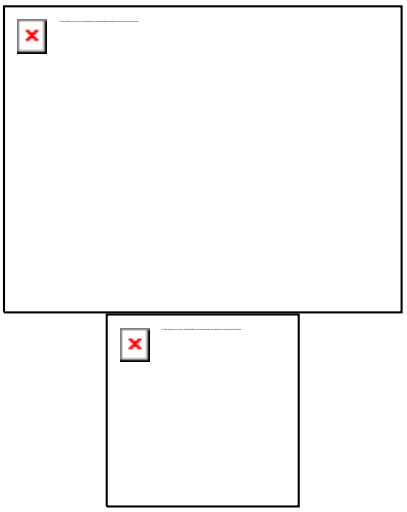
clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, June 5, 2020 5:25 PM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: M & C_Judicial Council May 21, 2020 Regular Meeting Packet
Attachments: Judicial Council of Guam May 21, 2020 Regular Meeting_Packet.pdf

06-05-20	4:56 PM	06-05-20	Judicial Council May 21, 2020 Regular Meeting Packet.*	Judicial Council of Guam	35GL-20-1861



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

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
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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. Yanggen lachi rinisibu-mu nu este na 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, Jun 5, 2020 at 4:56 PM
Subject: M & C_Judicial Council May 21, 2020 Regular Meeting Packet
To: Speaker's Office <speaker@guamlegislature.org>
Cc: Staff Attorney Serge Quenga <aquenga@guamcourts.org>, Petrina Ula <pula@guamsupremecourt.com>

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. The packet contains the meeting materials from the May 21, 2020 Judicial Council regular meeting. For your convenience, I've compiled all the documents into 1 PDF instead of the usual zipped folder.

Please note that a new Executive Secretary, Ms. Petrina Ula, has been appointed. Ms. Ula's appointment resolution is part of the meeting packet. I have copied her in this e-mail.

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

Chamber/Courtroom Clerk for the ***Honorable Katherine A. Maraman***
Associate Justice of the Supreme Court 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, MAY 21, 2020 | 12:00 PM
GUAM JUDICIAL CENTER
AND VIA VIDEOCONFERENCE

AGENDA

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING: May 14, 2020
May 19, 2020

III. DETERMINATION OF QUORUM

IV. READING AND DISPOSAL OF MINUTES: April 16, 2020 Regular Meeting

V. OLD BUSINESS
A. Judiciary FY20 Remittances pursuant to P.L. 35-36
B. Update on Capital Improvement Projects

VI. NEW BUSINESS
A. JC Resolution Memorializing the Passing of Chief Justice Camillo Noket
B. JC Resolution Reappointing Judge Perez to the Guam Law Library Board
C. JC Resolution Ratifying Rescission of COVID-19 Differential Pay Policy
D. JC Resolution Appointing Petrina Ula as Judicial Council Executive Secretary
E. State of Judiciary Address (June 12, 2020)
F. Update on Judiciary's Response to COVID-19
G. Notice of Next Meeting (June 18, 2020)

VII. COMMUNICATIONS

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

IX. ADJOURNMENT

AG still working on double-pay opinion

By Nick Delgado
nick@postguam.com

Pay for essential workers in the government of Guam has evolved into an even greater issue beyond the administration not paying its employees double their salary during the public health emergency.

The Office of the Attorney General is now two weeks into drafting an opinion in response to Democratic Sen. Joe San Agustin's request for clarification on the double-pay issue.

On Wednesday, the AG's office told The Guam Daily Post it was still working on the opinion.

Gov. Lou Leon Guerrero has said double pay does not apply during this current emergency, and that the government of Guam can't afford to pay it.

Editorial

Front-line workers deserve to be compensated properly. Page 18

Her executive order established differential pay instead.

"If you owe, pay!" said Sen. San Agustin, who chairs the legislative Committee on General Government Operations and Appropriations.

He said he checks with the AG's office three times a day for an update on the status of his request.

"If it's in favor of paying, then make the payment," he said. "If the government is really struggling and there is no other course, then make payments that are available. Don't make excuses. It's just like how they pay tax refunds. As they get the cash, they kick out the tax refunds. It's no different. I am hoping it goes north. But if it goes south, I am willing to do whatever I need to do to take care of our people."

San Agustin said senators still have the option to override the governor's veto of Bill 326-35. The measure would have set the differential pay retroactive to the initial declaration. It also specified payment of double pay for essential workers.

Other pay concerns

He's also expressed concern with essential workers getting little to no differential pay recently.

"I was very disappointed. They only paid them for one week? Really? They did all this for nine weeks," he said. "I am really bothered by that. Governor, you offered to pay them the differential. Pay their share or enforce both."

Republican Sen. James Moylan shared similar concerns. He wrote a letter to the governor on Wednesday following the protest essential workers held in Tamuning the day prior in regards to their pay.

Moylan asked that she reconsider her decision to suspend double pay for essential employees.

"The simplest actuality is that these front-liners deserve this compensation, as they certainly placed themselves and their families in harm's way on an almost daily basis," he stated in his letter to the administration. "The possibility of the government of Guam losing an inevitable class-action law suit would end up costing taxpayers millions more in the future, versus addressing the double-pay benefit at this time."

He said the Coronavirus Aid, Relief, and Economic Security Act provides the funding to pay them.

San Nicolas: $117 million should cover nurses' pay

By Haidee Eugenio Gilbert
haidee@postguam.com

The $117 million in direct federal pandemic aid to the government of Guam should be able to cover the salaries of nurses and other essential workers, Del. Michael San Nicolas said.

"When we have those people dealing with the circumstances, and when we have the resources to make them whole, we should. That's what the resources are there for," San Nicolas said in a news briefing Wednesday.

This comes a day after nurses and their supporters gathered at the ITC Intersection in Tamuning, to draw attention to their concerns about their pay and that of other essential workers.

Some nurses rejected the differential pay they got from GovGuam, ranging from $23 to $300, saying the amounts have fallen short of what's paid during emergencies.



Michael San Nicolas

San Nicolas said the purpose of the COVID-19 federal funding is to be able to meet any COVID-19-related expense.

It's surprising to learn that nurses and other front-liners had to demand proper payments during this time of pandemic, he said.

In Gov. Lou Leon Guerrero's spending plan for the nearly $118 million CARES Act funding, $22 million is for the Department of Administration, which anticipates $1 million in differential pay expenses every pay period.

The governor said the spending plan is "very flexible," depending on what comes up that wasn't anticipated earlier. The delegate said that flexibility is needed now.

Local program delays war claims funds, says delegate

By Haidee Eugenio Gilbert
haidee@postguam.com

Guam has yet to get actual federal reimbursement for the $11 million in local funds that it used to advance the payment of war claims, while the remaining World War II survivors and their heirs have yet to get any payments.

Del. Michael San Nicolas on Wednesday said these delays are a result of the local payment program, which the Treasury Department needs to reconcile first before releasing funds. "This kind of circles back to why I was always kind of going off about the local program potentially causing delays," he said. "Right now, Treasury is still working to reconcile the local program."

Gov. Lou Leon Guerrero's office had yet to comment on the delegate's statement. Press secretary Krystal Paco-San Agustin said they are preparing for a Thursday informational briefing.

That briefing, called by the Legislature's committee on public accountability, is focused on GovGuam's response to the COVID-19 pandemic.

Senators have asked the governor to use the anticipated $11 million reimbursement for local war claims payments, to provide direct assistance to residents affected by the COVID-19 pandemic. "Unfortunately the reconciliation of the local program is an issue," San Nicolas said.

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Hagåtña, Guam 96910-5174
Tel: (671) 475-3589 Fax: (671) 475-3140
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council will conduct its monthly meeting on **Thursday, May 21, 2020, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña by video-conference.** 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/UCfnFCWwIIp99fAeh9zi4Q4g/featured 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 Shelterihna T. Alokoa at 475-3589.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

UNIVERSITY OF GUAM
UNIBETSEDÅT GUÅHAN

First Notice

The University of Guam (UOG) Regent Nominating Council (RNC) Meeting will be held via registered zoom on **Thursday, May 21, 2020 at 10:00 a.m.** The meeting will be publicly accessible by registering for zoom access at https://zoom.us/meeting/register/tJIlf-mvpzIsGtVnv30Zinw4LTiRL0paCRgt.

For security purposes, registration for the public is required for attendance. This complies with the Governor's Executive Order No. 2020-07, dated March 28, 2020, paragraph 4 related to Open Government and Participation in Meetings via Teleconferencing during the emergency declaration period. The emergency declaration period was extended for an additional thirty (30) days per Governor's Executive Order No. 2020-11, dated April 30, 2020.

The University of Guam complies with Guam Public Law 24-109 with reference to the provisions and requirements of the American with Disabilities Act. For special Accommodations, please contact the ADA coordinator at 735-2244, TTY 735-2243.

This ad was paid for with UOG funds.

CURRENCY EXCHANGE RATES
On May 18, $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.

50.895 PHP₱	107.19 JPY¥	1,232.4 KRW₩	29.975 TWD NT$	7.1157 CNY¥	1.5518 AUD A$	0.9251 EUR €

Restaurants to reopen for dining in May 25

By Haidee Eugenio Gilbert
haidee@postguam.com

Mask-wearing waiters, more space between tables, and perhaps some discounts on to-go orders may just well be among the new realities when Guam restaurants reopen their doors for dining in, as early as May 25 which coincides with Memorial Day.

Gov. Lou Leon Guerrero on Monday said the business restrictions on dine-in restaurants will be lifted soon, but they are allowed only up to 50% of their normal occupancy to make enough room for social distancing.

After the news briefing, Adelup clarified the governor expects to receive draft Department of Public Health and Social Services guidance on restaurants' reopening for her consideration on May 21.

"After this guidance has been reviewed and approved, the goal is to permit the opening of restaurants for dine-in services by Monday, May 25," Press Secretary Krystal Paco-San Agustin stated.

The Office of the Governor also reminds everyone that restrictions will be relaxed based on available case data and other factors.

"While we work to meet this goal, dates are fluid and may be revised," the office said.



OPEN: *Rotten Apple is one of the restaurants that have recently reopened after closing due to COVID-19 crisis as seen May 5 in Tamuning. From left: Shaun Penaflorida, restaurant manager, along with kitchen managers Cecil Lachica and Hubert Retez, pose for a photo after the reopening. David Castro/The Guam Daily Post*

Parks, beaches under review for reopening

Besides lifting some restrictions on dine-in restaurants, the governor is also looking at allowing the reopening of public parks and beaches and yoga and pilates studios.

But the reopening of gyms is still under discussion because it's "a little bit more risky," the governor said.

She asked that people don't "let their guards down" and continue to practice preventive measures to defeat COVID-19, including wearing masks, frequent hand washing, and maintaining social distancing.

'The new normal'

At MainStreet Delicatessen and Bakery in Hagåtña, future dine-in customers will still be asked to wear a mask and to use the restaurant's hand sanitizer when they enter the premises.

"It's the new normal for employees and customers. We just have to get used to it for health reasons," Christina Perez, the owner, manager and baker, said.

But once customers are in their seats, they can take off their mask.

There will be enough space between customers because there will be fewer seats in the restaurant to maintain social distancing, Perez said.

Discount for to-go orders

Michelle Kosloski, owner of Michelle's Coffee Shop, cooked up a new business strategy that she said will give more incentive to people choosing to order to-go food than dine in.

She said she will continue to offer a 15% discount to customers ordering food-to-go, even after dining-in is allowed again.

"COVID-19 will still be here. But customers ordering to-go will continue to help prevent the spread so that's why we will continue to give them 15% off if they are to-go customers," she said, as social distancing will still be in people's mind long after the executive orders are lifted.

After more than a month of closure, Michelle's Coffee Shop reopened on May 1 for pick-up orders.

"But I'm very grateful that customers are coming back. They cheer me up," she said.

Future diners at Denny's at Micronesia Mall will also be greeted by food servers and staff wearing masks, according to assistant restaurant manager Kawika Palieassei.

"Spacing between tables will be changed so there will still be social distancing. There will be fewer people allowed in at any given time, depending on what (the Department of Public Health) will allow as far as occupancy. There will be constant sanitizing. This is going to be the new normal," she said.

Rotten Apple Steampunk Restaurant in Tamuning reopened on May 4 for to-go orders and the customer response was "a little crazier" than expected according to its owner, Eddie Chien.

"It was like a jolt to the system," Chien said. "It's a nice feeling."

JUDICIAL COUNCIL OF GUAM

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NOTICE OF PUBLIC MEETING

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Any person(s) needing special accommodations, auxiliary aids or services, please contact the Administrator of the Courts at 475-3544, or Shelterihna T. Afokoa at 475-3589.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

SENATOR THERESE M. TERLAJE
I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

Committee On Health, Tourism, Historic Preservation, Land and Justice

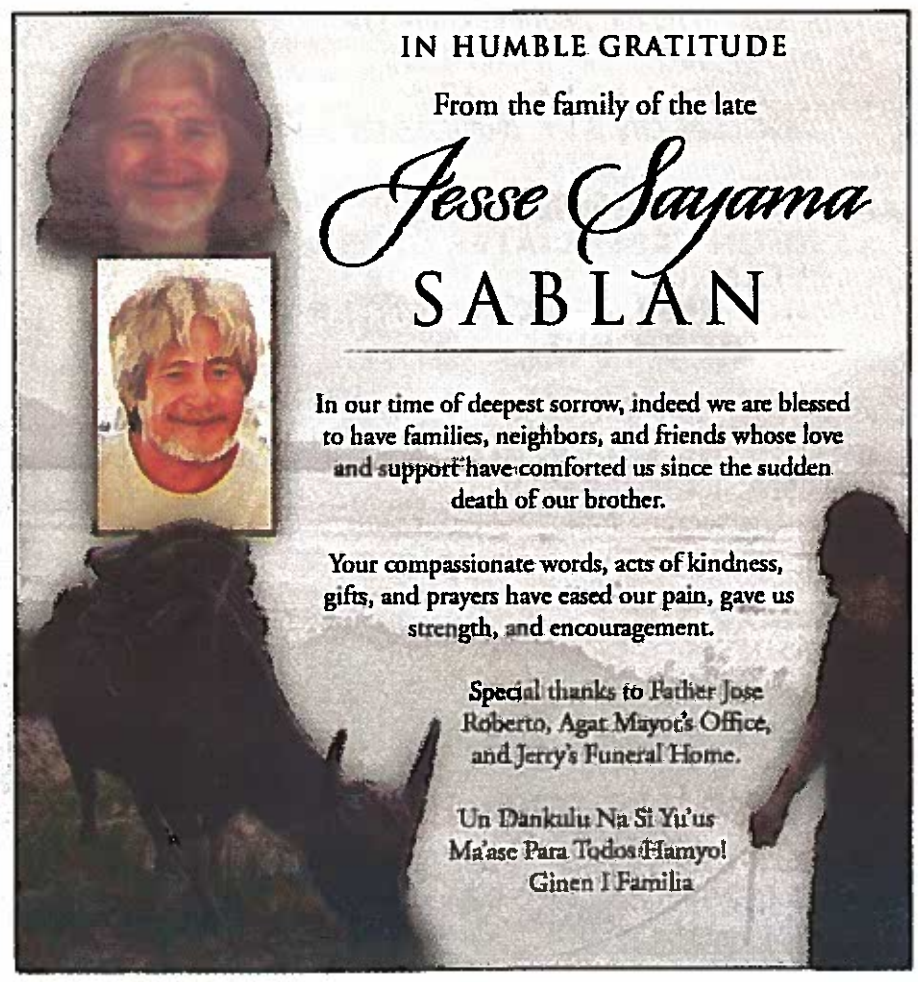
VIRTUAL CONFIRMATION HEARINGS • 1:00 PM • THURSDAY, MAY 21, 2020

AGENDA

1PM- 2PM:
- Dr. Anita B. Enriquez, Member, Guam Land Use Commission
- Louisa M. Wessling, Member, Guam Ancestral Lands Commission

3PM-4PM:
- Edwin J.C. Reyes, Planning Alternate Representative, Guam Historic Preservation Review Board
- Nadine T. Cepeda, Member (Marriage & Family Therapist Representative) Guam Board of Allied Health Examiners

If you would like to participate in this virtual hearing, submit written testimony or if you require special accommodations, please contact the Office of Senator Therese M. Terlaje via email at senatorterlajeguam@gmail.com or 472-3586 **no later than 1PM on May 19, 2020** for further guidance. The hearing will broadcast on GTA Ch. 21, Docomo Channel 117/60.4 and streamed live at http://www.guamlegislature.com/live_feed.htm and on the Guam Legislatures YouTube Channel. This ad is paid for with government funds.



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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

★★★★

Advisory 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, APRIL 16, 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 12:10 p.m.

ROLL CALL*:

Chief Justice F. Philip Carbullido [calling in from Inarajan]
Justice Katherine A. Maraman [calling in from Sinajana]
Justice Robert J. Torres [calling in from Santa Rita]
Presiding Judge Alberto C. Lamorena III [calling in from Dededo]
Judge Arthur R. Barcinas [calling in from Merizo]

Advisory Committee Members:
Judge Maria T. Cenzon
Judge Elyze M. Iriarte
Magistrate Judge Benjamin Sison
Referee Linda Ingles
Ms. Bridget-Ann Keith, Administrative Hearing Officer
Attorney Frederick J. Horecky [calling in from Tamuning]

Also Present:
Ms. Kristina Baird, Administrator of the Courts (AOC)
Mr. Robert Cruz. Deputy Chief Administrator
Ms. Alicia A.G. Limtiaco, DPPCR
Mr. Andrew "Serge" Quenga", Staff Attorney, JOG
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. Trish Suzuki, Deputy Chief Probation Officer
Ms. Ma. Dianne Ollet Gudmalin, FMD Administrator
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
Ms. Geraldine A. Cepeda, Compiler of Laws, Law Library Executive Director
Ms. Michelle Nicole "Nikki" Cruz, Special Projects Coordinator, AOC
Mr. Joseph Mannion, MIS Administrator
Ms. Jeanette M. Quintanilla, Senior Probation Officer/IFIK President
Ms. Kristina Blaz, Public Information Officer
Ms. June Bells Cariño, Chamber Administrator
Ms. Shelterihna T. Alokoa, Chamber/Courtroom Clerk
Ms. Petrina Ula, Chamber Clerk

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

**** 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.**

*** Chief Justice presented the March 26, 2020 Judicial Council Regular Meeting Minutes. **Presiding Judge Lamorena moved to approve the Minutes for the March 26, 2020 Regular Meeting, subject to correction. Judge Barcinas seconded the motion. Chief Justice Carbullido called an oral vote. All Council members voted in favor; the minutes were approved.**

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.

III. DETERMINATION OF QUORUM

**Quorum was determined earlier in the meeting as seen above.

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

***Approved earlier in the meeting. Please see page 2.

V. OLD BUSINESS

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

Ms. Dianne Gudmalin reported that, as of the meeting date, the Judiciary has received $17,186,389 or 54% of the $32,607,798 JOG FY20 allotment. She noted that the JOG received $1,233,377 on April 08, 2020. She added that, as mentioned in the March Council meeting, there was a deficit of $80,989 for the March allotment payment. Ms. Ollet stated that, on March 31, the JOG received an email from BBMR Director Lester Carlson stating that the Department of Administration will restore the deficit back to the JOG in the April 21, 2020 allotment payment.

B. Update on Loan and RFP for Interim Financing and On-going Renovation Projects

Justice Torres suggested that the agenda item description be updated as the loan and RFP has already been finalized. He reported that a contract for the San Ramon building has been completed within the guidelines from Council but is pending the re-opening of Department of Land Management.

Ms. Baird said that final negotiations with the architect vendor for the Route 4 building are underway so construction can begin within a month. She added that a majority of the common area carpeting on the 2nd floor of the Guam Judicial Center has been removed and that a crew will begin laying tiles that afternoon. She stated that the JOG has also finalized the employee parking lot lease which gives the JOG the option to buy the parking lot in two years. She concluded noting that the JOG will send out its first draw down letter to the Bank of Guam which will include the purchase price of the San Ramon building, the appraisal fee, the architectural & structural soundness report fee, and the price of the new air conditioner chiller.

VI. NEW BUSINESS

A. JC Resolution Relative to Temporarily Suspending the Merchant Services Fee

Justice Torres moved to adopt the resolution for discussion and Presiding Judge Lamorena seconded the motion. Chief Justice explained that, in February 2015, the Council had amended the merchant fees. He said that every time a court patron makes a payment with a credit or debit card, there is a 3% fee to the respective

bank of the card and the JOG adds on 1/10 of 1%. He further explained that means court patrons pay a total merchant services fee of about 3.1%. Chief Justice introduced a resolution that would waive the 3.1% charge to proactively assist the court patrons during this pandemic and the JOG will absorb that cost. He noted that the proposed fee waiver does not cover bail payments.

Justice Torres, Presiding Judge Lamorena, and Judge Barcinas agreed with the resolution. Justice Maraman stated she approved the fee waiver but stated that indigents need this assistance the most and it should also apply to bail payments. Council members discussed the matter with input from Ms. Rosete and Ms. Gudmalin. **Justice Maraman moved to amend the resolution to delete the phrase "except for bail payments". The other Council members did not second the motion; the motion failed.** Chief Justice Carbullido asked if there was any other motion. **Justice Torres moved to approve the resolution as presented and Presiding Judge Lamorena seconded the motion. Chief Justice Carbullido called an oral vote. Justice Maraman voted against the resolution as presented. Chief Justice Carbullido, Justice Torres, Presiding Judge Lamorena, and Judge Barcinas voted in favor of the resolution; it was adopted by the majority.**

B. JC Resolution Authorizing Differential Pay for COVID-19 Essential Employees

Presiding Judge Lamorena moved to adopt the resolution for purposes of discussion and Judge Barcinas seconded the motion. The Chief Justice presented Governor Leon Guerrero's Executive Order No.2020-08 which authorizes retroactive differential pay for GovGuam employees who had to work during the pandemic. He noted that this differential pay is separate from any other extra pay that employees may get such as hazard pay and night differential pay. He presented a policy that would be attached with the resolution which details the 3 different categories of differential pay.

The Chief Justice shared that the employees in Category 1 include JOG law enforcement officers who are working with Public Health and come into close contact with COVID-19 patients. Judge Barcinas shared his concern with the language in the policy and the Executive Order such as the difference between differential pay and hazard pay. He also stated that he was concerned that there wasn't an appeal process in the policy. Council members, Mr. Horecky, and Ms. Baird discussed the matters in more detail. It was noted that the language of the resolution and its policy was taken from the Governor's Executive Order No. 2020-08. Ms. Baird shared that an electronic timecard was created by Ms. Gudmalin which includes the 3 work categories and blank spaces for personnel to write justification for each category. Judge Barcinas thanked all for the effort that went into the creation of this resolution and its policy. **Chief Justice called for an oral vote. All Council members voted in**

favor of the resolution; the resolution was unanimously approved. Chief Justice Carbullido stated that he will ensure the AOC distributes the pay equitably and any judicial officer with any more concerns could meet with him and the AOC.

C. JC Resolution Relative to Review of Jurisdictional Limit for Small Claims Court

Ms. Rosete presented the resolution which seeks an extension of review of jurisdictional limit for small claims court. As stated in the resolution, 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. Ms. Rosete requested that the small claims jurisdictional amount remain status quo for now. **Presiding Judge Lamorena moved to adopt the resolution as presented and Justice Torres seconded the motion. Chief Justice called for an oral vote. All Council members voted in favor of the resolution; the resolution was unanimously approved.**

D. JC Resolution Relative to Proclaiming May as Guam Drug Court Month

Presiding Judge Lamorena presented a resolution which recognizes the success of the Guam Drug Court and proclaims May as Guam Drug Court Month. He added how the Drug Court has helped thousands recover from drug addiction. **He moved to adopt the resolution and Justice Torres seconded the motion. Chief Justice called for an oral vote. All Council members voted in favor of the resolution; the resolution was unanimously approved.**

E. JC Resolution Relative to Recognizing the Importance of Jury Service and Declaring Jury Appreciation Week

Ms. Rosete presented a resolution that declares Jury Appreciation Week which is an annual event that the Presiding Judge founded to recognize the importance of Guamanians' civic duty as jurors. She added that there were about 16,000 present in the judiciary in the past year. She requested that Jury Appreciation Week be moved to the last week of May if court operations are open to the public by then. **Chief Justice asked Council members if they would object to leaving the specific date of Jury Appreciation Week to the discretion of Presiding Judge Lamorena and Ms. Rosete. There was no objection.** Chief Justice said the date of Jury Appreciation Week will be left blank on the resolution.

Presiding Judge Lamorena moved to adopt the resolution as presented. Chief Justice called for an oral vote. All Council members voted in favor of the resolution; the resolution was unanimously approved.

F. JC Resolution Relative to the Declaration of Law Day and Law Week

Justice Torres presented a resolution that proclaims the end of April to the beginning of June as a Law Day and Law Week celebration. He reminded those present that the Law Day celebration is an annual celebration with a theme from the American Bar Association. He noted that the theme this year is Women's Suffrage. **Justice Torres made a motion to amend the resolution to read that "Law Weeks will be from April 01, 2020 to June 15, 2020". He moved to adopt the resolution as amended and Presiding Judge Lamorena seconded the motion. Chief Justice called for an oral vote. All Council members voted in favor of the resolution; the resolution was unanimously approved.**

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

Ms. Baird shared that the HVAC cleaning is still on-going and that the team is currently cleaning the AOC and HR area. She noted that the team anticipates to be done by the next week. She added that carpets that weren't removed are 90% complete with deep cleaning treatment and all personnel phones have been replaced by new GTA handsets.

Ms. Baird also reported that a committee has been formed for the transition back to full court operations and committee members include Ms. Alicia Limtiaco, Ms. Danielle Rosete, Ms. Barb Perez, and Ms. Virginia Yasuhiro. She noted that they have been drafting different directives. She also gave more details about the electronic timecards that were given to all JOG employees through the respective division timekeepers.

H. Notice of Next Meeting (May 21, 2020)

Chief Justice Carbullido announced that the next Judicial Council regular meeting will be held on Thursday, May 21, 2020.

VII. COMMUNICATIONS

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 reported that IFIK had a balance of $7472.74 as of February 27, 2020. She said that a few deposits are pending but a more accurate balance should be available once IFIK is able to meet. She concluded by stating the IFIK board will meet on April 21, 2020 and birthday benefits will be disseminated once all court personnel are allowed back into the Guam Judicial Center.

Chief Justice Carbullido concluded the meeting by wishing everyone well and thanked everyone.

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 01:11 p.m.

Respectfully submitted this 1st day of May, 2020.

SHELTERIHNA T. ALOKOA
Assistant Secretary,
Judicial Council of Guam

The April 16, 2020 Minutes of Regular Meeting as set out above was approved by the Judicial Council at the May 21, 2020 Regular meeting.

F. PHILIP CARBULLIDO
Chairman

Dated: MAY 21, 2020

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-017

**RELATIVE TO MEMORALIZINGTHE PASSING OF
THE HONORABLE CAMILLO NOKET,
CHIEF JUSTICE OF THE CHUUK STATE SUPREME COURT**

WHEREAS, the late Honorable Camillo Noket dedicated his life to promoting the rule of law, and outstanding service to the people of Chuuk, and throughout the Pacific, in many roles and settings; and

WHEREAS, the Honorable Camillo Noket was a graduate of Xavier High School, attended the University of Guam for two years, and received extensive training with the National Judicial College and the American College of Trial lawyers, the William S. Richardson School of Law, and the Federal Court of Australia; and

WHEREAS, the Honorable Camillo Noket served in many leadership roles in the development and advancement of the island communities, having served in many critical leadership roles within the Trust Territory of the Pacific Islands, Truck State legislature, Chuuk State Constitutional delegation, and the FSM Constitutional delegation, spanning from 1970 to the present; and

WHEREAS, the Honorable Camillo Noket notably served as President of the 2nd Chuuk State Constitutional Convention in 2004, and as Chairman of the Civil Liberties and Traditions Committee in the 2nd and 3rd Federated States of Micronesia Constitutional Convention.

WHEREAS, the Honorable Camillo Noket began his legal career in 1980, when he was admitted to practice law as a Trial Assistant before the Trust Territory High Court, eventually being admitted to practice as an attorney before the Trust Territory High Court on September 23, 1986; and

WHEREAS, the Honorable Camillo Noket, in 1986, was the first Micronesian to pass the FSM bar without having attended law school; and

WHEREAS, the Honorable Camillo Noket worked with the Micronesian Legal Services Corporation from 1982 until 1990 before serving as Assistant Attorney General for the Federated States of Micronesia (FSM) from 1990 until 1995, and eventually rising to the position of FSM Attorney General from 1995 to 1998. He served as an Associate Justice on the Chuuk State Supreme Court from 1998 to 1999 before returning to work with Micronesian Legal Services; and

WHEREAS, the Honorable Camillo Noket was appointed as Chief Justice of Chuuk State Supreme Court in 2006, and has presided in that capacity until his passing on May 4, 2020; and

WHEREAS, the Honorable Camillo Noket has been an active and valued member of the Pacific Judicial Council since 2006, having been elected to serve as Vice President then elected to serve as President in September 2017, until he was called to his eternal rest on May 4, 2020; and

WHEREAS, the Honorable Camillo Noket was an invaluable member and leader of the Pacific Judicial Council always striving for the improvement of the administration of justice; and

NOW, THEREFORE, BE IT RESOLVED that the Judicial Council of Guam offers its sincerest condolences and sympathies to the Justices and Court Staff of the Chuuk State Supreme Court.

BE IT FURTHER RESOLVED, that the Judiciary of Guam expresses its sincere condolences and gratitude to the Honorable Camillo Noket's family for his dedication and friendship. We are all enormously proud to have worked alongside Chief Justice Noket for many years and saddened by his unexpected passing.

DULY ADOPTED this 21st day of May 2020 at a duly noticed meeting of the Judicial Council of Guam.

_____
F. PHILIP CARBULLIDO, Chairman

Dated: _____

ATTEST:

_____
Shelterihna T. Alokoa, Assistant Secretary
Dated: _____

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-018

RELATIVE TO THE APPOINTMENT OF JUDGE VERNON P. PEREZ AS THE JUDICIAL COUNCIL REPRESENTATIVE TO THE GUAM LAW LIBRARY BOARD OF TRUSTEES

WHEREAS, the Judicial Council of Guam is to appoint one trustee to the Guam Law Library's Board of Trustees pursuant to 7 GCA § 9203; and

WHEREAS, Judge Vernon P. Perez has served on the Guam Law Library Board of Trustees pursuant to 7 GCA § 9203; and

WHEREAS, it is the desire of the Judicial Council that Judge Vernon P. Perez serve another term as the Judicial Council's representative to the Guam Law Library Board of Trustees;

NOW, THEREFORE, BE IT RESOLVED that Judge Vernon P. Perez be appointed to serve another term as the Judicial Council's representative trustee pursuant to 7 GCA § 9203.

DULY ADOPTED this 21st day of May, 2020 at a duly-noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: MAY 21, 2020

ATTEST:

Shelterihna T. Alokoa, Assistant Secretary

Dated: May 21, 2020

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-019

RELATIVE TO RATIFYING THE RESCISSION AND TERMINATION OF THE JUDICIAL COUNCIL COVID-19 RESPONSE DIFFERENTIAL PAY POLICY

WHEREAS, on May 04, 2020, in Supreme Court of Guam Administrative Order No. ADM20-240, Chief Justice F. Philip Carbullido, under 48 U.S.C.A. §§ 1424-1(b)(2) and (3), rescinded and terminated the Judicial Council COVID-19 Response Differential Pay Policy, approved in Judicial Council Resolution No. 20-012, because the Judiciary had not received any appropriations or funding to pay COVID-19 related expenses, including differential pay placing the Judiciary's certifying officers at risk of certifying funds insufficient to meet payroll; and

WHEREAS, the Legislature of Guam is working on legislation to provide a statutory basis for COVID-19 differential pay and other benefits that may apply to Judiciary employees.

NOW, THEREFORE, BE IT RESOLVED that the rescission and termination of the COVID-19 Response Differential Pay Policy by the Chief Justice in Administrative Order ADM 20-240 are hereby ratified.

BE IT FURTHER RESOLVED, that any COVID-19 differential pay or benefits approved by law and therein made applicable to the Judicial Branch will be paid to Judiciary employees in accordance with such law.

DULY ADOPTED this 21st day of May, 2020 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: MAY 21, 2020

ATTEST:

Shelterihna T. Alokoa, Assistant Secretary

Dated: May 21, 2020

Filed
Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

RE:	)	Supreme Court of Guam
RELATIVE TO RESCINDING AND TERMINATING THE JUDICIAL COUNCIL OF GUAM COVID-19 RESPONSE DIFFERENTIAL PAY POLICY	)	Administrative Order No. ADM20-240

On April 16, 2020, the Judicial Council of Guam approved the Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy in Judicial Council Resolution No. 20-012, which adopted in large part the COVID-19 Response Differential Pay Policy for the executive branch established in Executive Order 2020-08. Judicial Council Resolution No. 20-012 further conditioned retroactive application of the Policy on enactment of legislation approving such retroactivity. On April 30, 2020, *I Maga'hågan Guåhan* issued Executive Order 2020-11, extending the public health emergency set to expire on May 5, 2020, for an additional thirty days. This court, in like response to the public health emergency, issued a series of administrative orders, the most recent of which – Administrative Order No. ADM20-239 -- extended the closure of the Judiciary of Guam for non-essential operations and proceedings until June 5, 2020.

On April 28, 2020, *I Maga'håga* vetoed Bill 326, An Act Relative to Compensating Essential Employees Retroactively with COVID-19 Response Differential Pay Consistent With Executive 2020-08. In her veto message, *I Maga'håga* said under Bill 326, as drafted, front liners and other essential employees would be entitled to both double pay and the COVID-19 differential pay initially established by Executive Order 2020-08 and that the legislature voted on the measure without the benefit of information that the public health emergency would be extended. Under

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these conditions, Bill 326, according to *I Maga'håga*, would obligate the government to millions more in payroll costs while proposing no appropriation from which it should come.

The extension of the public health emergency and the further delay in reopening the Judiciary for non-essential operations will cause additional and unanticipated significant financial impacts from the Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy, and the Judiciary has not received any appropriation or funding to pay COVID-19 related expenses, including differential pay. Therefore, because the Judiciary's certifying officers may be at risk for certifying funds that are insufficient to meet payroll, including differential pay, and based on the powers vested in the Chief Justice through the Organic Act of Guam, *see* 48 USCA § 1421-1(b)(2), (3), it is hereby **ORDERED** that:

1. The Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy, approved by Judicial Council Resolution No. 20-012, is rescinded and terminated effective May 4, 2020.
2. This termination shall not affect any differential pay for Judiciary law enforcement officers who continue to work under the Judiciary's Agreement dated March 28, 2020, with *I Maga'hågan Guåhan* and Guam Homeland Security for assistance in responding to the COVID-19 emergency.

SO ORDERED this 5th day of May, 2020, ***nunc pro tunc*** **to May 4, 2020**.

/s/
F. PHILIP CARBULLIDO
Chief Justice

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC20-020

RELATIVE TO APPOINTING AN EXECUTIVE SECRETARY AND ASSISTANT SECRETARY TO THE JUDICIAL COUNCIL

WHEREAS, the Judicial Council requires the services of an Executive Secretary and Assistant Secretary; and

WHEREAS, the duties of the Executive Secretary and Assistant Secretary include attending Judicial Council meetings and preparing minutes, resolutions and orders of the Judicial Council; and

WHEREAS, the Executive Secretary and Assistant Secretary may also be called upon to serve as administrative support to the Administrative Hearings Officers in all Judiciary appeals or any other matter that may be delegated by the Judicial Council to an Administrative Hearings Officer.

NOW, THEREFORE, BE IT RESOLVED that, the Judicial Council removes June Bells Cariño from the position of Executive Secretary of the Judicial Council and appoints Petrina Ula as Executive Secretary with Shelterihna T. Alokoa to remain as Assistant Secretary, to serve in their respective capacities until further order of the Judicial Council.

DULY ADOPTED this 21st day of May, 2020 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: MAY 21, 2020

ATTEST:

Shelterihna T. Alokoa, Assistant Secretary

Dated: May 21, 2020

Judiciary of Guam
HUDIFIÅT GUÅHAN
FINANCIAL MANAGEMENT DIVISION
GUAM JUDICIAL CENTER • 120 WEST O'BRIEN DRIVE • HAGÅTÑA, GUAM 96910
TELEPHONE: (671) 475-3411 • FACSIMILE: (671) 477- 3184

HON. F. PHILIP CARBULLIDO, CHIEF JUSTICE
HON. ALBERTO C. LAMORENA III, PRESIDING JUDGE
KRISTINA L. BAIRD, ADMINISTRATOR OF THE COURTS
MA. DIANNE O. GUDMALIN, FINANCE ADMINISTRATOR

BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR
P.O. BOX 2950
HAGATNA, GU 96932

Invoice Number:	2020-00000008
Date:	05/15/2020
Due Date:	06/14/2020
Terms:	Net 30 Days
Total Invoice:	$82,753.52
Prepayments:	($0.00)
Total Due:	$82,753.52

DESCRIPTION: Corona Virus Relief Fund (Non-Personnel Cost)

Description	Qty	Unit Price	Total Price
Miscellaneous	1	$82,753.5200	$82,753.52

Disbursements from March 17 to May 15, 2020

PAYMENT DUE UPON RECEIPT. PLEASE RETURN REMITTANCE COPY.

PLEASE INCLUDE INVOICE NUMBER ON THE REMITTANCE:2020-00000008

REMIT PAYMENT TO:

JUDICIARY OF GUAM
120 WEST O'BRIEN DRIVE
HAGATNA, GUAM 96910
(671) 475-3411

Customer #: 178
Bureau of Budget & Management Research
Office of the Governor
P.O. Box 2950
HAGATNA, GU 96932

Total Invoice:	$82,753.52
Prepayments:	($0.00)
Total Due:	$82,753.52

"The Judiciary of Guam is an equal opportunity provider and employer."