Police Department (GPD), the Department of Public Health and Social Services (DPHSS) or other agencies involved in COVID-19 response measures, regardless of FLSA Status, exempt/non-exempt status, and who occupy permanent positions in the classified or unclassified service.

B. This Policy shall not apply to the Administrator of the Courts (AOC), the Deputy Administrator of the Courts, or other unclassified employees as determined by the AOC. The Policy shall not apply to non-essential employees or employees who telework from home or to non-essential employees who enter Judicial facilities to retrieve files for work at home. Nor shall this Policy apply to contract employees, vendors or other contractors performing work on Judiciary property.

IV. DIFFERENTIAL PAY CATEGORIES.

A. Category 1. Twenty-five (25%) Differential Pay to essential employees in the course of their duties who are in direct contact or in close proximity to a population infected with or may be reasonably suspected to be in infected with COVID–19. Such may include, but not limited to sworn law enforcement officers, Deputy Marshals and Probation Officers, and other positions performing essential critical mission duties; or

B. Category 2. Fifteen (15%) Differential Pay to essential employees in the course of their duties who may incidentally come into contact with or close physical proximity to a population infected with or may be reasonably suspected to be in infected with COVID–19. These employees may also be providing humanitarian services or direct public assistance to the general public; or

C. Category 3. Ten (10%) Differential Pay to essential employees whose positions do not allow them to telework and are mandated to perform their job duties at designated worksites, and actually performed the duties, as pre-determined by the AOC to be required by the Judiciary's response to the COVID-19 pandemic.

V. ESSENTIAL EMPLOYEES.

A. The following essential employees fall within Category 1:

Deputy Marshals and Probation Officers specifically assigned and who have actually provided services at quarantine sites or who have otherwise directly assisted GPD, DPHSS, or any other agency providing services directly as part of the Government's response to the COVID-19 emergency.

B. The following essential employees fall within Category 2:

Essential employees in the Marshals, Probation, Office of the Public Guardian and other divisions required to report to Judicial facilities and whose duties require contact with court patrons, vendors and contractors.

C. The following essential employees fall within Category 3:

All essential employees required to report to the Judiciary facilities for work but do not fall into Categories 1 or 2.

D. The AOC, consistent with this (COVID-19) Response Differential Pay Policy, shall have the discretionary authority to:

1. determine which employees are essential;

2. determine which category such essential employees fall under;

3. determine whether a non-essential or teleworking employee required to report to work for a special task (*e.g.* payroll, new employee processing, etc.), is entitled to Differential Pay while at the worksite; and

4. resolve any other issues or disputes that arise under this Policy.

E. Any decision of the AOC under this (COVID-19) Response Differential Pay Policy, notwithstanding any JOG personnel rule or regulation, is final and not subject to grievance or appeal.

VI. RETROACTIVE DIFFERENTIAL PAY AUTHORIZED.

Consistent with P.L. 35-___, Differential Pay authorized under this Policy shall be paid retroactive to March 16, 2020, which is the effective date of Supreme Court Administrative Order ADM20-210, closing the courts and all other facilities of the Judicial Branch of Guam, except for essential court operations at Judicial facilities in Hagåtña, designated sites or field work.

VII. OTHER SPECIAL PAY.

Essential employees entitled to other special pay under the Judiciary's Personnel Rules and Regulations (*e.g*. night differential, hazardous pay, overtime, etc.) shall receive such pay in addition to the Differential Pay authorized in this Policy.

VIII. CLAIM FORM.

Essential employees shall submit the attached Coronavirus (COVID-19) Response Differential Pay Form in order to claim the Differential Pay authorized in this Policy. This form may be submitted electronically and must be approved by the AOC before submission to payroll for processing. All efforts will be made by the Judiciary to pay the Differential Pay to employees as quickly as possible, subject to the availability of appropriated funds and cash transferred to the Judiciary by the Department of Administration and the Bureau of Budget and Management Research. This form is necessary for the Judiciary to seek reimbursement for payment of Differential Pay from FEMA or other federal or local government entity.

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-__

RELATIVE TO REVIEW OF JURISDICTIONAL LIMIT FOR SMALL CLAIMS COURT

WHEREAS, Title 7 Guam Code Annotated (GCA) § 4208, entitled "Mandatory Annual Review of Jurisdictional Limits," provides that "In April of each year commencing with 1990, the Judicial Council shall consider adjustment of the jurisdictional limits for the Small Claims Division, and may adjust upwards the jurisdiction limits of the amount of claims allowed in the Small Claims Division based upon increases in the cost of living indices prepared by the Guam Department of Commerce and the United States government, and based upon the availability of attorneys to take small claims cases;" and

WHEREAS, in October 2018, the Civil Justice Reform Initiative launched, and a new Case Information Sheet was implemented to ensure full statistical representation of the types of cases filed in the Superior Court. The Civil Case Management Team is reviewing the information captured for civil and small claims cases filed in 2019 and based on the information gathered will now examine the Small Claims jurisdiction limit. The Superior Court of Guam Clerk of Court respectfully requested that the small claims jurisdictional amount remain status quo until further examination of the information captured is completed.

NOW, THEREFORE, BE IT RESOLVED that after a review of the small claims jurisdictional amount under 7 GCA § 4208, the Judicial Council agrees not to take any action to change the small claims jurisdictional amount until the next annual review, to take place in April 2021.

DULY ADOPTED this 16th day of April 2020, at a duly noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-__

RELATIVE TO PROCLAIMING THE MONTH OF MAY AS GUAM DRUG COURT MONTH

WHEREAS, this year marks the 31st anniversary of treatment courts; and

WHEREAS, treatment courts are now recognized as the most successful justice system intervention and now number more than 4,000 nationwide and have served over 1.5 million individuals; and

WHEREAS, the Superior Court of Guam established the first Drug Court in 2002, pursuant to Public Law 26-125 and since that time the Adult and Juvenile Drug Courts have graduated nearly 400 adults and over 100 juveniles, respectively, with hundreds enrolled in the programs collectively; and

WHEREAS, the National Association of Drug Court Professionals annually celebrates National Drug Court Month in order to bring attention to and celebrate the successes of treatment courts, which work to break the cycle of addiction in families and reduce the number of re-arrests. and re-incarcerations; and

WHEREAS, treatment courts significantly improve substance use disorder treatment outcomes, substantially reduce addiction and related crime, and do so at less expense than any other criminal justice strategy; and

WHEREAS, treatment courts improve education, employment, housing and financial stability, promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug free; and

WHEREAS, treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals; and

WHEREAS, treatment courts demonstrate that when one person rises out of substance use and crime- we all rise.

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council of Guam does hereby recognize the month of May 2020 as Drug Court Month, recognizing drug courts and other therapeutic courts as the cornerstone of criminal justice reform sweeping the island. The Judicial Council, on behalf of the Judiciary of Guam, urges the people of Guam to use this occasion to reflect on the positive changes brought by Drug Courts and other therapeutic courts to our island community.

DULY ADOPTED this 16th day of April 2020 at a duly noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-__

RELATIVE TO RECONGNIZING THE IMPORTANCE OF JURY SERVICE AND DECLARING JURY APPRECIATION WEEK

WHEREAS, the right to a trial by jury is one of the core values of the American judicial system, service by citizens as jurors is indispensable to the judicial system, and the privilege and duty of serving as a juror is as fundamental to democracy as the right to vote; and

WHEREAS, the right to a trial by jury is one of the core values of the American judicial system, service by citizens as jurors is indispensable to the judicial system, and the privilege and duty of serving as a juror is as fundamental to democracy as the right to vote; and

WHEREAS, the Judicial Council of Guam supports the goal of educating the public about jury duty and the importance of jury service, applauds the efforts of jurors who fulfill their civic duty, and believes that all jurors should be treated with respect and in a way so that their service is not unduly burdensome.

NOW, THEREFORE, BE IT RESOLVED the Judicial Council does hereby proclaim the week of May __ through __, 2020 as Jury Appreciation Week.

BE IT FURTHER RESOLVED that the Judicial Council of Guam honors the service and commitment of citizens who are summoned and serve as jurors in Guam and that the Judiciary of Guam extend sincere thanks and appreciation to all island employers who pay employees their normal wages while they serve as jurors, thus preventing financial hardship and fostering community strength

DULY ADOPTED this 16th day of April, 2020, at a duly noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-__

RELATIVE TO THE DECLARATION OF LAW DAY AND LAW WEEK

WHEREAS, the American Bar Association ("ABA") celebrates the first day in May of every year as Law Day, encouraging all Americans to reflect upon the Rule of Law and the good fortune of living in a nation of laws; and

WHEREAS, this year the American Bar Association has set the Law Day theme to be "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100." This year's theme calls on us to commemorate the centennial of the transformative constitutional amendment that guaranteed the right of women to vote. The amendment was passed in large part due to the women's suffrage movement, a long struggle to ensure that women and men were equally deserving of all the rights and responsibilities of citizenship; and

WHEREAS on May 27, 1977, the Guam Legislature passed Public Law 14-028, ratifying the "Equal Rights Amendment" and also enacted local law so that the provisions of the 19th Amendment could apply to Guam; and

WHEREAS, the Judiciary of Guam has historically followed the ABA tradition, and intends to recognize Law Day on May 01, 2020, and to celebrate Law Week from April __ to May __, 2020; and

WHEREAS, Law Week 2020 provides a unique opportunity to help promote public understanding of the rule of law by concentrating events important to the legal community, such as the State of the Judiciary Address, media publications of community views of legal principles, essay and art contests, fairy tale mock trial plays featuring the island's youth, local and federal open house and court tours, a special Naturalization Ceremony, an appellate outreach argument, Law Fair featuring services provided by the legal and law enforcement communities, Jump for Justice and obstacle course challenge, Girl Scouts Justice Day, and the annual "Race Judicata" 5K, a collaborative and unified effort to raise funds for a charitable organization;

NOW, THEREFORE, the Judicial Council, in uniformity with the American Bar Association, does hereby proclaim Friday, May 01, 2020, as Law Day and April __ through May __, 2020 as Law Week. The Judicial Council invites the people of Guam to these events to celebrate and reflect on the rule of law in Guam since Liberation.

DULY ADOPTED this 16th day of April 2020 at a noticed meeting of the Judicial Council of Guam.

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F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

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Shelterihna T. Alokoa, Assistant Secretary

Dated: _____

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