

GUAM DAILY POST • TUESDAY, MARCH 6, 2018

PAY CUT continued from page 1

of Labor data.

"The executive order shall apply, regardless of the funding source, to all government of Guam departments, bureaus or agencies, including autonomous and semi-autonomous agencies, or other instrumentalities of the executive branch of the government of Guam based on their respective furlough and layoff personnel rules and regulations; and shall further apply to federally funded positions, whether fully or partially funded," according to the governor's revised executive order, released Monday but signed on March 2.

The governor's earlier executive order exempted certain essential personnel, such as Guam Memorial Hospital health professionals, from the work-week reduction, which is a form of furlough or work without pay.

The furlough plan stems from the administration's projection that the recently enacted federal tax cuts would mean a \$67 million shortfall in tax collections this fiscal year, and an even deeper cut next spending year, which starts in October.

The administration has proposed an overall budget of \$1.04 billion in fiscal 2019, but without a tax increase, the budget would lower to \$930 million for the entire local government, including federal funding sources and special funds.

To show that the government faces a cash crunch, and to press for a tax increase, the administration has shut down the Piti and Astumbo fire stations, and mobilized Hagåtña Precinct police officers to the Department of Corrections prison facility in an attempt to cut costs.

Adelup: \$1M saved each pay period

The administration has estimated the reduced workweek would result in a savings of \$1 million per pay period.

The across-the-board pay

reduction would be averted by a tax increase, the administration has stated.

"The administration continues to provide the Legislature with all the information it needs to act on any of the bills that have been sent to them, or that they have introduced themselves," the governor's office stated.

"Furlough, government shut-down and panic over cost-cutting measures could have been avoided if the Legislature had voted on the governor's Bill 245, introduced on Feb. 14," the release added. The legislation proposed a 50 percent increase to the business privilege tax, from a rate of 4 percent to 6 percent.

The Legislature has since received various tax proposals, including a 2 percent sales tax, a 6 percent online retail shopping tax, a 20 percent gaming tax and an additional tax on banks and insurers.

These proposals await a public hearing process.

Complex process

While the across-the-board pay reduction plan has been ordered, its execution faces hurdles, in part because of the different tiers of employee classification.

And before any classified employees can be furloughed, GovGuam must first see if its employees volunteer to take time off from work with no pay, to reduce the number of forced furloughs, according to a 2009 AG's office memo cited in the March 1 memo from Attorney General Elizabeth Barrett-Anderson.

The order of furlough shall be determined by each department or agency, states the 2009 AG opinion, but affected employees of an agency or department shall be furloughed in the following order:

- part-time, seasonal or temporary workers
 - provisional workers
 - limited-term workers
 - probational or "initial" workers.
- Classified employees are protected from getting pay cuts or layoffs first, the AG's office stated.

SOLUTIONS continued from page 1

with volleys of their own.

When lawmakers voted Friday to recess for a three-day holiday weekend, after acting Speaker Therese Terlaje denied Calvo's call for a Friday special session, the governor issued a release declaring it "the worst dereliction of duty I have seen in my years of public service."

Attorney General Elizabeth Barrett-Anderson issued an opinion affirming his right to make that call on Saturday.

Legislature 'works for the governed, not the governor'

In response, Terlaje declared, the Legislature "works for the governed, not the governor." She accused Calvo of "executive overreach" but agreed to call the special session "out of respect for the attorney general," although "the Legislature may consider legal action," she said.

Saturday saw the administration's move shutting down the Guam Police Department's Hagåtña Precinct as a result of what the administration had dubbed "the Cruz crisis," in reference to Speaker Benjamin Cruz.

"As the Legislature takes a break this weekend," stated the governor, "my team is working hard."

The announcement declared that "the governor and his fiscal team worked alongside the Lieutenant Governor's Office and public safety agencies — to address the ongoing fiscal crisis."

The statement declared that "inaction by lawmakers" has taken "the government to the point where there will be no cash to pay government employees, causing a government shutdown."

Ahead of Sunday's closure of the Astumbo and Piti fire stations, the Demo-

cratic Party of Guam got into the mix, issuing a statement underscoring remarks made by the deputy director of the Department of Administration, Vince Arriola, during the Saturday night session.

'The governor's call'

Arriola admitted the closure of police and fire stations was "the governor's call," according to the Democrats' release.

The statement also highlighted Arriola's admission that "DOA had cash in the bank," but "the Legislature could not" see through a read-only view — the public bank accounts as required by law.

Still, Adelup did not let up. Vice Speaker Terlaje was trying "to embarrass the administration, not to find solutions," said the Governor's Director of Communications Oyoal Ngiralrik.

The closure of three public safety facilities Sunday was done to reduce overtime costs, said the statement. Blame was placed on the Legislature.

Sen. Joe San Agustin's sales tax bill was described as something that "would not yield additional cash" until May.

"My colleagues and I are diligently working towards consensus on additional cost-cutting and revenue-enhancement measures based on facts and we are seeking community input as we move forward," Terlaje said.

"Senators recess for holiday," stated the response from the governor's office. "Senators still asking for information already provided," was its headline.

"After weeks of meetings in Special Economic Services, Committees of the Whole and public hearings, and sharing hundreds of pages of data and information provided, senators are still without a solution," declared the governor's statement.

Special session resumes at 2 p.m. today.

GUILTY PLEA continued from page 1

Baker, 24, were arrested in November 2016 after the couple picked up two mail packages that contained 18.7 pounds of crystal methamphetamine. Authorities have said it had a maximum street value of \$4.7 million.

Baker pleaded guilty to a charge of illegal use of a communication facility by knowingly using the mail to distribute meth.

She cooperated with authorities and said she and Rios went to Washington state where the drugs were purchased


and sent the methamphetamine in packages that were shipped to a mailbox in Barrigada.

Rios previously argued the charges against him should be dropped because of Guam's political status as a colony and not a U.S. state, Post files state.


\$1.1M, six vehicles seized

Federal agents seized approximately \$1.1 million from Rios' bank accounts and safety deposit boxes, as well as six vehicles.

The court has yet to schedule a new sentencing date for Rios and Baker.



Guam Memorial Hospital Authority
 Aturidát Españól Mburidát Guahán
 850 Governor Carlos G. Camacho Road
 Tamuning, Guam 96913



PUBLIC NOTICE

BOARD OF TRUSTEES MEETING


The GMHA Board of Trustees Meeting originally scheduled for Wednesday, February 28, 2018 has been rescheduled as follows:

Date: Thursday, March 8, 2018
Time: 6:00 p.m.
Place: 1st Floor, Daniel L. Webb Conference Room


You may contact Toni Tenorio at 847-2218, Monday through Friday from 8:00 a.m. to 5:00 p.m. for special accommodations, auxiliary aids, or other services.

/s/ Peter John D. Camacho, M.P.H.
 Hospital Administrator/CEO

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GUAM EDUCATION BOARD
 500 Mother Avenue
 Barrigada, Guam 96913-1608
 Telephone: (671) 306-1827 • Fax: (671) 472-5001
 Website: www.gdoe.net/gwb



PUBLIC NOTICE

8th Guam Education Board
 SPECIAL MEETING
 Tuesday, March 13, 2018
 6 PM
 John F. Kennedy High School, Multimedia Room

AGENDA

<p>I. Meeting Call to Order</p> <p>II. Roll Call of Members</p> <p>III. Unfinished Business</p> <p>1. FY 18 Budget Reductions</p>	<p>IV. New Business</p> <p>1. Head Start Grant Application</p> <p>V. Executive Session</p> <p>VI. Adjournment</p>
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Individuals requiring special accommodations or information may contact Lelani Cruz, Administrative Officer at 300-1827 or by email: lmbcruz@gdoe.net.

This advertisement was paid by GDOE local funds.

GUAM DAILY POST • THURSDAY, MARCH 1, 2018

Residents oppose shorter workweek

By Alana Chargualaf
alana@postguam.com

Residents sounded off with concern after Gov. Eddie Calvo on Tuesday ordered a 32-hour workweek for all government of Guam employees beginning March 6.

Though specifics of the order are still unknown, residents fear the difficulty of making ends meet with the cost of living on the rise. They are calling for alternative cost-cutting strategies.

Less for the family

For Shae Wolford, 35, of Yigo, a cut in work hours doesn't sound too good as it will hinder families' ability to simply live.

"It's going to be much harder with people like us trying to support our family with the rent, the food, the necessities that they need, gas, which is going up."

Sal Jasmin, 43, of Yigo, is just as apprehensive, considering his daughter is a GovGuam employee.

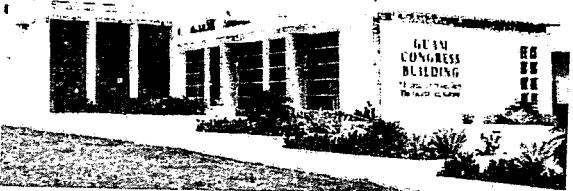
"I don't agree with that," he said. "She's a teacher, and you know that they have bills to pay. I don't think that's too good for them, having family and all that."

If there are other ways to save money for the government of Guam, James Crisostomo, 72, of Mongmong-To-to-Maite, believes they should consider ones that don't directly affect the family.

"This should be the last resort," he said. "This affects the families of the workers directly."

'Start with the senators'

Crisostomo understands Guam's economy is down and that the government needs the money because it's short on cash. He feels the cut in hours should include everyone in GovGuam.



COST-CUTTING DEBATE: Some island residents say budget cuts should include the Guam Legislature. Post file photo

“Get rid of the double-dippers that retired and came back into the government.”

- Tina Conquer, 41, of Ordot

"First, start with the senators, the governor, the mayors," he said. "Help the government of Guam for the good of Guam."

"Oh, yes," said Chelsea Gumabon, 22, of Mangilao. "Instead of giving that pay raise to the police and the senators, you can give it to the teachers who work with children."

Gumabon acknowledged that working with criminals is a different story than working with kids, but that a teacher's job is just as important as they can prevent students from becoming criminals. Gumabon is a limited-term substitute teacher and doesn't understand why an already-limited position would

be limited even more.

"I don't support it. Less money," she exclaimed. "Why are you guys going to cut my hours? Why am I going to teach long-term? Why is this even a job title? And you're going to be the same (limited-term substitute) teacher, basically working like the teachers. I just don't agree with it."

Double-dipping raises concern

Another resident is against the GovGuam employees who take advantage of the current 80-hour pay periods, as well as the double-dippers who retired and then re-entered the government.

Tina Conquer, 41, of Ordot, believes government agencies don't need "a whole bunch of people" and that, if the government is going to have them, then all employees should be put to work.

"Get rid of the people that don't really need to be there," she said. "Get rid of the double-dippers that retired and came back into the government."

Conquer questioned how autonomous agencies will be handled, as well as the possible privatization of GovGuam agencies.

Man accused of striking car, hitting officers

By Andrew Roberto
andrew@postguam.com

A man faces charges in the Superior Court of Guam following a scuffle with police officers Tuesday in Harmon.

Guam Police Department officers were called to the Hemlani Apartments to respond to a call that Hutson Peter allegedly struck a vehicle with a machete.

Peter, who is not a Hemlani Apartment tenant, according to court documents, had been told to leave the premises by building management.

When police arrived, officers attempted to calm Peter, who was yelling.

Peter swung a hand at one officer who placed a hand on Peter's shoulder, and succeeded in knocking the officer to the ground with a kick, the court documents state.

Other officers came to restrain Peter, and while the defendant was on the ground, he continued to flail about, according to the documents.

During the struggle, Peter allegedly threw an elbow backward and struck a different officer in the face.

Peter faces two counts of assault on a police officer, one count of resisting arrest and one count of criminal trespassing.

GUAMAN ACADEMY
PUBLIC NOTICE
REQUEST FOR PROPOSAL FOR LEGAL SERVICES
GUAMAN ACADEMY CHARTER SCHOOL
RFP-2-2018-03

The Guaman Academy Charter School Board of Trustees is soliciting proposals through a fair and open process in accordance with Guam procurement law from qualified responders to provide professional general legal services. This service entails providing legal review and advice to the Board of Trustees and the Administration on documents, agreements, and responsibilities relating to its activities and Guam statutes. The individual or firm will attend Board of Trustees regular and special meetings, as requested.

Specifications and instructions of this Request for Proposal (RFP) are currently available through the website located at www.guamanacademy.org or may be obtained by contacting the Board Liaison by email at info.guachos@gmail.com prior to March 8, 2018, or at 482-3044. Answers to all questions along with their origin will be posted on the website under the sub-heading of Legal RFP, and made available to all responders through their email addresses.

The proposal submitted in response to this RFP will be used as a basis for selecting the individual or firm for this service. Each qualifying proposal will be evaluated and ranked according to criteria provided in this RFP.

The selected individual or firm must submit a fee proposal to be used with the proposal as a basis for negotiation of an agreement. If negotiations are unsuccessful due to unresolved issues, negotiations with the individual or firm will be formally terminated. Negotiations will then commence with the second ranking individual or firm.

Qualified individuals and firms are required to submit five (5) written copies of the proposal, which shall be delivered to the Business Office of Guaman Academy Charter School located in Tiyan, Guam no later than 4:30 P.M. (Chamorro Standard Time) on March 14, 2018.

/s/ Fe Valencia-Ovallas
Chairwoman, Board of Trustees
Guaman Academy Charter School

Guam Memorial Hospital Authority
Aturidat Espiritit Mirunidit Gudhan
850 Governor Carlos G. Camacho Road
Tamuning, Guam 98913

PUBLIC NOTICE
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/s/ Peter John D. Camacho, M.P.H.
Hospital Administrator/CEO

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Delta, United cut marketing ties to NRA

NEW YORK (Reuters) - Delta Air Lines and United Airlines on Saturday became the latest major corporations to sever marketing ties with the National Rifle Association as the fallout from last week's massacre at a Florida high school took its toll on the gun advocacy group.

The exodus of corporate names, ranging from a major insurer to car rental brands and a household moving company, began after the NRA launched a counteroffensive against a student-led campaign for tighter U.S. gun laws.

The NRA responded by saying its members were being punished, but would not be intimidated, by what it called "a shameful display of political and civic cowardice" from some corporations.

In tweets on Saturday, Delta and United said they were no longer offering NRA members discounted rates and they would ask the NRA to remove their information from its website.

The issue of gun control, and the NRA's role in opposing it, became the focus of renewed national debate after a former student killed 17 people on



SEVERING TIES: A United Airlines plane takes off from Zurich airport on Jan. 9, 2018. The airline announced it was no longer offering National Rifle Association members discounted rates. Reuters file photo

Feb. 14 at the Marjory Stoneman Douglas High School in the Fort Lauderdale suburb of Parkland, using an AR-15 assault rifle he had purchased legally.

NRA spokespeople have lashed out at gun control advocates, arguing that Democratic elites are politicizing the deadly rampage in Florida to erode gun owners' rights.

In a statement on Saturday, the NRA said its more than 5 million law-abiding members had nothing to do with the failures of school security, the

mental health system, or both local and federal law enforcement that it said had caused the tragedy.

"Despite that, some corporations have decided to punish NRA membership in a shameful display of political and civic cowardice," the statement said. "In time, these brands will be replaced by others who recognize that patriotism and determined commitment to Constitutional freedoms are characteristics of a marketplace they very much want to serve."

Domino's is world's biggest pizza chain

(Detroit Free Press) — Domino's Pizza claimed the title of largest pizza company in the world this week, passing Pizza Hut. The company, in its fourth-quarter earnings report, said its self-proclaimed No. 1 ranking is based on global retail sales.

Ann Arbor, Michigan-based Domino's edged out Pizza Hut of Plano, Texas, which had been the largest pizza chain, with \$12.2 billion in global sales for 2017. Pizza Hut - which is part of Louisville, Ky.-based Yum Brands as are Taco Bell and KFC - had sales of \$12.03 billion.

In the past few years, the brand has touted digital innovation, such as apps to track orders and testing driverless pizza delivery. Meanwhile, Pizza Hut, analysts said, has been losing younger customers.

Domino's reported the company reported a \$277.9 million profit for its 2017 fiscal year.

In fiscal 2017, the company said, it opened 1,045 stores, of which 216 were in the U.S. and 829 were international stores.

Domino's started small in 1960 with one store in Ypsilanti, Michigan. Back then, it was called Dominick's. Brothers Tom and James Monaghan bought it for \$500 and renamed it. There are now more than 14,400 Domino's stores around the world.

J. Patrick Doyle, who has led Domino's as president and CEO for eight years, announced this year that he is stepping down in June. He will be replaced by Richard Allison, president of Domino's International. At the time, he said he wanted Domino's to be the top pizza company in the world.



Paradise Premium Fitness marks anniversary

TUMON: The dance floor is filled with new students and the launch of the Polynesian Fit Class held at the Paradise Premium Fitness location in Tumon. This location is celebrating its one-year anniversary since opening.

David Castro/The Guam Daily Post



Guam Memorial Hospital Authority

Aturidat Espetat Mimuriat Guahan
850 Governor Carlos G. Camacho Road
Tamuning, Guam 96913



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/s/ PeterJohn D. Camacho, M.P.H.
Hospital Administrator/CEO

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GUAM BOARD OF BARBERING AND COSMETOLOGY

Regular Session Meeting,
Wednesday, February 28, 2018 at 9:00 AM
at Terlaje Professional Building, 194
Herman Cortez Avenue, 2nd Floor, Suite 209
Health Professional Licensing Office Board
Conference Room, Hagatna, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call Jimmy Sian at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.



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Subject: PRESS RELEASE: 02/28/18 BMHA Board Meeting - POSTPONED
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Importance: High



Guam Memorial Hospital Authority
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850 GOV. CARLOS CAMACHO ROAD
OKA, TAMUNING, GUAM 96911
TEL: 647-2444 or 647-2330
FAX: (671) 649-0145

Guam Memorial Hospital Authority (GMHA)
Board of Trustees Meeting

MEDIA ADVISORY:	FOR IMMEDIATE RELEASE
DATE:	February 27, 2018
CONTACT:	Theo M. Pangelinan Administrative Assistant (P) 647-2104

The Board of Trustees meeting scheduled for Wednesday, February 28, 2018 at 6:00 p.m. has been rescheduled to Thursday, March 8, 2018 at 6:00 p.m. in the 1st Floor, Daniel L. Webb Conference Room.

###

Regards,

Theo M. Pangelinan | Administrative Assistant, Board Office | Tel: (671) 647-2104 | Fax: (671) 649-0145 | email: theo.pangelinan@gmha.org
Guam Memorial Hospital Authority | 850 Governor Carlos G. Camacho Road Tamuning, GU 96913-3128

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Guam Memorial Hospital Authority (GMHA) Board of Trustees Meeting

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DATE: February 27, 2018
CONTACT: Theo M. Pangelinan
 Administrative Assistant
 (P) 647-2104

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###

Theo Pangelinan

From: Theo Pangelinan <theo.pangelinan@gmha.org>
Sent: Wednesday, February 21, 2018 3:32 PM
To: 'dcrisost@guampdn.com'; 'editor@mvguam.com'; 'gabe@spbgum.com'; 'gdumat-ol@guam.gannett.com'; 'Janice Castro'; 'jtyquiengco@spbgum.com'; 'life@guampdn.com'; 'managingeditor@glimpsesofiguam.com'; 'mcalvo@kuam.com'; 'Masako Watanabe'; 'news@k57.com'; 'PBS Guam Loraine Hernandez'; 'perezksto@gmail.com'; 'publisher@glimpsesofiguam.com'; 'Gerry Partido'; 'rgibson@k57.com'; 'cimiculka@guampdn.com'; 'jpsablan@guampdn.com'; 'news@guampdn.com'; 'editor@mvguam.com'; 'marvic@mvguam.com'; 'Gerry Partido'; 'louella@mvguam.com'; 'sabrina@kuam.com'; 'mindy@kuam.com'; 'krystal@kuam.com'; 'jolene@kuam.com'; 'jason@kuam.com'; 'kenq@kuam.com'; 'Jasmine Stole'; 'newsdirector@kuam.com'; 'hottips@kuam.com'; 'editor@mvguam.com'; 'gerry@mvguam.com'; 'pcharfauros@spbgum.com'; 'betsy@spbgum.com'; 'publisher@glimpsesofiguam.com'; 'managingeditorglimpses@gmail.com'; 'assist_editor@glimpsesofiguam.com'; 'reporter1@glimpsesofiguam.com'; 'reporter4@glimpsesofiguam.com'; 'slimtiaco@guam.gannett.com'; 'perezksto@gmail.com'; 'kstokish@gmail.com'; 'admin@mvguam.com'; 'slimtiaco@guam.gannett.com'; 'slimtiaco@guampdn.com'; 'Janna Fernandez'; 'Phillip Leon Guerrero'; 'Brian San Nicolas'; 'Franklin Arriola'; 'Ray Tenorio'; 'governor@guam.gov'; 'Senator Dennis Rodriguez'; 'rteehan@yahoo.com'; 'Janice Sablan'; 'nbuoffice@guamlegislature.org'; gmhinfo@gmha.org; 'harold.guam@yahoo.com'
Subject: PRESS RELEASE: GMHA Board of Trustees Meeting - Feb. 28, 2018
Attachments: PRESS RELEASE_GMHA BOT Meeting, 02-28-18.pdf



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Guam Memorial Hospital Authority (GMHA) Board of Trustees Meeting

MEDIA ADVISORY: **FOR IMMEDIATE RELEASE**
DATE: February 21, 2018
CONTACT: Theo M. Pangelinan
Administrative Assistant
(P) 647-2104

In accordance with Public Law 24-109, relative to notice of meetings, and in addition to the notices published in The Guam Daily Post, this serves as public notice for the regular meeting of the GMHA Board of Trustees.

Regards,

Theo M. Pangelinan | Administrative Assistant, Admin/Board Office | Tel: (671) 647-2104 | Fax: (671) 649-0145 | email: theo.pangelinan@gmha.org
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GUAM DAILY POST • WEDNESDAY, FEBRUARY 21, 2018

SelectCare 'flabbergasted,' NetCare OK with GovGuam health-plan change

By Kevin Karrigan
kevin@postguam.com

The Legislature's override on Monday of the governor's veto of a health insurance bill has drawn different reactions from two of the three health insurance providers that provide coverage for employees and retirees of the government of Guam.

"We are of course flabbergasted," said Calvo's SelectCare Plan Administrator Frank Campillo, "that legislators have reversed their views on multiple choices of vendors for GovGuam health insurance, especially since for many years, they fought against a single-provider agreement."

On the other hand, Moylan's NetCare Plan Administrator Jerry Crisostomo told The Guam Daily Post, "I think the override of this bill makes a lot of sense."

Crisostomo said he appreciates the governor's effort to give government employees choices, but given the financial challenges facing GovGuam, he observed that, "the

saving would be significant if they opted to go with one carrier."

The new law authorizes a single contract with the "most economical" benefit to GovGuam.

Speaker Benjamin Cruz has said it could save GovGuam \$20 million a year.

A better way

If the goal is to save money, Campillo said, it would have been better if the Legislature had said, "this is how many people we cover ... this is how much we are willing to spend per person, and that's all we're going to spend."

Essentially, that means setting a limit on how much GovGuam would be willing to pay for each type of plan and "the providers would then have to design programs that would fit within that structure," said Campillo.

He said choice could still be preserved by allowing employees and retirees to pay for the premium differences on different plan options.

Such a program has been suggested to lawmakers in the past, said Campillo, but not adopted.

Campillo also cautioned that the law requiring the selection of "the most economical" plan will invariably raise questions about whether the rates quoted by the winning provider are "financially sound or sufficient to cover the possible claim losses."

Since GovGuam now has a record of "the rates quoted and claims incurred for the past two years," he recommends that "it would be prudent and responsible to ensure that the pricing reflects the risk and that government does not place a potential financial burden upon its employees, retirees and taxpayers."

The best solution, said Crisostomo, is "if the government of Guam self-funds their own health plan, I think that would save them even more money."

Similar to Campillo's suggestion to set coverage limits, Crisostomo said under a "self-fund program" the employer

selects the benefits they're willing to cover and sets a cap on how much they want to spend to provide health insurance for their employees.

Governor criticizes override

In his criticism of the override, Gov. Eddie Calvo said the bill, which has become law, "leaves the GovGuam family with the cheapest single option for a health insurance plan and deprives them of choice."

The governor said the savings would be artificial because the cheapest bidder last year, (which was TakeCare), did not provide coverage at Guam Regional Medical City or Seventh-day Adventist Clinic.

However, Crisostomo said that choice could still be preserved, because GovGuam, through the Department of Administration, could require, as part of the procurement process, "that certain providers are part of that network."

As an example, health insurance carriers could be required to include GRMC and the SDA Clinic as part of their proposal, Crisostomo suggested.



Frank Campillo

Justices weigh former cop's appeal on rape conviction

By John O'Connor
john@postguam.com

A year after former police officer Paul Santos was convicted and sentenced in the rape of a woman in 2014, the Supreme Court of Guam will now decide whether the case should have a new trial without Santos' recorded admission of the encounter.

Attorneys for the defense and prosecution met before Chief Justice Katherine Maraman and Justices Philip Carubido and Robert Torres to argue their case yesterday.

The case will be an important one for Guam, according to defense attorney Phillip Lowenthal, with potential impacts to administrative proceedings

related to employment.

'Undisclosed and ambiguous penalty'

According to the defense, when Santos was read his Miranda Rights, federal agents told him remaining silent would not automatically result in disciplinary action or loss of his job, but it could lead to "unidentified and unknown administrative proceedings."

Santos then waived his rights and admitted to having had sexual intercourse with the victim, but the defense claimed it was consensual.

A motion to keep the statements from being used in the criminal trial was submitted, but the request was denied. According to Lowenthal, the government must determine that Santos validly

waived his right before it could use his statements in the trial.

The agent's statement to Santos carried an "undisclosed and ambiguous penalty" pointing to coercion, according to Lowenthal, who stated that the judgment must be vacated and remanded based on this argument.

Prosecutor James Collins said there was nothing to indicate Santos was concerned about losing his job when he was questioned by federal agents.

"This court has the advantage of having the whole record of the proceedings ... And there is nothing in there about concern of losing (his) job. There's plenty of concern of (him) not going to jail ... but there is not a single piece of the record which suggests the motivation behind Mr. Santos making these statements was that he was concerned about getting fired," Collins stated in court yesterday.

Guilty of rape

In April 2017, Santos was found guilty



VERDICT: Former Guam Police Department Officer Paul Santos shows little emotion as a Superior Court of Guam jury declares him guilty in December 2016. Paul file photo.

of raping a former exotic dancer and adult movie actress. He was sentenced to 21 years in prison for the offense.

He appealed to the Supreme Court based on the Miranda Rights issue and other aspects of the case involving improper bribery charges. The justices have taken that matter under advisement and will decide at a later time.

Guam Memorial Hospital Authority
 Aturidit Espetit Mimatit Guahan
 850 Governor Carlos G. Camacho Road
 Tamuning, Guam 96913

PUBLIC NOTICE

BOARD OF TRUSTEES MEETING

Date: Wednesday, February 28, 2018
 Time: 6:00 p.m.
 Place: 1st Floor, Daniel L. Webb Conference Room

You may contact Toni Tenorio at 647-2218, Monday through Friday from 8:00 a.m. to 5:00 p.m. for special accommodations, auxiliary aids, or other services.

/s/ Peter John D. Camacho, M.P.H.
 Hospital Administrator/CEO

This advertisement was paid for with government funds.

The Farmers Cooperative Association of Guam, Inc.

held a membership drive from December 1, 2017 to February 16, 2018 to establish its Membership Roster for election of Board Officers. The FCAG, Inc. Board of Directors Election will be held on Wednesday February 28, 2018 from 12:00 noon to 7:00 p.m. Only qualified FCAG, Inc. members will be allowed to vote.

Location: FCAG, Inc. Facility, 144 West Santa Monica Ave, Dededo, Guam

For more information call 668-3276 or Email: fcaguam@gmail.com

"To be the driving force of the agricultural industry guaranteeing farmers a place to sell quality products."

FCAG, Inc. c/o Guam Farmers Co-op I.P.O. Ex 9227, Dededo Guam 96929

Attorney: Port won't lose \$2M

Port Authority of Guam legal counsel Mike Phillips said yesterday the agency isn't going to lose an estimated \$2 million to \$3.2 million in back pay and benefits as a result of the firing of seven employees about five years ago.

Phillips said the fired employees' positions were not filled, so if they ultimately prevail, the Port Authority would not necessarily lose money.

He compared it to a customer who didn't get a power bill for years, and when that power bill finally arrives, it's just a matter of paying the bill that came due.

One of the employees, financial

controller Jojo Guevara, won a Supreme Court of Guam ruling in his favor last week. The high court ruled that PAG management ran out of time to file an adverse action against him and that he's entitled to the civil service process. His case breathed new life into the cases of the six others, five of whom have won their appeals with the Civil Service Commission but continue to face challenges in the local courts.

In the Guevara case, Phillips said he still has to advise the Port Authority on possible options, such as asking the court to reconsider or filing an appeal. PAG, however, has upped its spending

on legal fees, in part because of the fired employees' cases. From a \$400,000 budget for legal fees in 2013, the agency in fiscal year 2016 spent more than \$800,000, an audit shows.

Phillips said the PAG board decided it's a case worth pursuing, stating that previous general manager and current Sen. Mary Torres hid from the board and broke the law when she authorized \$70,000 in workers' compensation, above the available funds of \$30,000.

The fired employees were part of the paperwork and approval for the workers' compensation claim, which a new Port Authority administration deter-

mined as bogus.

Phillips said the case was also investigated by the attorney general's office and a federal prosecutor. No charges have been filed.

As a result of the protracted cases, the employees could claim between \$2 million to \$3.2 million - combined - in back pay and wages over the five years since they lost their jobs.

The Port Authority has challenged most of the fired employees' cases in the local court. PAG won one in the Superior Court of Guam, against Josette Javelosa, and the employee filed an appeal in the Supreme Court, in addition to Guevara's.

Two of the fired employees' cases will be heard today before the Civil Service Commission. **(Daily Post Staff)**

GUILTY continued from page 1

parency in the running of the boards. And so, you can see that even though it is a misdemeanor, what we're really interested in is upholding the policy of law, which is to have transparency."

Duenas and former GHURA board members Deanne Torre, David Sablan, Cecile Suda, Roland Selvidge, John Ilaio and Rosie Blas face a total of 47 misdemeanor charges, including official misconduct and conspiracy for allegedly holding secret meetings in violation of the Open Government Law.

Duenas holds an appointed position as executive director of the housing agency. Gov. Eddie Calvo expressed confidence in Duenas and allowed him to keep his job when the conspiracy charges were first beginning to unravel.

"Over the course of his career at GHURA, he was instrumental in developing projects that many of us enjoy or utilize today, including fire stations, police stations, youth centers, senior centers, and others," the governor told The Guam Daily Post last year.

"The administration believes he will continue to execute his duties to the best of his abilities."

The governor's office yesterday left Duenas' job future up to the

GHURA board.

"We have confidence that they will make the best decision for the agency," the governor's office stated.

Millions in tax credits

Board members allegedly held illegal secret meetings in order to facilitate millions in tax credits to certain companies.

The tax credits were awarded to two companies, including a company that was favored by then-board Chairman Sablan. Board members are also alleged to have rubber-stamped decisions by making the decisions in advance, prior to official meetings.

Documents were also submitted into court showing that \$5,000 in government funds, called payments in lieu of taxes, were used to partially fund a \$14,715 gala for GHURA's 50th anniversary.

The charges used some of the paper and electronic documents seized during a raid at the GHURA main office in Sinajana about a year ago by the FBI, the U.S. Department of Housing and Urban Development inspector general and the Office of the Attorney General. The multiagency investigation also issued multiple subpoenas to GHURA, which is a recipient of tens of millions of dollars in federal housing program funds every year.

SPEAKER continued from page 1

attention will return to our only public hospital."

GMH is seeking a \$125 million borrowing to cover the cost of a hospital modernization plan, and an additional dedicated funding source to cover its chronic annual deficits of \$30 million to \$40 million.

The speaker's letter was prompted by Rodriguez's proposed amendments to the governor's GMH funding measure, Bill 230-34, including tax increases.

Cruz pointed out that the governor's original bill proposed the elimination of tax exemptions. Rodriguez's amendments include increases in the gaming tax as well as tax increases for the banking and insurance businesses on island.

The speaker suggests that a new bill, formally proposing a tax increase, be introduced.

"Once I am sure that the government's most basic services are off life

support," writes the speaker, the hospital's needs will be addressed immediately thereafter.

"I know that we must work together quickly to address these issues."

GMH Medical Director Dr. Vince Duenas and Dr. Larry Lizama, along with other hospital physicians held a news conference yesterday to express their indignation at Rodriguez's call for a special investigating committee to look into allegations of corruption and mismanagement at the hospital.

"There is absolutely no grounds for this investigation," Lizama said. "I don't know what prompted the senator to call for this."

He said the attack on the integrity of physicians and staff "is demoralizing," he said.

Duenas reiterated the need for a dedicated funding source for GMH. He called Rodriguez's call for an investigation a "political distraction" to "confuse the bigger funding issue at our hospital."

\$250K BAIL continued from page 1

In Rechim's case, his appointed attorney, Darleen Hiton, withdrew from the case following the defendant's assertion of a speedy trial.

Manson was beaten several times over the course of almost a day at the Hagåtña Detention Facility, and the victim was found unresponsive in his

cell one day later on Dec. 29, 2017, court documents state.

Charged were Rechim, 23; Benjamin, 27; A-Last Amanto Simiron, 20; Isler Phake Miller, 21; Santos, 27; Hadley, 26; and Andrew James Rios Jr., 23.

Rios is the only suspect not facing murder-related charges.

Benjamin and Hadley will next be in court on Feb. 19.



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3337
www.guamcourts.gu

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION

The Judicial Council of Guam will conduct its monthly meeting on Thursday, February 15, 2018, in the Justice Monessa G. Lujan Appellate Courtroom located on the 3rd Floor of 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. In addition, there will be an Executive Session of the Judicial Council of Guam following the discussion of regular meeting agenda items. The agenda for the Executive Session will be to discuss Special Proceedings Case No. SP0082-16.

Any person(s) needing special accommodations, auxiliary aids or services, please contact the Administrator of the Courts at 475-3544, or Joanna S. McDonald at 475-3300.

/s/ CHIEF JUSTICE KATHERINE A. MARAMAN
Chairwoman



Guam Memorial Hospital Authority

Aturidát Espetat Mimuriát Guáhan
850 Governor Carlos G. Camacho Road
Tamuning, Guam 96913



PUBLIC NOTICE

BOARD OF TRUSTEES MEETING

The GMHA Board of Trustees meeting scheduled for Thursday, February 15, 2018 has been rescheduled as follows:

Date: Wednesday, February 28, 2018
Time: 6:00 p.m.
Place: 1st Floor, Daniel L. Webb Conference Room

You may contact Toni Tenorio at 647-2218, Monday through Friday from 8:00 a.m. to 5:00 p.m. for special accommodations, auxiliary aids, or other services.

/s/ Peter John D. Camacho, M.P.H.
Hospital Administrator/CEO

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Power plant rezoning bill hearing on Friday

By Louella Losinio
louella@postguam.com

Bill 223-34, legislation introduced to rezone land for the Guam Power Authority's proposed 180-megawatt plant, will be publicly heard at 1 and 6 p.m. Friday at the Guam Congress Building.

GPA is in the process of rezoning property near its Harmon substation to build the new power plant. Bill 223, introduced by Sen. Tom Ada, would rezone the land for industrial use for the proposed power plant.

The power authority hopes to commission the new plant by December 2021 in order to meet emissions guidelines from the U.S. Environmental Protection Agency and avoid millions of dollars in fines.

GPA faces more than \$150 million in potential fines from the federal environmental agency.

According to Ada, the new power plant will be designed to comply with U.S. EPA and Guam EPA clean-air standards.

The new power plant will replace Cabras units 1, 2, 3 and 4 as baseload units, which produce most of the power used on Guam. Cabras units 3 and 4 experienced a catastrophic incident in August 2015 that has rendered them useless. GPA plans to decommission Cabras 1 and 2 after the new plant is built because the old Cabras units do not meet EPA guidelines.

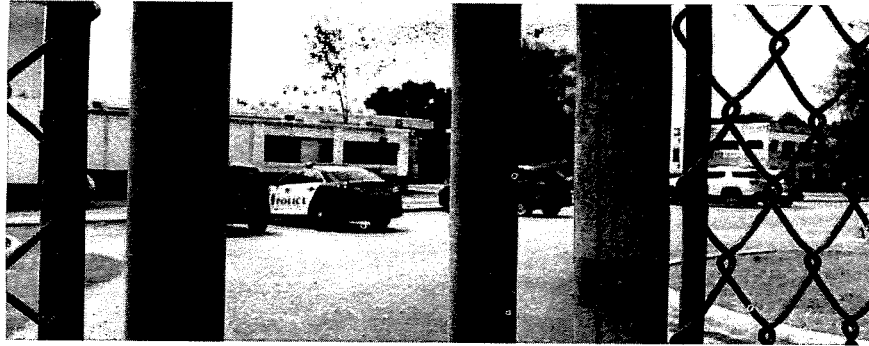
The shift to the new power plant will come with a shift in fuel usage to ultra-low-sulfur diesel.

According to Ada, the new plant will ensure that GPA meets future power demand, as early as 2022. He said the new power plant also would increase reliability to highly populated areas like Dededo and Yigo.

Ada said the proposed location is less vulnerable to tsunamis, storm surges, sea-level rise, and other climate change impacts. The current site of existing power plants at Cabras is highly vulnerable to these events, he added.

According to Ada, the Legislature's committee on land intends to place the legislation on the February session agenda.

Bullet found at Inarajan Middle School



LOCKDOWN: School officials placed Inarajan Middle School on lockdown yesterday after a bullet was found on campus. Guam Department of Education spokeswoman Isa Baza said the lockdown began at about 10 a.m. Administrators contacted the Guam Police Department, and officers helped school officials search the campus. Baza said the lockdown was lifted at about 12:45 p.m. No weapon and no additional bullets were found. Norman M. Taruc/The Guam Daily Post

Calvo pushes for Guam's inclusion in EITC funding bill

By Kevin Kerrigan
kevin@postguam.com

Gov. Eddie Calvo is urging Guam Del. Madeleine Bordallo to "do everything she can" to ensure that Guam is included in a bill before the Senate that would fully fund the earned income tax credit.

The current fiscal crisis facing the government of Guam could, in large part, be eased if the federal government reimbursed Guam for the EITC payments made every year to qualified low-income wage earners on island.

The EITC is budgeted as a tax refund, but in fact it's a federally mandated income supplement for qualified wage earners, especially those with children. It's intended to assist needy families who get back, in the form of a tax refund, more money than they paid in withholding taxes during the previous year.

Of the roughly \$57 million in annual EITC "refunds" paid out by the government of Guam in recent years, the wage earners who received those checks paid in less than \$20 million, said Lester Carlson, director of the Bureau of Budget and Management Research.

The states are reimbursed by the federal government for the EITC payments they make. Guam and the other territories are not.

Bill would address 'injustices'

The Puerto Rico and Virgin Islands Equitable Rebuild Act now before the Senate was introduced by Vermont Democrat Bernie Sanders. It proposes hurricane disaster relief funding for those two U.S. territories by eliminating the Medicaid cap, re-basing Medi-

care targets and reimbursing them for EITC payouts.

"The current legislation opens a door for Congress to address injustices to Guam," the governor wrote in a letter to Bordallo. He urged her to have Guam included in the Senate bill so that island residents, too, will be reimbursed for EITC payments.

During Tuesday's Tax Commission hearing, Bordallo's District Office Director John Calvo said Bordallo is a co-sponsor of the companion bill introduced in the House that includes Guam. He said she has reached out to Sen. Sanders to have the island included in the Senate bill as well.

EITC mandate second only to FAS costs

EITC is the second-largest unfunded federal mandate faced by the government of Guam, Carlson said. The costs associated with providing services to citizens of the Freely Associated

States is first.

"We've endured these burdens on our education system, on our hospital, and our police and jails," he said. "We've been trying to get some attention brought to the burden that we're carrying, but to no avail."

The Bureau of Statistics and Plans has quantified the costs, Carlson said. Last year alone, GovGuam incurred \$147 million in legal, medical, educational and other services for FAS citizens under the Compacts of Free Association (COFA). In return, he said, the island gets back about \$14 million in annual Compact-impact reimbursements from the federal government.

"We're a generous and benevolent people," he said. "We're taking care of the EITC, we're taking care of the COFA people. Now we're faced with the inability to even fund basic services for the government of Guam."



Eddie Calvo

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Hospital Administrator/CEO

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