

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF LAPSED FUNDS  
TO COVER BUDGETARY SHORTFALLS FOR OPERATIONS  
IN FISCAL YEAR 2009**

**RESOLUTION NO. PDSC 01-09**

- WHEREAS,** Public Law 25-76 authorized the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** The PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** Public Law 29-113 appropriated \$2,750,753 to the PDSC for Fiscal Year 2009, which falls short of the funds required for the Corporation's fulfillment of its mandates and operational costs for this fiscal period; and
- WHEREAS,** PDSC has certain operational needs which are imperative for the compliance of certain accounting principles, and Guam law regarding increased rates for the government's share of retirement contributions, salary increments and/or pay adjustments for government attorneys, an increase in rental premiums for the Corporation's office facilities, as well as the acquisition of various supplies and materials, and other purposes as delineated in the "Footnotes" of the attached Budget vs. Actual Expenditures for Fiscal Year 2009 spreadsheet; and
- WHEREAS,** PDSC has re-evaluated its spending priorities, and has determined that in order to meet the above-described needs in support of PDSC client services and operations, the use of lapsed funds in Fiscal Year 2009 is necessary; now therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service corporation, in its meeting of October 28, 2008, hereby approves the Corporation's request for the expenditure of **\$342,252** of lapsed funds for the purposes described in the attached spreadsheet, which is made a part of this resolution, and such expenditures are to be implemented at the discretion of the PDSC Director, in consultation with the Chief Justice and Chairman of the Board, not to exceed the amount of \$342,252.

**FOOTNOTES:**

PL#29-113 appropriated \$2,750,753 for FY2009. This amount is a 6% decrease (\$170,113) over the FY 2008 authorized level, and an 11% decrease (\$336,242) over the FY 2009 proposed budget. The following proffers information as to the imperative use of lapsed funds to cover our projected shortfall of \$342,252 in personnel and operating costs.

**1. PERSONNEL SERVICES:**

**\$36,598** FY 2009 includes 2,088 work hours; the additional workday means \$8,047 to cover for salaries and \$2,132 for the corresponding benefits. Public law mandates we shoulder the amount of \$11,245 to fund for Kathleen E. Maher's medical insurance and \$174 for group life insurance as a DC Retiree. \$15,000 is needed to cover anticipated year end adjustments for annual and sick leave accruals.

**2. OPERATIONS:**

**a. \$15,400** **TRAVEL (Off-Island/Local Mileage):** \$5,400 to pay mileage reimbursement for eligible employees utilizing their personally-owned vehicles for official purposes; \$10,000 is set aside for off-island travel to attend training/conferences.

**b. \$23,437** **CONTRACTUAL SERVICES:** Additional funds are requested to pay for Malpractice Insurance (\$7,500), additional Westlaw Services, (\$2,400), Canon - Archiving System maintenance (\$3,400), Pitney Bowe - Postage Meter Machine (\$720), Antivirus Licenses (\$2,500), Trial Director (\$417), GTA DSL Service (\$1,500), and Consultant/Training Services for Quickbooks Pro (\$5,000).

**c. \$198,000** **OFFICE SPACE RENTAL:** Our lease agreement with the Courts of Guam, up for renewal this fiscal year, was negotiated at \$16,500 per month, which is a reduction from the proposed rate of \$19,703.

**d. \$16,000** **SUPPLIES & MATERIAL:** To fund for our yearly purchase of supplies and materials..

**e. \$5,382** **EQUIPMENT:** To fund the replacement of obsolete/damaged equipment or furniture.

**f. \$16,515** **MISCELLANEOUS:** To fund for off-island training registration fees(\$2,400), on-island training registration fees (\$3,100), Guam Bar Dues (\$3,650) Supreme Court of Guam Admission Fee (\$325), Professional Dues for NACDL (\$200), NLADA (\$200), Publication Costs for Board Meeting and Job Announcements (\$3,200), Board Stipends (\$1,200), Legal Subscriptions (\$1,200) and Payroll related Costs (\$1,040).

**g. \$22,920** **UTILITIES:** Funding requested to pay for telephone (\$22,500), additional pager service (\$120) and long distance phone calls (\$300).

**h. \$8,000** **CAPITAL OUTLAY:** To fund for upgrade of network infrastructure.

**\$305,654** **SUB-TOTAL FOR OPERATIONAL COST IN FY 2009**

**\$342,252** **TOTAL ADDITIONAL FUNDING FOR PERSONNEL AND OPERATING COSTS**

Function: Public Safety

Department/Agency: Public Defender Service Corporation

AS400 Account Code	Appropriation Classification	A	B	C
		FY 2009 Authorized Level	FY 2009 Actual Exp	Overage (Shortfall)

**PERSONNEL SERVICES**

111	Regular Salaries/Increments	\$2,079,951	\$2,102,998	-\$23,047
112	Overtime/Special Pay	0	0	0
113	Benefits	647,569	661,120	-13,551
	<b>TOTAL PERSONNEL SERVICES</b>	<b>\$2,727,520</b>	<b>\$2,764,118</b>	<b>-\$36,598</b>

**OPERATIONS**

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$0	\$15,400	-\$15,400
230	CONTRACTUAL SERVICES:	22,033	45,470	-23,437
233	OFFICE SPACE RENTAL:	0	198,000	-198,000
240	SUPPLIES & MATERIALS:	0	16,000	-16,000
250	EQUIPMENT:	0	5,382	-5,382
270	WORKERS COMPENSATION	0	0	0
271	DRUG TESTING	0	0	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0
290	MISCELLANEOUS:	0	16,515	-16,515
	<b>TOTAL OPERATIONS</b>	<b>\$22,033</b>	<b>\$296,767</b>	<b>-\$274,734</b>

**UTILITIES**

361	Power	\$0	\$0	\$0
362	Water/ Sewer	0	0	0
363	Telephone/ Toll	1,200	24,120	-22,920
	<b>TOTAL UTILITIES</b>	<b>\$1,200</b>	<b>\$24,120</b>	<b>-\$22,920</b>

450	<b>CAPITAL OUTLAY</b>	<b>\$0</b>	<b>\$8,000</b>	<b>-8,000</b>
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	<b>TOTAL APPROPRIATIONS</b>	<b>\$2,750,753</b>	<b>\$3,093,005</b>	<b>(\$342,252)</b>
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See refer to footnote on following page.

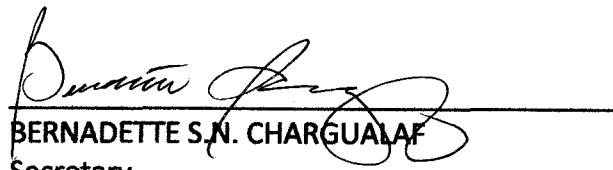
**DULY AND REGULARLY ADOPTED** this 28<sup>th</sup> day of October, 2008.



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Chief Justice ROBERT J. TORRES, JR.  
Chairman

ATTEST:



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BERNADETTE S.N. CHARGUALAF  
Secretary