

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Tuesday, December 1, 2015 – 12:30 p.m.
Conference Room,
Public Defender Service Corporation

A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
 - A. Notice: 5 Working Days Marianas Variety, Monday, November 20, 2015
 - B. Notice: 48 Hours Marianas Variety, Friday, November 27, 2015
- IV. Determination of a Quorum**
- V. Approval of Minutes:** Regular Meeting of Tuesday, October 27, 2015
- VI. Old Business:**
 - A. Financial Status Update (PDSC and APD) Allotment Releases
 - B. Domestic Violence Program Update
 - C. Alternate Public Defender Update
 - D. PDSC Executive Director Performance Evaluation
 - E. APD Attorney Level 5 (Managing Attorney) Performance Evaluation
 - F. PDSC & APD Strategic Planning Up-date
- VII. New Business:**
 - A. Executive Director Eric D. Miller, Retirement
 - B. New Executive Director Search
 - C. Up-date on Board Composition
 - D. Up-date on Lobbying on Funding for Civil Division
 - E. Professor Laurie Shanks Training – February 2016
- VIII. Public Discussion:**
- IX. Adjournment and Next Meeting Date:**

Tuesday, December 22, 2015 at 12:30PM

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

REFIT, EVANGELINE KIKKU
dba: 4 STARS

has applied for a Class: (4) GENERAL ON SALE ALCOHOLIC BEVERAGE LICENSE. said premises being marked as Lot: 10111-5 NEW DEDEDO CTR #218/219 1061 ROUTE 1 DEDEDO, GUAM.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

Hanssi Corporation
dba: Grill N Green

has applied for a Class: 4 GENERAL ON SALE ALCOHOLIC BEVERAGE LICENSE. said premises being marked as Lot: 5089-1-1-3R Pia Marine Condo 197 Tumon Lane.

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, December 1, 2015 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ CHIEF JUSTICE ROBERT J. TORRES, JR.
Chairman

This public notice is paid for with government funds.

INVITATION FOR BID TUMON BAY LIGHTING IMPROVEMENT PHASE II PROJECT GVB IFB #2016-004 MS

The Guam Visitors Bureau (GVB), a public non-stock, non-profit, membership corporation, issues this Multi-Step Invitation for Bid ("IFB") soliciting bids from qualified businesses for the Tumon Bay Lighting Improvement Project - Phase II

The Multi-Step Invitation for Bid (SB format) may be obtained at the GVB Office, 401 Pale San Vitores Road, Tumon, Guam, beginning Friday, November 20, 2015, 8:00 AM - 5:00 PM, Monday - Friday. A non-refundable \$25.00 fee is required for each packet picked up at the GVB office. Methods of payment are:

- (1) US Transfer
- (2) Bank Wire Transfer
- (3) Major Credit Card (Visa, MasterCard, Discover, JCB)

The IFB packet can also be downloaded at no cost from GVB's website at www.guamvisitorsbureau.com

Bid submission deadline is 12:00 noon Chamorro Standard Time, December 11, 2015. Bids shall be submitted to the General Manager of the GVB, 401 Pale San Vitores Road, Tumon, Guam. Questions, if any, should be made in writing to the General Manager, which can be dropped off at the GVB office, emailed to procurement@visiuguam.org, or sent by fax to 646-8861 according to the timeline provided in the RFP.

GVB reserves the right to reject any or all bids, solicit new bids, waive minor irregularities or irregularities or award GVB IFB #2016-004 MS Tumon Bay Lighting Improvement Project - Phase II. Except to the above person named, direct or indirect contact with the GVB Management or Staff, Board Member, or any person participating in the selection process is prohibited.

GVB reserves the right to reject any or all bids, solicit new bids, waive minor irregularities or irregularities or award GVB IFB #2016-004 MS Tumon Bay Lighting Improvement Project - Phase II. Except to the above person named, direct or indirect contact with the GVB Management or Staff, Board Member, or any person participating in the selection process is prohibited.

/s/ DENIGHT



GUAM DEPARTMENT OF EDUCATION

OFFICE OF SUPPLY MANAGEMENT

500 Mariner Avenue, Suite A-13 Barrigada, Guam 96913-1608

Telephone 671-475-0438 Fax 671-472-5001

Website: www.gdoe.net/procurement



REQUEST FOR INFORMATION

GDOE RFI 002-2016

BROADBAND INTERNET ACCESS

SUBMISSION DATE: Wednesday, December 9, 2015 at 3:00 P.M.

Note: It is solely the Respondent's responsibility to review the website on a daily basis for the issuance of Amendments/Clarifications for any possible changes to the RFI.

INTERESTED RESPONDENTS MAY DOWNLOAD THE RFI PACKAGE AT <http://www.gdoe.net/procurement>. RFI packages are available for download on the GDOE website and can be reviewed at the GDOE Office of Supply Management.

A non-refundable fee of \$10.00 (cash only) is required upon submission.

This Advertisement is One-Hundred Percent (100%) Locally Funded

/s/ CARMEN T. TAITANO
SUPPLY MANAGEMENT ADMINISTRATOR

For: **JON J.P. FERNANDEZ**
SUPERINTENDENT OF EDUCATION



GSA General Services Agency

(Ahensian Setibision Hinirat)

Department of Administration

Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96916

Tel: 475-1707-13 Fax: 472-1716/475-1727

Ray Torres
Lt. Governor

THIS ADVERTISEMENT WAS PAID WITH SPECIAL FUNDS BY:

DEPARTMENT OF PARKS AND RECREATION

A non-refundable fee of \$10.00 per bid package will be assessed. Certified Check, Cashier's Check, Cash will be accepted. No personal or company check. Payment for bid package picked up after 3:00 pm will not be accepted.

INVITATION FOR BID

Bid No.: GSA-007-16
FOR: PASEO BASEBALL STADIUM - FIXED SEATING REPLACEMENT PROJECT
Opening Date: December 07, 2015 **Time:** 2:00PM
PLACE: GENERAL SERVICES AGENCY, PITI, GUAM

Note: GSA recommends that prospective bidders register current contact information with GSA to ensure they receive any notices regarding any changes or updates to the IFB. The procuring agency and GSA will not be liable for failure to provide notice to any party who did not register current contact information.

INTERESTED PARTY MAY PICK UP FORMS/SPECIFICATIONS AT SAID PLACE

/s/ CLAUDIA S. ACFALLE
Chief Procurement Officer

REQUEST FOR PROPOSAL LEGAL SERVICES GVB RFP #2016-002

The Guam Visitors Bureau (GVB), a public non-stock, non-profit, membership corporation, issues this Request for Proposal ("RFP") GVB RFP 2016-002 LEGAL SERVICES, and seeks to engage the professional services of an attorney to advise on all legal matters to which the GVB is a party or in which the GVB is legally interested and may represent the GVB in connection with legal matters before the Guam Legislature, boards, agencies of Guam and before courts of competent jurisdiction. Specific duties are outlined in the Scope of Work. The contractual obligation shall be for a one-year period, with two one-year options to renew, total of three (3) years (FY2016, FY2017, and FY2018) and is subject to fiscal year-end performance reviews, availability and certification of funds from fiscal year to fiscal year.

The Request for Proposal (USB format) may be obtained at the GVB Office, 401 Pale San Vitores Road, Tumon, Guam, beginning Friday, November 20, 2015, 8:00 AM - 5:00 PM, Monday - Friday. A non-refundable \$25.00 fee is required for each packet picked up at the GVB office. Methods of payment are:

- (1) US\$ Cash
- (2) Bank Wire Transfer
- (3) Major Credit Card (Visa, MasterCard, Discover, JCB)

The packet can also be downloaded at no cost from GVB's website at www.guamvisitorsbureau.com

Submission deadline is 5:00 p.m. Chamorro Standard Time, Tuesday, December 15, 2015. Proposals shall be submitted to the attention of the General Manager. Questions, if any, should be made in writing to the General Manager, which can be dropped off at the GVB office, emailed to procurement@visiuguam.org, or sent by fax to 646-8861 according to the timeline provided in the RFP.

GVB reserves the right to reject any or all bids, solicit new bids, waive minor irregularities or irregularities or award GVB RFP #2016-002 LEGAL SERVICES, in whole or in part. Except to the above person named, direct or indirect contact with the GVB Management or Staff, Board Member, or any person participating in the selection process is prohibited.

JON NATHAN DENIGHT
General Manager



Guam Educational Telecommunication Corp. will conduct a Board of Trustees Regular Monthly Meeting on Monday, November 30, 2015 at 5:00 P.M. at its Mangilao Studio.

NOTE: Closed sessions maybe conducted to discuss personnel matters.

For additional information about the meeting or for individuals who require special accommodations, please contact Lorraine Hernandez, Administrative Officer, at 734-5483.

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GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

2nd Floor, Suite 200 GCIC Building
414 West Soledad Avenue, Hagåtña, Guam 96910

Tel: (671) 477-9791 • Fax: (671) 477-1895

E-Mail: vote@gec.guam.gov Website: www.gec.guam.gov



GUAM ELECTION COMMISSION REGULAR MEETING RESCHEDULED

The Guam Election Commission has scheduled its monthly meeting for ~~Friday, November 20, 2015~~, **Wednesday, December 2, 2015** at 4:00 p.m., at the Guam Election Commission Conference Room 200, 414 W. Soledad Ave., GCIC Building, Hagåtña, Guam.

The public is invited. For individuals requiring special accommodations, auxiliary aids or services please contact the Guam Election Commission. For more information, you may call Helen M. Atalg at (671) 477-9791 or send an email to vote@gec.guam.gov.

This advertisement is paid with Government funds.



The University of Guam solicits applications to establish a list of eligible persons for the following limited term appointment, part-time positions (subject to the availability of funds):



Position Titles: **Educational Specialist #003-18**
Academic Assistant #004-16

Location: **Enrollment Management and Student Success/TRIO Programs/Upward Bound 100% Federally Funded**

Applicants must submit a Government of Guam Application Form with the required supporting documents to the Human Resources Office, located at the Administration Building. Applications and Job Announcements may be obtained from this office, or the HRO website: <http://www.uog.edu/hro> (under Forms and Job Opportunities) For further information, please call 735-2350 or the TRIO Upward Bound Office at 735-2245 or 735-1992.

The University of Guam is an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance in these matters, contact the University Institutional Compliance Officer, Tel: (671) 735-2244, TTY: 735-2243.

/s/ **LARRY G. GAMBOA, SPHR, SHRM-SCP**
Chief Human Resources Officer

THIS AD IS PAID FOR BY UNIVERSITY OF GUAM-UPWARD BOUND FUNDS.
UPWARD BOUND IS 100% FEDERALLY FUNDED

NOTICE OF PUBLIC MEETING

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Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ **CHIEF JUSTICE ROBERT J. TORRES, JR.**
Chairman

This public notice is paid for with government funds.

**PUBLIC DEFENDER SERVICE CORPORATION
BOARD OF TRUSTEES
Regular Meeting
of
Tuesday, October 27, 2015
12:30PM
Public Defender Service Corporation
Conference Room**

M I N U T E S

I. CALL TO ORDER:

The meeting was called to order by the Chairman, Chief Justice Robert J. Torres, Jr., at 12:40 PM.

II. ROLL CALL:

Present: Chief Justice Robert J. Torres, Jr., Chairman
Presiding Judge Alberto C. Lamorena, III
Attorney Jehan'ad G. Martinez, Guam Bar Association President
Attorney Donna M. Cruz, Member
Mrs. Annette J.U. Ada, Member

Absent: N/A

Others Present: Attorney Eric D. Miller, PDSC Executive Director
Attorney AnaMaria C. Gayle, APD Managing Attorney
Cathy Gogue, Administrative Director
Bernadette L.P. Lizama, Personnel Specialist IV
Michael S. Moreno, Chief Fiscal Officer
Julito B. Tingson, MIS Administrator
Kenneth A. Lim, Computer Systems Analyst
Cecelia M. Fernandez, Administrative Assistant
Attorney Stephen P. Hattori
Janet Rosario, Legal Secretary III

III. PROOF OF DUE NOTICE OF MEETINGS:

"Notice of Public Meeting" was published in the Marianas Variety on Monday, October 19, 2015 and Friday, October 23, 2015.

IV. DETERMINATION OF QUORUM:

With the presence of all five (5) board members, a quorum was determined for the meeting.

V. APPROVAL OF MINUTES: Minutes of the regular board meeting held on Tuesday, September 29, 2015 were adopted and approved, subject to corrections.

VI. OLD BUSINESS:

- A. Financial Status Update (PDSC and APD Allotment Releases):** Chief Fiscal Officer Michael Moreno reported that PDSC is working on the start of the new fiscal year – 2016 – and the close-out of FY2015. Relative to our allotments, we have not received our disbursements from DOA for the second half of September 2015 and the first half of October. That being said, we are at 0% relative to our allotments from DOA for FY2016. We will be following up with DOA so that our allotments are made current.

For APD, we received the first quarter funding for FY2016 in the amount of \$291,000. As for FY2015, all allotments were received for APD.

- B. Domestic Violence Program Update:** Chief Fiscal Officer Moreno reported that the program is still operating under the STOP 2014 grant, with a balance for \$21,000. We have sufficient funds to support the program for the next 11 pay periods.
- C. Alternate Public Defender Update:** APD and PDSC completed Strategic Performance Strategies with Brenda Wegenknecht-Ivey on October 12, and then met with the CJS panel on October 16 for their Strategic Planning session with Ms. Ivey. Additionally, Attorney AnaMaria Gayle reported that she was invited to attend the kick-off for the Attorney General’s Strategic Planning session. Based on APD and PD’s session, the various teams are meeting to finalize segments within the plan and we all look forward to seeing how everything works out over the course of the year.

Chief Justice Torres asked if the Strategic Plan has been published for PDSC/APD. Attorney Gayle responded that the plan plus the companion mapping is on the website. Executive Director Eric Miller apologized for not sending the Board a copy of the Strategic Plan to the Board of Trustees and that he will send out the plan to the members of the Board via email.

- D. PDSC Executive Director Performance Evaluation:** Chief Justice Torres advised the Board that this matter will be addressed during Executive Session. Chief Justice Torres stated that after all agenda items are discussed, the board will recess into Executive Session to discuss the Executive Director’s performance evaluation. Thereafter, he will call Executive Director Miller back into the board room to go over his evaluation. This will be done after all agenda items are discussed; which will be toward the latter half of the board meeting.
- E. Amendments/Adoption of PDSC By-Laws Relative to the Appeals Board:** Executive Director Miller reported that we discussed two things, the amendment to the By-Laws that allow the Board of Trustees to be the “Appeals Board” as well as making revisions to the Rules & Regulations that will reflect the changes from the Judicial Council to the PDSC Board of Trustees. Chief Justice Torres added that the will reflect the changes to the Rules & Regulations will be temporary as we discussed overhauling the entire Rules & Regulations; which is a much bigger project and will last longer for PDSC/APD. Chief Justice Torres inquired about the effective date of the “Appeals Board” once the change is adopted. He added that it will not apply to cases that occurred prior to the adoption of this amendment. Executive Miller responded that this is correct.

The board reviewed the By-Laws, with the proposed changes to Article 401(e). The change will take effect immediately upon adoption by the board. There being no further discussion, the motion was moved, seconded and approved by acclamation.

Resolution No. 02-16.

- F. Amendments/Adoption of PDSC Personnel Rules & Regulations:** Chief Justice Torres explained to the board that the proposed changes to the Rules & Regulations will parallel the aforementioned changes made to the By-Laws. According to Executive Director Miller, the changes to the Rules & Regs will occur on pages 53, 55 and 58 where it will substitute the Appeals Board to the Board of Trustees. Based on the changes to the By-Laws, Attorney Jehan'ad Martinez commented that on page 55, under the section "Hearing Entitlement," there may be ambiguity relative to the designated Hearing Officer and the amendment made to the By-Laws. Based on the By-Laws approved by the board, the Hearing Officer is the Appeals Board. However, in Section 117, paragraph 19, it appears that the employee has a choice between the Appeals Board and a Hearing Officer. Attorney Martinez recommended that the changes to the Rules & Regulations should state that the Hearing Officer be designated by the Appeals Board.

Presiding Judge Alberto Lamorena recommended that within the Personnel Rules & Regulations, that "or Designated Hearing Officer," be deleted from the sections identified so that it is clear that responsibilities rest with the Appeals Board – as adopted in the By-Laws. There being no further discussion, the motion was moved, seconded and approved by acclamation.

Resolution No. 03-16.

- G. APD Attorney Level 5 (Managing Attorney) Performance Evaluation:** According to Personnel Specialist Bernie Lizama, Attorney Gayle is now on the CWA 2014 Pay Plan. Based on this adjustment, she is now on the 12-month review cycle for her evaluation which is now due. Chief Justice Torres commented that Attorney Gayle's last evaluation was conducted by Presiding Judge Lamorena and Attorney Donna Cruz. In addressing Attorney Gayle's evaluation, he suggested that the board consider doing a similar evaluation process as that conducted for the PDSC Executive Director.

Chief Justice Torres recommended that this item stay on the Board Agenda until we are able to address Attorney Gayle's performance evaluation.

- H. Introduction of new Administrative Director, Ms. Cathy C. Gogue –** Executive Director Miller welcomed Ms. Gogue. He stated that she started earlier than her official start date so that she could participate in the PDSC/APD Strategic Planning session as well as the session with the Unified Courts. Chief Justice Torres welcomed Ms. Gogue and stated that the board looks forward to working with her as the new AD.

- I. Resolution No. 01-16 Relative to the Use of Lapsed Funds for One APD Defense Attorney to attend the 2015 NCDC DWI Court Planning Training, December 7-10, 2015 in Newport Beach, CA.**

Request was made by Attorney Gayle to have Attorney Eric Overton attend the 2015 NCDC DWI Court Planning Training in Newport Beach, California from December 7-10, 2015 at a total cost of \$535; half of the total for per diem which will come from lapsed

funds. Attorney Gayle explained to the board that there will be no additional cost for Attorney Overton relative to airline and hotel accommodations.

Chief Justice Torres requested that the resolution be ratified to reflect the total cost of \$535 for Attorney Overton's attendance to the NCDC DWI Courtroom Planning Training in California. It was moved, seconded and approved by acclamation to ratify Resolution 01-16.

Resolution No. 01-16 was duly adopted and approved.

- J. Review of Professor Laurie Shanks "Defending Allegations of Child Sexual Abuse" that was held on September 25, 2015:** Executive Director Miller advised the board that shortly after the training provided by Professor Laurie Shanks, he sent out an email blast to the attorneys who attended the workshop to have them provide PDSC their rating of the topic matter and presenter. Executive Director Miller stated that only five (5) responses were received from the attorneys surveyed. Overall, Professor Shanks did an excellent job relative to "Defending Allegations of Child Sexual Abuse." We have comments provided by those who responded to the survey relative to ways we can improve future workshops organized by PDSC. Chief Justice inquired as to how many attorneys attended the workshop. Executive Director Miller responded that there were 22 attorneys in attendance. Chief Justice Torres advised the board that when the Judiciary conducts workshops, participants are not able to leave until they complete the survey so that they receive a higher response rate. Attorney Martinez commented that when the Bar sends out surveys they generally receive a 10% response rate. Consequently, for this particular instance, having a 22-23% response rate is fairly good according to Guam Bar standards.

Executive Director Miller stated that PDSC will be recommending that we bring Professor Shanks out again for extensive training in 2016. Chief Justice Torres added that the training provided had a lot of relevance to our courts as well as in our community and that we look to future training sessions from Professor Shanks.

- K. PDSC & APD Strategic Planning:** Executive Director Miller stated that the Strategic Planning session went well with Dr. Ivey. During the session, we broke up into teams, identified team leaders and have set timelines to address the long range goals and objectives identified within the plan. To date, all teams have met at least once and that they are to provide status reports to Cathy and Janet by November 13. Executive Director Miller added that it is critical that we stay on track so that we show progress for the betterment of the organization.

Chief Justice Torres announced that prior to going into Executive Session that the board discuss its composition.

- L. Board of Trustees Composition:** Chief Justice Torres requested that we obtain a sampling of other board of trustees' compositions from jurisdictions of similar size to the PDSC so that the board to able to review other options. According to Chief Justice Torres, he has seen some jurisdictions that have had appointments by the Governor as well as public officials. Executive Director Miller stated that he will provide such sampling for the board to review and consider. Chief Justice Torres also added that he believes it is important to

have lay members serve on the board as opposed to just having all attorneys on the board to provide diversity. Presiding Judge Lamorena echoed such sentiments.

- VII. **BOARD RESCESS:** Motion was made and seconded for the board to move into Executive Session to discuss the Executive Director's performance evaluation.
- VIII. **BOARD SESSION RESUMES:** The Board resumed regular session at 1:24PM. Chief Justice Torres advised the body that the board met with Executive Director Miller to discuss his performance evaluation. There is no action to take at this time and that this matter will be kept on the agenda for the next board meeting on December 1.
- IX. **PUBLIC DISCUSSION:** None.
- X. **ADJOURNMENT AND NEXT MEETING DATE:** The meeting scheduled for Tuesday, November 24, 2015 has been rescheduled to Tuesday, December 1, 2015 at 12:30PM.
- There being no further business to discuss, the meeting adjourned at 1:27PM.

Respectfully submitted,


CATHY GOGUE
Secretary