

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

RESOLUTION NO. 02-09

- WHEREAS,** Public Defender Service Corporation (PDSC) Board of Trustees Resolution No. 08-04 established the office of the Alternate Public Defender (APD) as a separate section/division of the PDSC, answerable to the PDSC Board of Trustees and subject to funding by the Judicial Client Services Fund under the stewardship of the Guam Judicial Council; and
- WHEREAS,** On or about August 21, 2008 an Agreement to Provide Attorney Services For Indigent Defendants was executed by and between the PDSC and the Guam Judicial Council through the Administrator of the Courts, providing funding for this program through Fiscal Year 2009; and
- WHEREAS,** Public Law 29-113 appropriated \$659,232 to the Judiciary of Guam for the sole purpose of paying court-appointed attorneys' fees arising from the defense of indigent persons, a reduction from \$750,000 in Fiscal Year 2008; and
- WHEREAS,** This decrease in appropriations for indigent defense necessitates a corresponding reduction in the APD's Fiscal Year 2009 Budget Request; and
- WHEREAS,** At a duly-noticed meeting of the Guam Judicial Council on October 16, 2008, a motion was introduced and adopted, essentially reducing the APD's Fiscal Year 2009 Budget to that of Fiscal Year 2008 levels, or \$653,121; and
- WHEREAS,** The APD has certain personnel and operational needs which are crucial for the support of APD clients and the purpose for which the APD was established, which makes the use of lapsed funds in Fiscal Year 2008 imperative; 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 APD's request for the

FOOTNOTES:

On October 16, 2008, the Guam Judicial Council approved funding for the Alternate Public Defender at Fiscal Year 2008 levels, or \$653,121.

1. **OPERATIONS:**

a. **\$9,500** **EQUIPMENT:** To purchase a heavy duty shredder and for replacement of obsolete/damaged workstations.

b. **\$425** **MISCELLANEOUS:** To pay for the NACDL dues and CD-ROM for training purposes.

c. **\$6,000** **CAPITAL OUTLAY:** To upgrade the current server.

\$ 15,925 **TOTAL ADDITIONAL FUNDING FOR OPERATIONS**

JUDICIARY

Agency: Public Defender Service Corporation

Program: Alternate Public Defender

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

111	Regular Salaries/Increments	\$431,441	\$431,441	\$0
112	Overtime/Special Pay	0	0	0
113	Benefits	129,452	129,452	0
TOTAL PERSONNEL SERVICES		\$560,893	\$560,893	\$0

OPERATIONS

220	TRAVEL- Off-Island/Local Mileage Reim	\$11,500	\$11,500	\$0
230	CONTRACTUAL SERVICES:	17,398	17,398	0
233	OFFICE SPACE RENTAL:	48,000	48,000	0
240	SUPPLIES & MATERIALS:	7,550	7,550	0
250	EQUIPMENT:	0	9,500	-9,500
270	WORKERS COMPENSATION	0	0	0
271	DRUG TESTING	0	0	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0
290	MISCELLANEOUS:	3,700	4,125	-425
TOTAL OPERATIONS		\$88,148	\$98,073	-\$9,925

UTILITIES

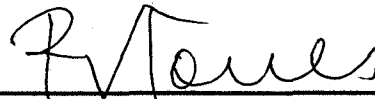
361	Power	\$0	\$0	\$0
362	Water/ Sewer	0	0	0
363	Telephone/ Toll	4,080	4,080	0
TOTAL UTILITIES		\$4,080	\$4,080	\$0

450	CAPITAL OUTLAY	\$0	\$6,000	-6,000
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TOTAL APPROPRIATIONS		\$653,121	\$669,046	(\$15,925)
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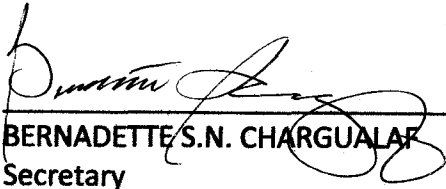
expenditure of **\$15,925** of lapsed funds for the purposes described in the attached Budget Digest and the accompanying "Footnotes" depicting which object categories need additional funding for FY2009; these two documents are hereby made a part of this resolution. Such expenditures are to be implemented at the discretion of the APD Supervising Attorney in consultation with the Chief Justice and Chairman of the Board.

DULY AND REGULARLY ADOPTED this 28th day of October, 2008.



Chief Justice ROBERT J. TORRES, JR.
Chairman

ATTEST:



BERNADETTE S.N. CHARGUALAF
Secretary