


Messages and Communications for Doc. No. 36GL-22-2899*

Committee on Rules 36GL <cor@guamlegislature.org>
 To: Clerks <clerks@guamlegislature.org>, Rennae Meno <rennae@guamlegislature.org>
 Cc: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Tue, Dec 20, 2022 at 10:26 AM

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2899 for processing:

36GL-22-2899	Reporting Requirements for Boards and Commissions - December 2022*	Guam Ethics Commission
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Si Yu'os Ma'åse',


COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes, Chairperson
 36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
 Guam Congress Building | 163 Chalan Santo Papa Hagåtña Guam 96910
 Email: cor@guamlegislature.org

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----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>
 Date: Mon, Dec 19, 2022 at 5:00 PM
 Subject: Messages and Communications for 36GL-22-2899
 To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2899*

36GL-22-2899	Reporting Requirements for Boards and Commissions December 2022*	Guam Ethics Commission
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Si Yu'os Ma'åse',

Marie Cruz
 Community Relations Liaison

Office of Speaker Therese M. Terlaje
 Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
 36th Guam Legislature
 Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
 T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
 website: www.senatorterlaje.com

----- Forwarded message -----

From: **Reuben C. Bugarin** <Reuben.Bugarin@ethics.guam.gov>
 Date: Mon, Dec 19, 2022 at 10:48 AM
 Subject: Guam Ethics Commission Reporting Requirements for December 2022
 To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>, Jean S. Taitano <jean.taitano@guam.gov>
 Cc: Ethics Info <info@ethics.guam.gov>

Håfa Adai,

On behalf of the Guam Ethics Commission, I respectfully transmit the board packet for the Commission's December meeting. If our office can provide anything further, please feel free to contact me. Thank you.

Best regards,
 REUBEN C. BUGARIN
 Ethics Program Coordinator
 Guam Ethics Commission
Kumisión i Giniban Areklamenton Guåhan
 134 W. Soledad Avenue, Suite 406 – BOH Bldg., Hagåtña Guam 96910
 Tel: (671) 969-5625
 Fax: (671) 969-5626
 Website: <http://guamethics.com>

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36GL-22-2899.pdf
 3375K

Guam Ethics Commission Reporting Requirements for December 2022

Reuben C. Bugarin <Reuben.Bugarin@ethics.guam.gov>

Mon, Dec 19, 2022 at 10:48 AM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>, "Jean S. Taitano" <jean.taitano@guam.gov>

Cc: Ethics Info <Info@ethics.guam.gov>

Håfa Adai,

On behalf of the Guam Ethics Commission, I respectfully transmit the board packet for the Commission's December meeting. If our office can provide anything further, please feel free to contact me. Thank you.

Best regards,

REUBEN C. BUGARIN

Ethics Program Coordinator

Guam Ethics Commission

*Kumisión i Giniban Areklamenton Guåhan***134 W. Soledad Avenue, Suite 406** – BOH Bldg., Hagåtña Guam 96910

Tel: (671) 969-5625

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**DOC NO. 36GL-22-2899
OFFICE OF THE SPEAKER****Therese M. Terlaje****Date: 12/19/2022****Time: 10:48 a.m.****Received:** *MCruz***Guam Ethics Commission Reporting Requirements for December 2022.pdf**

3143K

COMMITTEE ON RULES**RECEIVED:**

December 19, 2022

5:00 P.M.

Frank El



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam
134 W. Soledad Ave., BOH Bldg. Ste. 406
Tel: 671-969-5625 | Telefax: 671-969-5626

Transmitted Via Electronic Mail

December 19, 2022

Honorable Lourdes A. Leon Guerrero
Governor of Guam
Office of the Governor
513 W. Marine Corps Drive
Hagåtña, Guam 96910

Honorable Therese M. Terlaje
Speaker, 36th Guam Legislature
I Mina Trentai'sais Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Reporting Requirements for Boards and Commissions – December 2022

Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

On behalf of the Guam Ethics Commission, respectfully transmitted herewith is the reporting requirements of 5 GCA Chapter 8 § 8113.1 regarding the Guam Ethics Commission's regular meeting held on December 16, 2022

If I can provide further assistance or clarification, please feel free to contact me through email at jesse.quenga@ethics.guam.gov.

Si Yu'os Ma'ase!

JESSE JOHN QUENGA, CM®
Executive Director

Enclosure: Guam Ethics Commission December 16, 2022 Meeting Packet



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

Government of Guam

134 W. Soledad Ave., BOH Bldg. Ste. 406

Tel: 671-969-5625 * Telefax: 671-969-5626

GUAM ETHICS COMMISSION MEETING PACKET

December 16, 2022

12:00 PM



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting
Friday, December 16, 2022
12:00 PM

AGENDA

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne M. Leon Guerrero

Margaret E.R. Tyquiengco

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
Ethics Program Coordinator

Reuben C. Bugarin
Ethics Program Coordinator

I. Call to Order / Roll Call of Members

II. Approval of Minutes

- a. November 30, 2022 – Regular Meeting

III. Executive Director's Report

IV. Old Business

- a. Commission to Act on the following cases:

ETH-22-020-OT-203 | ETH-22-034-OT-202

V. New Business

- a. Review and Approve Fiscal Year 2024 Budget Request
b. Executive Director Evaluation
c. Commission Boardsmanship Training / Education Program
P.L. 32-031

VI. Closed Proceedings 4 GCA 15 §15401

ETH-22-021-CI-203 | ETH-22-011-UT-203 | ETH-22-019-CI-202 | ETH-22-201-COI-204

VII. Announcements

VIII. Adjournment

Guam Ethics Commission Board Meeting—Minutes

Date: November 30, 2022

Time: 12:30 pm

Location: Zoom

I. Call to Order / Roll Call of Members

a. Members Present:

- Chairperson Shannon Murphy
- Christopher Cruz, Commissioner
- Meg Tyquiengco, Commissioner
- Dr. Robert Jack, Commissioner
- Daphne Leon Guerrero, Commissioner

b. Members Absent:

- Vice-Chairperson Marilyn Borja

c. Staff Present:

- Jesse Quenga, Executive Director
- Reuben Bugarin, Ethics Program Coordinator

d. Others present: Attorney Joseph McDonald, Legal Counsel; Darleen Hiton, Prosecutorial Counsel

II. Approval of Minutes

October 21, 2022 – Regular Meeting

MOTION: M. Tyquiengco motion to approve October 21, 2022 minutes

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

III. Executive Director's Report

Updates

a. 2022 Ethics Training Compliance Reports

- The Commission is pleased to announce 100% compliance with the mandated Ethics Training Compliance Reports. Transmittal letters were sent to the Office of the Governor as well as the Speaker of the Guam Legislature. 2022 Ethics Training Compliance Reports can be found on the commission's website: www.guamethics.com.

b. Status of Memorandum of Agreement with UOG for Ethics Training Providers

- The Commission is in receipt of a letter from UOG General Counsel advising the commission that the University has reviewed the counter proposal offered by the Commission and had rejected the offer to enter into a Memorandum of Agreement. The Commission will proceed with coordinating ethics training with instructors contracted in the past and will add additional practitioners to meet needed capacity.

c. Notice of Intent to File a Government Claim

- The Commission received a copy of a government claim filed by GCIC Inc. for office lease rent. This is expected to be formally filed with the Office of the Attorney General in compliance with the Government Claims Act. The office will prepare a response to the claim as soon as OAG establishes a case file and contacts the commission for response.

d. Fiscal Year 2024 Budget Request

- The office is in receipt of a transmittal letter from BBMR requesting for a copy of the Commission's FY2024 budget request. Although the Commission is not statutorily required to submit its request until Spring 2023, the office has already begun to prepare the document. A draft request will be presented to the Commission during their December meeting.

e. Annual Commission Educational Program

- The commission will plan to conduct its annual educational program / boardsmanship training in December to comply with Chapter 43 of Title 5 Guam Code Annotated. A calendar poll will be sent out to coordinate the appropriate schedule for the training.

f. Establishment of Technical/Professional Ethics Commission Staff

- To meet the Commission's strategic goal of establishing a position series of technical/professional staff, our office initiated and have prepared Position Description Questionnaires (PDQs). The office was able to obtain support from DOA's Personnel Division to conduct the pay evaluation for the assignment of an appropriate compensation schedule which follows the Hay Methodology.

g. Account Balance Summary

BALANCE REMAINING					
Category	2021	2023	Revenue Account	ARPA	TOTAL
Salaries	\$ -	\$ 6,732.44	\$ 34,973.60	\$ -	\$ 41,706.04
Benefits	\$ -	\$ 2,381.02	\$ 10,320.48	\$ -	\$ 12,701.50
Travel	\$ -	\$ 2,982.86	\$ -	\$ -	\$ 2,982.86
Contractual	\$ 76.92	\$ 15,612.48	\$ 32,115.19	\$ -	\$ 47,804.59
Rent	\$ -	\$ 0.20	\$ -	\$ -	\$ 0.20
Supplies	\$ 1,055.70	\$ 1,000.00	\$ -	\$ 8,943.75	\$ 10,999.45
Equipment	\$ 19.09	\$ -	\$ 10,750.00	\$ 38.88	\$ 10,807.97
Drug Testing	\$ 40.00	\$ -	\$ -	\$ -	\$ 40.00
Misc.	\$ 1,325.75	\$ 4,896.22	\$ 33,808.92	\$ -	\$ 40,030.89
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,517.46	\$ 33,605.22	\$ 121,968.19	\$ 8,982.63	\$ 167,073.50

*Funds do not reflect additional \$24,914 collected, but not yet loaded into the revenue fund.

IV. Old Business-None

V. New Business

a. Commission to take action on the following cases:

<p>ETH-22-003-OT-202</p> <p>Motion: C. Cruz Motion to adopt the order of dismissal</p> <p>Seconded by: R. Jack</p> <p>Discussion: None</p> <p>Decision: Motion Carries</p>	<p>ETH-22-014-CI-203</p> <p>Motion: R. Jack Motion to adopt the order of dismissal</p> <p>Seconded by: D. Leon Guerrero</p> <p>Discussion: None</p> <p>Decision: Motion Carries</p>	<p>ETH-22-025-OT-202</p> <p>Motion: D. Leon Guerrero Motion to adopt the order of dismissal</p> <p>Seconded by: M. Tyquiengco</p> <p>Discussion: None</p> <p>Decision: Motion Carries</p>
<p>ETH-22-004-UT-201</p> <p>Motion: R. Jack Motion to adopt the notification letter</p> <p>Seconded by: C. Cruz</p> <p>Discussion: None</p>	<p>ETH-22-015-OT-203</p> <p>Motion: R. Jack Motion to adopt the order of dismissal</p> <p>Seconded by: D. Leon Guerrero</p>	<p>ETH-22-026-OT-202</p> <p>Motion: R. Jack Motion to adopt the order of dismissal</p> <p>Seconded by: D. Leon Guerrero</p>

Decision: Motion Carries	Discussion: None Decision: Motion Carries	Discussion: None Decision: Motion Carries
ETH-22-005-COI-202 Motion: R. Jack Motion to adopt the notification letter Seconded by: M. Tyquiengco Discussion: None Decision: Motion Carries	ETH-22-016-CI-202 Motion: C. Cruz Motion to adopt the order of dismissal Seconded by: R. Jack Discussion: None Decision: Motion Carries	ETH-22-027-CI-202 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: D. Leon Guerrero Discussion: None Decision: Motion Carries
ETH-22-007-COI-203 Motion: D. Leon Guerrero Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries	ETH-22-017-CI-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: D. Leon Guerrero Discussion: None Decision: Motion Carries	ETH-22-028-OT-202 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: D. Leon Guerrero Discussion: None Decision: Motion Carries
ETH-22-008-UT-203 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: M. Tyquiengco Discussion: None Decision: Motion Carries	ETH-22-018-CI-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries	ETH-22-029-OT-202 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: D. Leon Guerrero Discussion: None Decision: Motion Carries
ETH-22-009-UT-203 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries	ETH-22-019-CI-202 *No action taken at this time*	ETH-22-030-UT-202 Motion: M. Tyquiengco Motion to adopt the order of dismissal Seconded by: R. Jack Discussion: None Decision: Motion Carries
ETH-22-010-CI-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries	ETH-22-021-CI-203 *No action taken at this time*	ETH-22-031-OT-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries
ETH-22-011-UT-203 *No action taken at this time*	ETH-22-022-OT-201 Motion: C. Cruz Motion to adopt the order of dismissal Seconded by: M. Tyquiengco Discussion: None Decision: Motion Carries	ETH-22-032-OT-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries
ETH-22-012-COI-202 Motion: R. Jack Motion to adopt the notification letter Seconded by: C. Cruz Discussion: None Decision: Motion Carries	ETH-22-023-OT-201 Motion: M. Tyquiengco Motion to adopt the order of dismissal Seconded by: R. Jack Discussion: None Decision: Motion Carries	ETH-22-033-OT-201 Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries
ETH-22-013-COI-202	ETH-22-024-OT-201	ETH-22-034-OT-202

Motion: R. Jack Motion to adopt the notification letter Seconded by: C. Cruz Discussion: None Decision: Motion Carries	Motion: M. Tyquiengco Motion to adopt the order of dismissal Seconded by: R. Jack Discussion: None Decision: Motion Carries	Motion: R. Jack Motion to adopt the order of dismissal Seconded by: C. Cruz Discussion: None Decision: Motion Carries
		ETH-22-201-COI-204 *No action taken at this time*

VI. Closed Proceedings

MOTION: M. Tyquiengco move to closed proceedings @ 12:46 pm

Seconded by: Dr. Jack

Discussion: None

Decision: Motion Carries

VII. Announcements

VIII. Adjournment

MOTION: C. Cruz motion to adjourn at 1:40 pm

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

EXECUTIVE DIRECTOR'S REPORT

Updates

- a. 2023 Ethics Training Calendar
 - An enterprise-wide memo was issued on Wednesday to all department and agency heads announcing the launch of the online learning platform as well as the 2023 Ethics Training Calendar. The Commission retained three (3) attorneys to conduct the workshops on behalf of the Commission. First workshop is scheduled for December 28th.
- b. Establishment of Technical/Professional Ethics Commission Staff
 - To meet the Commission's strategic goal of establishing a position series of technical/professional staff, our office was successfully submitted completed positions descriptions to DOA who will be provided support for the pay evaluation which follows the 2014 Competitive Wage Study adopted by GovGuam.
- c. Account Balance Summary

BALANCE REMAINING					
Category	2021	2023	Revenue Account	ARPA	TOTAL
Salaries	\$ -	\$ 14,228.26	\$ 34,973.60	\$ -	\$ 49,201.86
Benefits	\$ -	\$ 5,078.45	\$ 10,320.48	\$ -	\$ 15,398.93
Travel	\$ -	\$ -	\$ -	\$ -	\$ -
Contractual	\$ 76.92	\$ -	\$ 17,115.19	\$ -	\$ 17,192.11
Rent	\$ -	\$ 0.20	\$ -	\$ -	\$ 0.20
Supplies	\$ 55.70	\$ 1,000.00	\$ -	\$ 8,943.75	\$ 9,999.45
Equipment	\$ 19.09	\$ -	\$ 10,750.00	\$ 38.88	\$ 10,807.97
Drug Testing	\$ 40.00	\$ -	\$ -	\$ -	\$ 40.00
Misc.	\$ 1,325.75	\$ 11,746.56	\$ 33,808.92	\$ -	\$ 46,881.23
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 1,517.46	\$ 32,053.47	\$ 106,968.19	\$ 8,982.63	\$ 149,521.75

*Funds do not reflect additional \$24,994 collected, but not yet loaded into the revenue fund.



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam

Old Business

a. Commission to take action on the following cases:

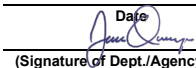
ETH-22-020-OT-203	ETH-22-034-OT-202	
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BUREAU OF BUDGET AND MANAGEMENT RESEARCH
FISCAL YEAR 2024
BUDGET DOCUMENT CHECKLIST

Department/Agency: Guam Ethics Commission
Division/Program: Commission Operations

Date Received by BBMR: _____
Date Reviewed: _____

	Department/Agency		BBMR	
	Yes	No	Yes	No
<u>General</u>				
Is the department/agency request within the Governor's established ceiling?	XXXXXXX	_____	_____	_____
Does the SUMMARY digest totals equal the totals on the detail pages?	XXXXXXX	_____	_____	_____
Are the required budget forms attached?				
a. Agency Budget Certification [BBMR ABC]	XXXXXXX	_____	_____	_____
b. Agency Narrative Form [BBMR AN-N1]				
c. Decision Package [BBMR DP-1]	XXXXXXX	_____	_____	_____
d. Program Budget Digest Forms [BBMR BD-1, BBMR TA-1, BBMR 96A - REVISED]	XXXXXXX	_____	_____	_____
e. FY 2024 (Proposed) Agency Staffing Pattern [BBMR SP-1] - All Fund Sources				
f. FY 2023 (Current) Agency Staffing Pattern [BBMR SP-1] - All Fund Sources	XXXXXXX	_____	_____	_____
g. Federal Program Inventory Form [BBMR FP-1]				
h. Equipment/Capital Listing & Space Requirement Form [BBMR EL-1]	XXXXXXX	_____	_____	_____
i. Prior Year Obligation Form [BBMR PYO-1]	XXXXXXX	_____	_____	_____
Are the E-Files attached for all budget forms?	XXXXXXX	_____	_____	_____
I. Agency Budget Certification [BBMR ABC]				
1. Is the budget certified as to its accuracy and BBMR requirements.	XXXXXXX	_____	_____	_____
II. Agency Narrative Form [BBMR AN-N1]				
1. Is the mission statement correct and consistent with the department/ agency's enabling act?	XXXXXXX	_____	_____	_____
2. Are the goals and objectives correct and consistent with the department/ agency's mission?	XXXXXXX	_____	_____	_____
III. Decision Package [BBMR DP-1]				
1. Is activity description correct?	XXXXXXX	_____	_____	_____
2. Is major objective correct?	XXXXXXX	_____	_____	_____
3. Are short term goals correct?	XXXXXXX	_____	_____	_____
4. Is workload output reflected correctly?	XXXXXXX	_____	_____	_____
IV. Program Budget Digest Forms [BBMR BD-1, BBMR TA-1, BBMR 96A - REVISED]				
A.) Budget Digest Form [BBMR BD-1]				
<u>Personnel Services</u>				
1. Are figures reflected consistent with the attached staffing pattern(s)?	XXXXXXX	_____	_____	_____
2. Are amounts reflected in each column accurate?	XXXXXXX	_____	_____	_____
3. Are computations correct?	XXXXXXX	_____	_____	_____
<u>Operations</u>				
1. Are the amounts reflected under columns, "Governor's Request," for each object category consistent with respective schedules (Schedule A - E) as detailed in the budget digest subforms (BBMR TA-1 & BBMR 96A - REVISED)?	XXXXXXX	_____	_____	_____
2. Are amounts reflected in each column accurate?	XXXXXXX	_____	_____	_____
3. Are computations correct?	XXXXXXX	_____	_____	_____
<u>Utilities</u>				
Are amounts reflected in each column correct?	XXXXXXX	_____	_____	_____
<u>Capital Outlay</u>				
Are amounts reflected under columns, "Governor's Request," consistent with schedule F as detailed in the budget digest subform, [BBMR 96A - REVISED]?	XXXXXXX	_____	_____	_____
<u>Full Time Equivalencies (FTEs)</u>				
Are the number of FTEs for both "Unclassified" and "Classified" accurately reflected under each column?	XXXXXXX	_____	_____	_____
B.) Off-Island Travel Form [BBMR TA-1] (Schedule A)				
1. Is the purpose/justification for travel defined?	XXXXXXX	_____	_____	_____
2. Is/Are the travel date(s) and number of travelers reflected?	XXXXXXX	_____	_____	_____
3. Is/Are the position title(s) of the traveler(s) reflected?	XXXXXXX	_____	_____	_____
4. Are all columns (Air Fare, Per Diem, Registration, and Total Cost) accurate?	XXXXXXX	_____	_____	_____
C.) Operations Schedules Form [BBMR 96A - REVISED] (Schedules B~F)				
1. Are "Items" under schedules B - F listed in <u>detail</u> ?	XXXXXXX	_____	_____	_____
2. Is the "Quantity" and "Unit Price" under schedules B - F reflected for respective items?	XXXXXXX	_____	_____	_____
3. Are corresponding FY 2023 Authorized levels under schedules B - F indicated?	XXXXXXX	_____	_____	_____
V. Agency Staffing Pattern Forms [BBMR SP-1]				
1. Are position titles correct?	XXXXXXX	_____	_____	_____
2. Are all LTA and Temp. positions properly identified?	XXXXXXX	_____	_____	_____
3. Are position numbers reflected?	XXXXXXX	_____	_____	_____
4. Are the salary levels consistent with the Government of Guam Competitive Wage Act of 2014 and/or 2021 Law Enforcement / Public Safety Compensation Pay Plan (LEPP)?	XXXXXXX	_____	_____	_____
5. Are filled positions funded?	XXXXXXX	_____	_____	_____
6. Are increment amounts reflected?	XXXXXXX	_____	_____	_____
7. Are rates reflected under "Benefits" correct?	XXXXXXX	_____	_____	_____
8. Are computations correct?	XXXXXXX	_____	_____	_____
VI. Federal Program Inventory Form [BBMR FP-1]				
Is the form complete and accurate?	XXXXXXX	_____	_____	_____
VII. Equipment/Capital Listing & Space Requirement Form [BBMR EL-1]				
1. Is the description of the equipment and/or capital item(s) detail?	XXXXXXX	_____	_____	_____
2. Is the "quantity" and "percentage of use" reflected?	XXXXXXX	_____	_____	_____
3. Are space requirements descriptive and total space reflected and accurate?	XXXXXXX	_____	_____	_____
VIII. Prior Year Obligation Form [BBMR PYO-1]	XXXXXXX	_____	_____	_____

CERTIFIED AS TO COMPLETENESS AND ACCURACY		BBMR ACTION:	
DEPARTMENT:		Recommendation	
Prepared By:	<u>Jesse John Quenga</u>	<input type="checkbox"/>	Approval
	<u>12/14/2022</u>	<input type="checkbox"/>	Disapproval
Approved By:	<u></u>		
	<u>(Signature of Dept./Agency Head)</u>		
	<u>12/16/2022</u>		
	<u>Date</u>		
		<u>Analyst</u>	
		<u>Date</u>	


**Government of Guam
Fiscal Year 2024**

Agency Budget Certification

Agency: GUAM ETHICS COMMISSION

Agency Head: JESSE JOHN QUENGA

I certify that the attached budget, submitted herewith, has been reviewed for accuracy and that all requirements by the Bureau of Budget & Management Research (BBMR) have been met. I also acknowledge that this budget document will be returned to this department if any of the **BBMR requirements** is not met and/or if there are **inaccuracies** contained therein.

Agency Head:  Date: 12/16/2022
(Signature)

**Government of Guam
Fiscal Year 2024 Budget
Department / Agency Narrative**

FUNCTION: General Government

DEPT. / AGENCY: Guam Ethics Commission

MISSION STATEMENT:

The Guam Ethics Commission's mandate is to uplift the public's confidence in government employees, programs, and operations by ensuring the practice and promotion of the highest standards of ethical behavior in the government of Guam. The Ethics Commission will do this by creating outreach programs for ethics in government and ensure compliance and enforcement of ethics and lobbying laws on Guam. In order to accomplish the mission of the Guam Ethics Commission, the Commission shall clearly inform candidates for public office, public employees, and other officials and members of the public of existing ethics laws and rules; recommend new laws, rules, and programs that will lead to ethics compliance and serve as a model for other elected and appointed officials and government employees; and faithfully adhere to its own Code of Ethics.

GOALS AND OBJECTIVES:

To ensure the public's trust in government. The Guam Ethics Commission will:

- Establish an orderly procedure for filing Financial Disclosure Statements of persons covered under 4 GCA Chapter 15 § 15208.
- Render advisory opinions on requests made by employees of the Government on whether the facts and circumstances of a particular case warrant a violation of the Code of Ethics.
- Establish a process to receive, hear, and investigate complaints.
- Make available every action, opinion, or decision made by the Commission online and have a registry to indicate the compliance levels for the mandates of persons covered under this chapter of the Guam code.
- Conduct Ethics in Government Program workshops for elected officials, appointed officials, and government employees.

Decision Package FY 2024

Department/Agency: Guam Ethics Commission

Division/Section:

Commission Operations

Program Title: Guam Ethics Commission

Activity Description:

The Guam Ethics Commission is an independent and autonomous entity, whose purpose is to hold officers and employees accountable to the Ethical standards established in Guam law. The Ethics Commission shall prescribe a process for receiving complaints, investigating the facts, conducting hearings, and rendering opinions on whether any violation of the standard of conduct for officials and employees have been violated. The Commission shall also conduct Ethics in Government Program workshops for elected officials, appointed officials, and employees.

Major Objective(s):

1. Hear and decide on all questions regarding the Ethical Conduct of officials and employees of the Government
2. Determine the standard of training for the Ethics in Government program for all elected and appointed officials.
3. Submit reports to the Governor and Legislature tha include recommendations for legislation to strengthen the expected standards of conduct for GovGuam officials.
4. Refer any violations of the code either to the Civil Service Commission or the Attorney General for further action.

Short-term Goals:

1. Offer ethics training through various mediums, making it convenient for public officials and employees to attend.
2. To work with every government agency to have their employees attend ethics training.
3. Maintain a robust government website with resources for officials, employees, and the general public.
4. Conduct hearings on potential violations of the standard of conduct provided in 4 GCA Chapter 15

Workload Output			
Workload Indicator:	FY 2022 Level of Accomplishment	FY 2023 Anticipated Level	FY 2024 Projected Level
Issue advisory opinions on potential violations of the Code of Conduct.	n/a	5	5
Issue certificates for persons who complete the Ethics in Government.	2,613	3000	3000
Have meetings with agency heads and others regarding Ethical Standards.	12	12	12
Conduct hearings and give opinions on complaints made against GovGuam officials on Ethics.	12	12	12

Government of Guam
Fiscal Year 2024
Budget Digest

[BBMR BD-1]

Function: GENERAL GOVERNMENT
Department GUAM ETHICS COMMISSION
Program: COMMISSION OPERATIONS
Acct. No.: 5100A234600GA001

		A	B	C	D	E	F	G	H	I	J	K	L
		GENERAL FUND			SPECIAL FUND 1/			FEDERAL MATCH			GRAND TOTAL (ALL FUNDS)		
AS400 Account Code	Appropriation Classification	FY 2022 Expenditures & Encumbrances	FY 2023 Authorized Level	FY 2024 Governor's Request	FY 2022 Expenditures & Encumbrances	FY 2023 Authorized Level	FY 2024 Governor's Request	FY 2022 Expenditures & Encumbrances	FY 2023 Authorized Level	FY 2024 Governor's Request	FY 2022 Expenditurea & Encumbrances (A + D + G)	FY 2023 Authorized Level (B + E + H)	FY 2024 Governor's Request (C + F + I)
	PERSONNEL SERVICES												
111	Regular Salaries/Increments/Special Pay	144,154	175,820	256,024	0	0	0	0	0	0	144,154	175,820	256,024
112	Overtime:	0	0	0	0	0	0	0	0	0	0	0	0
113	Benefits:	53,080	63,856	157,222	0	0	0	0	0	0	53,080	63,856	157,222
	TOTAL PERSONNEL SERVICES	\$197,234	\$239,676	\$413,246	\$0	\$0	\$0	\$0	\$0	\$0	\$197,234	\$239,676	\$413,246
	OPERATIONS												
220	TRAVEL- Off-Island/Local Mileage Reimbu	0	12,487	12,750	0	0	0	0	0	0	0	12,487	12,750
230	CONTRACTUAL SERVICES:	26,200	30,948	44,956	0	0	0	0	0	0	26,200	30,948	44,956
233	OFFICE SPACE RENTAL:	16,605	65,993	65,993	0	0	0	0	0	0	16,605	65,993	65,993
240	SUPPLIES & MATERIALS:	0	1,000	16,500	0	0	0	0	0	0	0	1,000	16,500
250	EQUIPMENT:	14,453	0	0	0	0	0	0	0	0	14,453	0	0
270	WORKERS COMPENSATION:	0	0	0	0	0	0	0	0	0	0	0	0
271	DRUG TESTING:	0	0	80	0	0	0	0	0	0	0	0	80
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0	0	0	0	0	0	0
290	MISCELLANEOUS:	12,527	5,171	27,832	0	0	0	0	0	0	12,527	5,171	27,832
	TOTAL OPERATIONS	\$69,785	\$115,599	\$168,111	\$0	\$0	\$0	\$0	\$0	\$0	\$69,785	\$115,599	\$168,111
	UTILITIES												
361	Power:	0	0	0	0	0	0	0	0	0	0	0	0
362	Water/ Sewer:	0	0	0	0	0	0	0	0	0	0	0	0
363	Telephone/ Toll:	0	0	4,116	0	0	0	0	0	0	0	0	4,116
	TOTAL UTILITIES	\$0	\$0	\$4,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,116
450	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	TOTAL APPROPRIATIONS	\$267,019	\$355,275	\$585,473	\$0	\$0	\$0	\$0	\$0	\$0	\$267,019	\$355,275	\$585,473
	1/ Specify Fund Source(s)												
	FULL TIME EQUIVALENCIES (FTEs)												
	UNCLASSIFIED:	5	5	5	0	0	0	0	0	0	5	5	5
	CLASSIFIED:	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL FTEs	5.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00	5.00	5.00

Schedule A - Off-Island Travel

Department/Agency: GUAM ETHICS COMMISSION
Division: COMMISSION
Program: COMMISSION OPERATIONS

Purpose / Justification for Travel				
To attend the National Council on Governmental Ethics Laws (COGEL) Annual Meeting. COGEL brings together government entities in the USA and Canada to discuss new developments in the area of ethics and best practices incorporated across the north american continent.				
Travel Date: <u>DECEMBER 2023</u>		No. of Travelers: <u>3</u> 1/		
Position Title of Traveler(s)	Air Fare	Per diem 2/	Registration	Total Cost
COMMISSIONERS (x2)	\$ 4,000.00	\$ 3,000.00	\$ 1,500.00	\$ 8,500.00
COMMISSION STAFF (x1)	\$ 2,000.00	\$ 1,500.00	\$ 750.00	\$ 4,250.00

Purpose / Justification for Travel				
Travel Date: _____		No. of Travelers: _____ 1/		
Position Title of Traveler(s)	Air Fare	Per diem 2/	Registration	Total Cost
	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -

Purpose / Justification for Travel				
Travel Date: _____		No. of Travelers: _____ 1/		
Position Title of Traveler(s)	Air Fare	Per diem 2/	Registration	Total Cost
	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -

1/ Provide justification for multiple travelers attending the same conference / training / etc.
2/ Rates must be consistent with Title 5 GCA, Div.2, Ch.23, §23104 and federal Joint Travel Regulations

Schedule B - Contractual

Item	Quantity	Unit Price	FY 2024 Request	FY 2023 Authorized	Variance Increase/(Decrease)
Copier Lease	1	\$6,711.00	\$ 6,711.00	\$ -	\$ 6,711.00
Legal Contract	1	\$15,000.00	\$ 15,000.00	\$ -	\$ 15,000.00
Prosecutorial Contract	1	\$15,000.00	\$ 15,000.00	\$ -	\$ 15,000.00
Video Conferencing Subscription	1	\$300.00	\$ 300.00	\$ -	\$ 300.00
Website Maintenance	1	\$7,500.00	\$ 7,500.00	\$ -	\$ 7,500.00
COGEL Membership Dues	1	\$445.00	\$ 445.00	\$ -	\$ 445.00
Total Contractual			\$ 44,956.00		

Schedule C - Supplies & Materials

Item	Quantity	Unit Price	FY 2024 Request	FY 2023 Authorized	Variance Increase/(Decrease)
Folders	20	\$50.00	\$ 1,000.00	\$ -	\$ 1,000.00
Envelopes	20	\$25.00	\$ 500.00	\$ -	\$ 500.00
Certificates	3,000	\$5.00	\$ 15,000.00	\$ -	\$ 15,000.00
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
Total Supplies & Materials			\$ 16,500.00		

Schedule D - Equipment

Item	Quantity	Unit Price	FY 2024 Request	FY 2023 Authorized	Variance Increase/(Decrease)
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
Total Equipment			\$ -		

Schedule E - Miscellaneous

Item	Quantity	Unit Price	FY 2024 Request	FY 2023 Authorized	Variance Increase/(Decrease)
Meeting Advertisements	24	\$150.00	\$ 3,600.00	\$ -	\$ 3,600.00
Stipends	1	\$16,800.00	\$ 16,800.00	\$ -	\$ 16,800.00
Procurement Training	2	\$208.00	\$ 416.00	\$ -	\$ 416.00
AS400 User Account	3	\$672.00	\$ 2,016.00	\$ -	\$ 2,016.00
Postage for Ethics Complaint Comms.	500	\$10.00	\$ 5,000.00	\$ -	\$ 5,000.00
	0	\$0.00	\$ -	\$ -	\$ -
Total Miscellaneous			\$ 27,832.00		

Schedule F - Capital Outlay

Item	Quantity	Unit Price	FY 2024 Request	FY 2023 Authorized	Increase/(Decrease)
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
	0	\$0.00	\$ -	\$ -	\$ -
Total Capital Outlay			\$ -		

Government of Guam
Fiscal Year 2024
Agency Staffing Pattern
(PROPOSED)

[BBMR SP-1]

FUNCTIONAL AREA: GENERAL GOVERNMENT

DEPARTMENT/AGENCY: GUAM ETHICS COMMISSION

PROGRAM: COMMISSION OPERATIONS

FUND: GENERAL FUND

Input by Department										Input by Department									
No.	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)		(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)
	Position Number	Position Title 1/ 1/	Name of Incumbent	Grade/ Step	Salary	Overtime	Special*	Increment		(E+F+G+I) Subtotal	Benefits					Medical (Premium)	Dental (Premium)	Total Benefits (K thru Q)	(J + R) TOTAL
								Date	Amt.		Retirement (J * 28.43%) 1/	Retire (DDI) (\$19.01*26PP) 2/	Social Security (6.2% * J)	Medicare (1.45% * J)	Life 3/				
		GENERAL FUND																	
1	---	Division #1	---	---	\$256,024	\$0	\$0	---	\$0	\$256,024	\$72,788	\$2,475	\$15,873	\$3,714	\$935	\$59,264	\$2,173	\$157,222	\$413,246
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
			GRAND TOTAL		\$256,024	\$0	\$0		\$0	\$256,024	\$72,788	\$2,475	\$15,873	\$3,714	\$935	\$59,264	\$2,173	\$157,222	\$413,246

* Night Differential / Hazardous / Worker's Compensation / etc.

1/ FY 2024 (Proposed) GovGuam contribution rate of 28.43% for the Government of Guam Retirement is subject to change.

2/ FY 2024 (Proposed) GovGuam contribution rate of \$19.01 (bi-weekly) for DDI is subject to change.

3/ FY 2024 (Proposed) GovGuam contribution rate of \$187 (per annum) for Life Insurance is subject to change.

Government of Guam
Fiscal Year 2024
Agency Staffing Pattern
(PROPOSED)

[BBMR SP-1]

FUNCTIONAL AREA: GENERAL GOVERNMENT

DEPARTMENT/AGENCY: GUAM ETHICS COMMISSION

PROGRAM: COMMISSION OPERATIONS

FUND: GENERAL FUND

Input by Department										Input by Department									
No.	(A) Position Number	(B) Position Title 1/	(C) Name of Incumbent	(D) Grade/Step	(E) Salary	(F) Overtime	(G) Special	(H) Increment Date	(I) Amt	(J) (E+F+G+I) Subtotal	(K) Retirement (J * 28.43%) 2/	(L) Retire (DDI) \$19.01*26PP) 3	(M) Social Security (6.2% * J)	(N) Medicare (1.45% * J)	(O) Life 4/	(P) Medical Premium	(Q) Dental Premium	(R) Total Benefits (K thru Q)	(S) (J + R) TOTAL
1	GEC-001	Executive Director	Jesse John Quenga	ET-05	\$88,408	\$0	\$0		\$0	\$88,408	\$25,134	\$495	\$5,481	\$1,282	\$187	\$14,336	\$485	\$47,400	\$135,808
2	GEC-002	Ethics Program Coordinator	Pamela D. Mabazza	O-01	49,897	0	0		0	49,897	14,186	495	3,094	724	187	14,336	485	33,507	83,404
3	GEC-003	Ethics Program Coordinator	Reuben C. Bugarin	O-01	49,897	0	0		0	49,897	14,186	495	3,094	724	187	14,336	485	33,507	83,404
4	GEC-004	Ethics Program Coordinator	VACANT	K-01	33,911	0	0		0	33,911	9,641	495	2,102	492	187	8,128	359	21,404	55,315
5	GEC-005	Ethics Program Coordinator	VACANT	K-01	33,911	0	0		0	33,911	9,641	495	2,102	492	187	8,128	359	21,404	55,315
6					0	0	0		0	0	0	0	0	0	0	0	0	0	0
7					0	0	0		0	0	0	0	0	0	0	0	0	0	0
8					0	0	0		0	0	0	0	0	0	0	0	0	0	0
9					0	0	0		0	0	0	0	0	0	0	0	0	0	0
10					0	0	0		0	0	0	0	0	0	0	0	0	0	0
11					0	0	0		0	0	0	0	0	0	0	0	0	0	0
12					0	0	0		0	0	0	0	0	0	0	0	0	0	0
13					0	0	0		0	0	0	0	0	0	0	0	0	0	0
14					0	0	0		0	0	0	0	0	0	0	0	0	0	0
15					0	0	0		0	0	0	0	0	0	0	0	0	0	0
16					0	0	0		0	0	0	0	0	0	0	0	0	0	0
17					0	0	0		0	0	0	0	0	0	0	0	0	0	0
18					0	0	0		0	0	0	0	0	0	0	0	0	0	0
19					0	0	0		0	0	0	0	0	0	0	0	0	0	0
20					0	0	0		0	0	0	0	0	0	0	0	0	0	0
21					0	0	0		0	0	0	0	0	0	0	0	0	0	0
22					0	0	0		0	0	0	0	0	0	0	0	0	0	0
23					0	0	0		0	0	0	0	0	0	0	0	0	0	0
24					0	0	0		0	0	0	0	0	0	0	0	0	0	0
25					0	0	0		0	0	0	0	0	0	0	0	0	0	0
			Grand Total:		\$256,024	\$0	\$0		\$0	\$256,024	\$72,788	\$2,475	\$15,873	\$3,714	\$935	\$59,264	\$2,173	\$157,222	\$413,246

* Night Differential / Hazardous / Worker's Compensation / etc.

1/ Indicate "(LTA)" or "(Temp.)" next to Position Title (where applicable).

2/ FY 2024 (Proposed) GovGuam contribution rate of 28.43% for the Government of Guam Retirement is subject to change.

3/ FY 2024 (Proposed) GovGuam contribution rate of \$19.01 (bi-weekly) for DDI is subject to change.

4/ FY 2024 (Proposed) GovGuam contribution rate of \$187 (per annum) for Life Insurance is subject to change.

Government of Guam
Fiscal Year 2024
Agency Staffing Pattern
(PROPOSED)

[BBMR SP-1]

Input by Department											
Special Pay Categories											
No.	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
	Position Number	Position Title	Name of Incumbent	Holiday Pay	Night Differential Pay 1/	Hazard 2/ 10%	Hazard 3/ 3%	Nurse Sunday Pay 4/ 1.5	Nurse Pay 5/ 1.5	EMT Pay 6/ 15%	D+E+F+G+H+I+J Subtotal
1	GEC-001	Executive Director	Jesse John Quenga	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	GEC-002	Ethics Program Coordinator	Pamela D. Mabazza	0	0	0	0	0	0	0	0
3	GEC-003	Ethics Program Coordinator	Reuben C. Bugarin	0	0	0	0	0	0	0	0
4	GEC-004	Ethics Program Coordinator	VACANT	0	0	3,391	0	0	0	0	3,391
5	GEC-005	Ethics Program Coordinator	VACANT	0	0	3,391	0	0	0	0	3,391
6	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0	0	0	0
13	0	0	0	0	0	0	0	0	0	0	0
14	0	0	0	0	0	0	0	0	0	0	0
15	0	0	0	0	0	0	0	0	0	0	0
16	0	0	0	0	0	0	0	0	0	0	0
17	0	0	0	0	0	0	0	0	0	0	0
18	0	0	0	0	0	0	0	0	0	0	0
19	0	0	0	0	0	0	0	0	0	0	0
20	0	0	0	0	0	0	0	0	0	0	0
21	0	0	0	0	0	0	0	0	0	0	0
22	0	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0	0
24	0	0	0	0	0	0	0	0	0	0	0
25	0	0	0	0	0	0	0	0	0	0	0
			Grand Total:	\$0	\$0	\$6,782	\$0	\$0	\$0	\$0	\$6,782

- 1/ 10% of reg. rate, applicable from 6pm-6am, employee must work 4 hours consecutive after 6pm for entitlement of the pay
2/ Applies to law enforcement personnel
3/ Applies to solid waste employees
4/ 1 ½ of reg. rate of pay from 12am Friday to 12 midnight Sunday
5/ 1 ½ of reg. rate of pay on daily work exceeding 8 hours
6/ Applicable only to GFD ambulatory service personnel. 15% of reg. rate of pay

Government of Guam
Fiscal Year 2023
Agency Staffing Pattern
(CURRENT)

[BBMR SP-1]

FUNCTIONAL AREA: GENERAL GOVERNMENT

DEPARTMENT/AGENCY: GUAM ETHICS COMMISSION

PROGRAM: COMMISSION OPERATIONS

FUND: GENERAL FUND

Input by Department																Input by Department																					
(A)		(B)		(C)		(D)		(E)		(F)		(G)		(H)		(I)		(J)		(K)		(L)		(M)		(N)		(O)		(P)		(Q)		(R)		(S)	
No.	Position Number	Position Title	Name of Incumbent	Grade/ Step	Salary	Overtime	Special*	Increment		(E+F+G+I) Subtotal	Retirement (J * 28.43%)	Retire (DDI) (\$19.01*26PP)	Social Security (6.2% * J)	Medicare (1.45% * J)	Life 1/	Medical (Premium)	Dental (Premium)	Total Benefits (K thru Q)	(J + R) TOTAL																		
								Date	Amt.																												
		GENERAL FUND																																			
1	---	Division #1	---	---	\$256,024	\$0	\$0	---	\$0	\$256,024	\$72,788	\$2,475	\$15,873	\$3,714	\$935	\$59,264	\$2,173	\$157,222	\$413,246																		
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* Night Differential / Hazardous / Worker's Compensation / etc.

1/ FY 2023 GovGuam contribution for Life Insurance is \$187 per annum

Government of Guam
Fiscal Year 2023
Agency Staffing Pattern
(CURRENT)

[BBMR SP-1]

FUNCTIONAL AREA: GENERAL GOVERNMENT

DEPARTMENT/AGENCY: GUAM ETHICS COMMISSION

PROGRAM: COMMISSION OPERATIONS

FUND: GENERAL FUND

Input by Department																Input by Department			

* Night Differential / Hazardous / Worker's Compensation / etc.
1/ Indicate "(LTA)" or "(Temp.)" next to Position Title (where applicable)
2/ FY 2023 GovGuam contribution for Life Insurance is \$187 per annum

Government of Guam
Fiscal Year 2023
Agency Staffing Pattern
(CURRENT)

[BBMR SP-1]

Input by Department											
Special Pay Categories											
No.	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
	Posición Number	Position Title	Name of Incumbent	Holiday Pay	Night Differential Pay 10%	Hazard Pay 10%	Hazard Pay 8%	Nurse Sunday Pay 1.5	Nurse Pay 1.5	EMT Pay 1.5%	D+E+F+G+H+I+J) Subtotal
1	GEC-001	Executive Director	Jesse John Quenga	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	GEC-002	Ethics Program Coordinator	Pamela D. Mabazza	0	0	0	0	0	0	0	0
3	GEC-003	Ethics Program Coordinator	Reuben C. Bugarin	0	0	0	0	0	0	0	0
4	GEC-004	Ethics Program Coordinator	VACANT	0	0	0	0	0	0	0	0
5	GEC-005	Ethics Program Coordinator	VACANT	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0	0	0	0
13	0	0	0	0	0	0	0	0	0	0	0
14	0	0	0	0	0	0	0	0	0	0	0
15	0	0	0	0	0	0	0	0	0	0	0
16	0	0	0	0	0	0	0	0	0	0	0
17	0	0	0	0	0	0	0	0	0	0	0
18	0	0	0	0	0	0	0	0	0	0	0
19	0	0	0	0	0	0	0	0	0	0	0
20	0	0	0	0	0	0	0	0	0	0	0
21	0	0	0	0	0	0	0	0	0	0	0
22	0	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0	0
24	0	0	0	0	0	0	0	0	0	0	0
25	0	0	0	0	0	0	0	0	0	0	0
			Grand Total:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

- 1/ 10% of reg. rate, applicable from 6pm-6am, employee must work 4 hours consecutive after 6pm for entitlement of the pay
2/ Applies to law enforcement personnel
3/ Applies to solid waste employees
4/ 1 ½ of reg. rate of pay from 12am Friday to 12 midnight Sunday
5/ 1 ½ of reg. rate of pay on daily work exceeding 8 hours
6/ Applicable only to GFD ambulatory service personnel. 15% of reg. rate of pay

[BBMR FP-1]

[illegible]

[illegible]

Doc. No. 36GL-22-2899.*

Bureau of Budget Management Research
Prior Year Obligations (FY 2023 and Prior FYs)

BBMR PYO-1

A	B	C	D	E	F	G
Transaction/ Obligation Date	Transaction Type	Vendor	General Fund (\$)	Special Fund (\$)	Federal Fund (\$)	Reasons for Nonsubmittal or Nonpayment
N/A	N/A	N/A				
Total			\$0.00	\$0.00	\$0.00	

Notes:

Column A: Completion date of transaction or event prior to October 1, 2023.

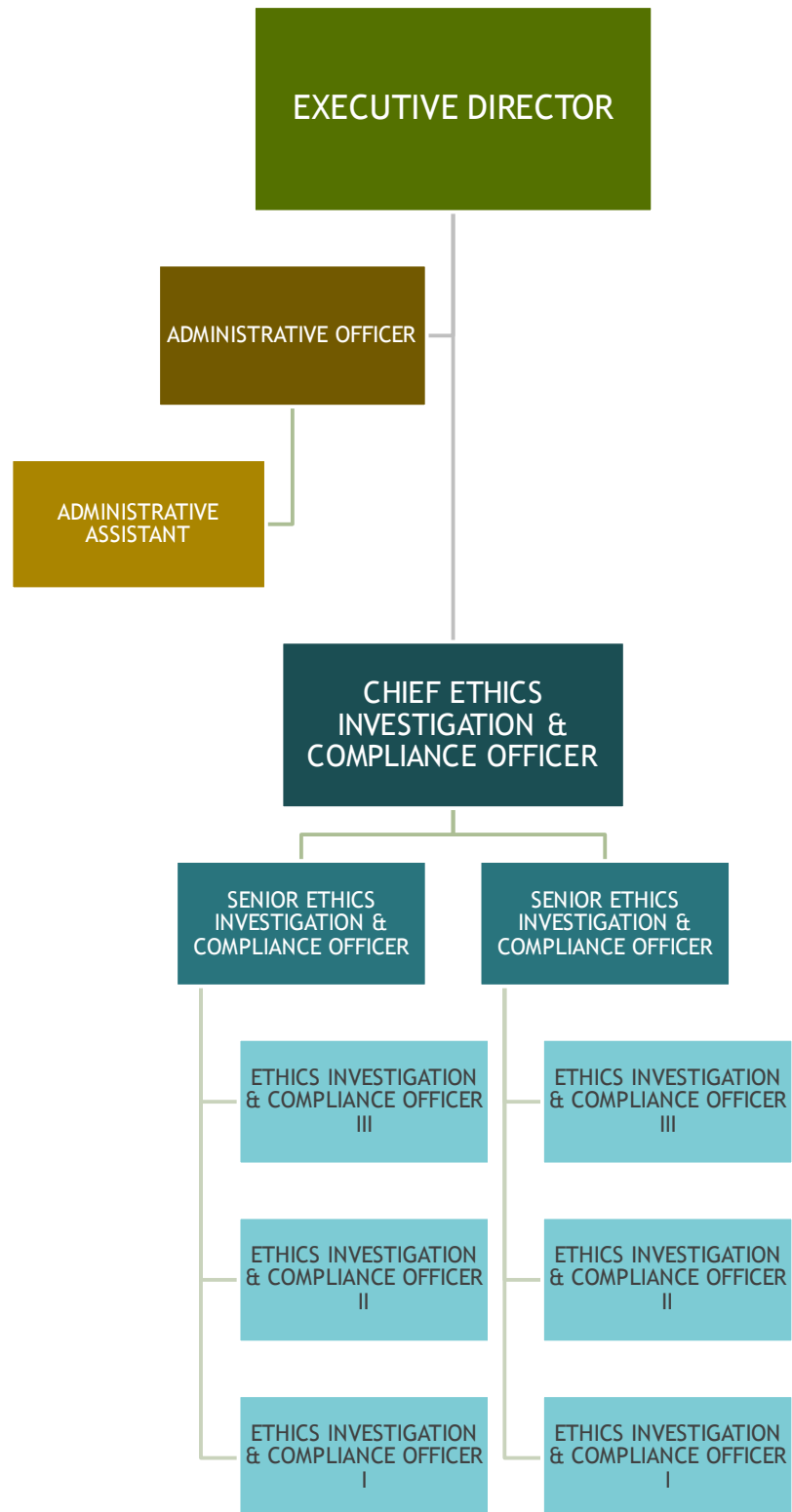
Column B: Transaction Type such as personnel action, contracts, etc.

Column C: Vendor or Party owed

Column D, E, & F: Identify funding source and dollar amount inclusive of associated penalties or fees; if more than one transaction, need to total all transactions.

Column G: Note item of concern.

GUAM ETHICS COMMISSION



**Guam Ethics Commission
Executive Director Evaluation Form**

Name: Jesse John Quenga	Position / Title: Executive Director
Reviewer: _____, Commissioner	Date of Review: December 16, 2022

EVALUATION RATINGS:

1. Does Not Meet 2. Needs Improvement 3. Meets Expectations 4. Above Expectations
5. Exceptional

PERFORMANCE RATING	DEFINITION
Exceptional:	Performance is extraordinary and consistently displays exceptional accomplishments. Results reflected substantially exceed normal position expectations and requirements.
Above Expectations:	Performance is more than satisfactory. Results achieved frequently exceeds basic position requirements and expectations
Meets Expectations:	Performance results are satisfactory. Consistently meets normal position requirements and occasionally exceeds the requirements of the position.
Needs Improvement:	Occasionally meets some of the position requirements, but improvement is needed in one or more phases of the position. Results are less than what is normally expected in meeting minimum position requirements.
Does Not Meet	Performance does not meet expectations or standards. Performance deficiencies indicate cause for critical concern and consideration of an improvement plan be prepared and implemented accordingly.

Document the Executive Director's position evaluation and select a rating of 1-5 factors listed above.

Discuss any other factors that relate to the Executive Director's position evaluation, such as significant accomplishments, critical incidents, or necessary improvements, etc.

GUAM ETHICS COMMISSION Executive Director Evaluation Form

Section I. Status of Achievements

List the key goals and the extent to which each have been achieved.

GOALS	STATUS
Establish a procedure for the Commission to receive and adjudicate complaints against public officials in accordance with 4 GCA Ch. 15	Successfully issued and awarded two professional contracts which provided the Commission with a general counsel and prosecutor for the adjudication of cases presented before it. In March 2022, the process for receiving complaints officially launched with nearly 40 cases filed before the end of the calendar year 2022. The Commission brought closure to over two dozen cases before years end.
Secure adequate and proper resources for the Commission to conduct hearings on potential violations of the standard of conduct provided in 4 GCA Chapter 15.	Obtained a 33% increase in local appropriation from the general fund to the Commission. Further, legislative authorization was secured for the second year in a row for the Commission to utilize available funds in the Government Ethics Special Fund. This authorization helps the Commission satisfy any unmet need experienced from the lack of general appropriation funding.
Promulgate administrative rules that details the specific mandates of the Commission and the process for how complaints move through the Commission procedurally.	Successfully prepared and filed the draft administrative rules as approved by the Commission. To support the development of the rules, an enterprise-wide study was performed which gave insight on employee attitudes towards mandatory ethics training and the disciplinary actions supported against officials who fail to adhere to the mandate. The rules are now with the Office of the Governor and Office of the Attorney General for their review and action.
Conduct Ethics in Government Program workshops for all government of Guam employees and ensure every government entity's compliance with the Ethics Training Compliance Report provided in 4 GCA Chapter 15.	Conducted a total of forty-five (45) workshops training a total of 2,613 employees in the government of Guam. This is a substantial increase compared to the previous year. With this new figure setting the baseline level of accomplishment, it remains well positioned to meet the statutory deadline for all employees to obtain ethics training by 2024. In October, an online learning platform was launched under the Commission's website. This is an expansion for the delivery of ethics training which further supports the Commission's goal to have every employee attend an ethics training. Lastly, For the second year in a row the Commission is reporting 100% compliance with the Ethics Training Compliance Report due from every government entity to the Commission.
Perform a position study to determine what is the workforce capacity necessary for the Commission to fulfill the mandates of 4 GCA Ch. 15.	The study has been completed with the draft organizational chart included in the Commission's FY2024 budget request. Pay evaluation pending DOA's response.

Section II. Performance Measures

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Leadership							
1.1 The Executive Director has shown clear vision in correctly anticipating, opportunities and priorities affecting the commission’s operations.							
1.2 The Executive Director has clearly translated his/her vision and strategy into feasible operational plans to achieve success for the commission.							
1.3 The Executive Director has accurately communicated his/her concept, vision and mission, strategies, goals and directions for the organization to stakeholders.							
1.4 The Executive Director has motivated and encouraged high employee morale and loyalty to the GETHC, and facilitated team-building and cohesiveness among the GETHC employees.							
1.5 The Executive Director has performed as a role model for the GETHC, maintained a working style which is open to constructive suggestions, and exercised effective leadership for the GETHC.							
1.6 The Executive Director has been an initiator, setting high working standards and pursuing goals with a high level of personal drive and energy.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Strategy formulation							
2.1 The Executive Director has developed clear mission statements, policies and strategic plans that harmoniously balance the needs of the employees, and other stakeholders.							
2.2 The Executive Director has accurately identified and analyzed problems and issues confronting the commission.							
2.3 The Executive Director has accurately determined and assessed key success factors for the GEthC.							
2.4 The Executive Director has ensured that commission members, and employees had participated in the formulation of strategic plans so that they have ownership of the plans.							
2.5 The Executive Director has assured that GEthC resources and budgets are aligned to the implementation of the Commission.							
2.6 The Executive Director has established processes that monitor and control, thus ensuring that the effectiveness of the GEthC, including risk management, is achieved.							
Strategy execution							
3.1 The Executive Director has established an effective organization, ensuring that there is management focus on key functions necessary for the GEthC to align with its mission.							
3.2 The Executive Director organized and delegated work accurately and refers functions to others in a professional manner.							
3.3 The Executive Director makes sound decisions and timely adjustments when conditions demanded such changes.							
3.4 The Executive Director has timely and effectively executed priorities set by the Commissioners.							
3.5 The Executive Director has accurately supervised performance monitoring and control to ensure accountability at all levels of the organization.							
3.6 The Executive Director has ensured that the GEthC complies with requirements from all pertinent laws and regulations.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Financial planning/performance							
4.1 The Executive Director possesses a good understanding of the GEthC’s financials.							
4.2 The Executive Director has exercised good judgment in managing the financial affairs and budget of the GEthC.							
4.3 The Executive Director has established sound practices and procedures for up-to-date accurate accounting and financial planning.							
4.4 The Executive Director has effectively monitored and evaluated financial planning, budget and administrative operations, and reports the results to the GEthC.							
4.5 The Executive Director has achieved the GEthC’s budgetary goals .							
4.6 The Executive Director has ensured that the GEthC’s accounts are of such professional quality that they have received a “clean” financial audit.							
Relationship with the Board							
5.1 The Executive Director has built strong working relationships with the board members and helped strengthen the board, and thus has worked closely and cooperatively with the board in developing the mission, and short, medium and long-term strategic plans.							
5.2 The Executive Director has demonstrated a sound knowledge of board governance procedures and has consistently followed them.							
5.3 The Executive Director has prepared for the board by developing sufficient and appropriate agendas with adequate discussion time and providing accompanying information with all relevant aspects and conditions well in advance of the meeting.							
5.4 The Executive Director has presented information to the board on items requiring board opinions and decisions in a professional manner, with recommendations based on thorough study and sound principles.							
5.5 The Executive Director has been readily available to individual board members whenever necessary, as well as supported the board in its governance duties by providing necessary resources and other facilities.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Relationship with the Board							
5.6 The Executive Director has encouraged board training and development, as well as board roles in the community and as advocates for the commission.							
External Relations							
6.1 The Executive Director has served as an effective GETHC representative in communicating with stakeholders, including community groups and organizations.							
6.2 The Executive Director has effectively communicated the GETHC’s financial performance to the Legislature.							
6.3 The Executive Director has professionally handled public relations issues in a manner that builds good will for the GETHC and lessens concerns from the general public.							
6.4 The Executive Director has encouraged a positive image of the GETHC, as well as creating awareness of available services to the general public.							
6.5 The Executive Director has assured that the GETHC maintains positive relationships in the community and cultivates good working relationships with community groups and organizations.							
Human Resources Management/Relations							
7.1 The Executive Director has created and maintained an organizational culture and climate which attracts, keeps and motivates staff to carry out the GETHC mission, direction and goals.							
7.2 The Executive Director has empowered staff members appropriate levels of freedom and authority, as well as effectively solicited and fostered support for initiative and creativity within the GETHC.							
7.3 The Executive Director has developed and executed sound personnel procedures and practices, including appraisal process and rewarding systems for employees, resulting in working towards the same goals.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Human Resources Management/Relations							
7.4 The Executive Director has supported personnel development and education, encouraged appropriate personnel to participate in planning and decision-making and provided opportunities to employees to work in professional fields which they are good at for the benefit of the GEthC.							
7.5 The Executive Director has built a highly competent team with the skills, energy and passion to turn the GEthC’s mission and vision into a reality.							
7.6 The Executive Director has ensured that the GEthC has good internal communication and treated all personnel fairly, without favoritism or discrimination.							
Service Knowledge							
8.1 The Executive Director has demonstrated a thorough knowledge and understanding about key aspects of the GEthC.							
8.2 The Executive Director has a good understanding of the GEthC’s allocation of its resources.							
Personal Qualities							
9.1 The Executive Director has attained an image that reflects positively on the GEthC, as well as demonstrated a personality, outlook and attitude that wins trust and support from all stakeholders.							
9.2 The Executive Director has shown sensitivity to and respect for others and exhibits concern for subordinates as individuals.							
9.3 The Executive Director has exercised good judgment in dealing with sensitive issues between people and between groups.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Personal Qualities							
10.1 The Executive Director has shown skills at analyzing and addressing problems, challenges and conflicts, and has been comfortable with ambiguity and complexity.							

10.2 The Executive Director has maintained a high standard of ethics and integrity, as well as a healthy balance of time management and priorities in both work-related and personal matters.							
10.3 The Executive Director has consistently sharpened his/her skills in the areas required for development of his or her potential.							

Section III. Development Needs

What are the Executive Director's major strengths that should be maintained?

1. 2. 3.

What should be the areas for the Executive Director's personal development for the coming year?

1. 2. 3.

Guam Ethics Commission Boardsmanship Training Board Action and Meetings

McDonald Law Office
Joseph B. McDonald
Commission Legal Counsel
December 16, 2022

LAWYERS ADVISING GOV'T AGENCIES vs NONGOVERNMENT CLIENTS

What is the difference in interpreting laws for a public attorney vs. a private attorney - to give the most effective interpretation for the client?

GETHC Boardsmanship Training—Board Action and Meetings

MAIN STATUTES APPLICABLE TO BOARD ACTIONS AND MEETINGS

- General laws applicable to Boards and Commissions (5 GCA Ch. 43)
- GETHC Enabling Act (4 GCA Ch. 15)
- Open Government Law (5 GCA Ch. 8)

General Administrative Laws

5 GCA Ch. 43 applies to all Boards and Commissions

Important Administrative Law Sections applicable to all Boards and Commissions

5 GCA Ch. 43:

- § 43101 Prohibition on actions and discussions concerning Procurement
- § 43102 2-year cooling off period for candidates
- § 43103 Multiple Board memberships prohibited
- § 43106 Cause for removal because of absences
- § 43120 No secret votes but all members present must vote
- § 43121 Attendance and participation virtually
- § 43122 Meetings must be live streamed
- § 43202 Agency head performance reviews after first 6 months and annually
- § 43203 Public notice and posting of agency head performance reviews

§ 43101. Board Members Prohibited from Procurement.

Notwithstanding any other provision of law, any member of any elected or appointed board or commission shall be prohibited from acting or participating in discussion on any matter in which he is a principal, has a financial interest in, or acts as an agent for anyone other than the government of Guam. Interests held in blind trust shall not be exempt from this provision. The member shall be prohibited from influencing any determination made by the board or commission on which the member serves and in which the member either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the member's official responsibility, where the government of Guam is a party or has a direct and substantial interest. Said prohibition shall be applicable during the tenure of the member, and one (1) year thereafter.

§ 43102. Former Members' Appointment to Board Limited.

Until the expiration of two years from the date of an election in which he was a candidate, *no person who is a candidate for public office shall be eligible for appointment* to any Board or Commission (whether heretofore or hereafter created) whose members are appointed by the Governor *if such a person was a member of such Board or Commission during the twelve month period immediately preceding* such election.

§ 43103. Multiple Board Memberships Prohibited.

No person whose appointment requires legislative concurrence shall *simultaneously serve on more than one Board* or Commission.

§ 43106. Removal from Office for Absences.

Unless the provisions of law governing the removal from a particular board or commission are to the contrary, the unexcused absences of a member of a board or commission from three consecutive regular meetings of the board or commission shall constitute a cause for removal of the member from the board or commission, and the Governor may thereupon remove such a member from the board or commission. The determination of whether a member's absence is excused or unexcused shall be made by the other members of the same board or commission.

§ 43120. Secret Voting Prohibited. Vote Required.

(a) No action, motion or resolution of any board or commission of the government of Guam may be taken in secret or by secret ballot. This provision shall not apply to the Guam Parole Board.

(b) All members present are required to vote on every action or resolution of the board, for which a vote is called, unless the member is excused for cause by a majority of the members present, or the member is barred by public law from voting.

§ 43121. Use of Video Teleconferencing at Meetings.

(a) Board and commission members may participate in regular and special meetings via video teleconferencing. The board or commission member shall submit a written request to participate in regular and special meetings via video teleconferencing to the Chairperson. Such request shall be attached to the minutes of said meeting.

(b) Participation via video teleconferencing shall meet the requirements for a quorum.

(c) Boards and commissions shall develop rules and regulations and education on the use of video teleconferencing for their members, in consultation with the Office of Technology (OTECH) and the Office of the Attorney General, in accordance with their individual missions and functions, and in accordance with existing statute, specifically the Open Government Law, contained in Chapter 8 of this Title.

(d) Executive sessions and due process hearings shall not be conducted via video teleconferencing.

§ 43122. Use of Video Live Streaming at Meetings.

(a) Boards and commissions *shall broadcast* regular and special meetings via video live streaming applications.

(b) Boards and commissions shall develop rules and regulations and education on the use of video live streaming for their members, in consultation with the Office of Technology (OTECH) and the Office of the Attorney General, in accordance with their individual missions and functions, and in accordance with existing statute, specifically the Open Government Law, contained in Chapter 8 of this Title.

(c) Boards and commissions shall provide instructions on how the public can access these video live streams on their meeting notices.

§ 43202. Performance Reviews of Agency Heads.

The governing Boards for all agencies, instrumentalities, or entities shall issue performance reviews of the Chief Executive selected for that agency six (6) months after appointment of the said Chief Executive and every twelve (12) months thereafter that the Chief Executive is retained by the Governing Board. Each performance review shall document the Chief Executive's performance, accomplishments, and the respective Governing Board's reasons for retaining the said Chief Executive.

§ 43203. Publication of Performance Reviews.

The performance reviews required under this Act shall be made public and the availability of these reviews shall be published by the respective Governing Boards issuing the aforementioned reviews by *newspaper of general circulation* or by radio or television which is reasonably calculated to provide notice of the facts it announces to the public at large *and posted on the agency, instrumentality or entity's website.*

Standards of Conduct for Public Officers and Employees

4 GCA Ch. 15—Commission Enabling Act—Administrative Action

Why do agencies exist?

THREE DISTINCT FUNCTIONS:

1. Executive - Enforce laws, rules and regulations
2. Quasi-legislative - make rules and regulations
3. Adjudicate violations of laws, rules, and regulations

Which ones are agency “actions”?

Preliminary administrative provisions

- Exhaustion of Administrative Remedies – DFS v. A.B. Won Pat Int’l Airport Auth., 2020 Guam 20
 - Enforcement of regulations
 - Adjudication of violations
- Board action is to establish the official record – Freedom of Information/Sunshine Reform Act of 1999
 - “Public Records”

GETHC Commission action (Ethics Standards Art. 4)

- § 15401 Commission Duties
- § 15403 Procedures for accepting complaints, investigating and adjudicating violations
- § 15404 No authority for disciplinary action
- § 15407 Executive Director duties and responsibilities

§ 15401. Duties of Commission; Complaint, Hearing, Determination.

(a) The Commission shall have the following powers and duties:

(1) It shall prescribe a form for the financial disclosures required by § 15208 and shall establish an orderly procedure for implementing the requirements of that Section.

(2) It shall render advisory opinions upon the request of any employee or former employee as to whether the facts and circumstances of a particular case constitutes or will constitute a violation of the code of ethics. The opinion rendered, until amended or revoked, shall be binding on the Commission in any subsequent charges concerning the employee or former employee who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the employee or former employee in the request for an advisory opinion.

(3) It shall initiate, receive and consider charges concerning alleged violations of this Chapter, initiate or make investigations, and hold hearings.

§ 15401. Duties of Commission con't.

(4) It may subpoena witnesses, administer oaths, and take testimony relating to matters before the Commission and require the production for examination of any books, papers or electronic records relative to any matter under investigation or in question before the Commission. Before the Commission shall exercise any of the powers authorized herein with respect to any investigation or hearings, it shall by formal resolution, supported by a vote of five or more members of the Commission, define the nature and scope of its inquiry.

§ 15401. Duties of Commission con't.

(5) It may, from time to time, make, amend, and repeal such rules and regulations, not inconsistent with this Chapter as in the opinion of the Commission, seem appropriate for the carrying out of this Chapter for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the Commission. The rules and regulations, shall be adopted in conformance with the Administrative Adjudication Law, and shall have the force and effect of law.

(6) It shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this Chapter in all proceedings commenced within three (3) years of an alleged violation of this Chapter by an employee, or a former employee. Nothing herein shall bar proceedings against a person who by fraud or other device, prevents discovery of a violation of this Chapter. A proceeding shall be deemed commenced by the signing of a charge by five (5) or more members of the Commission.

§ 15401. Duties of Commission con't.

(e) The Commission shall make its findings and render its decision based on a *preponderance of the evidence*. A decision of the Commission pertaining to the conduct of any employee shall be *in writing and signed by five (5) or more of the members* of the Commission. *Deliberations* of the Commission shall be *closed to the public* and to all parties.

(f) The Commission shall cause to be published *yearly summaries of decisions, advisory opinions, and informal advisory opinions*. The Commission shall make sufficient *deletions* in the summaries *to prevent disclosing the identify of persons involved* in the decisions or opinions.

§ 15403. Procedure.

(a) When the Commission, after due hearings, believes that there is cause for the possible filing of criminal charges, it shall refer the complaint to the Attorney General's Office or appropriate authority for its disposition.

(b) With respect to former employees, the Commission may, with the consent of five (5) or more members of the Commission, issue a public statement of its findings and conclusions, and the Attorney General may exercise whatever legal or equitable remedies are available to Guam.

(c) When after due hearing, the Commission finds that the violation committed by an employee is non-criminal in nature, the Commission will remand the case to the agency where the employee is employed with the recommendation that the agency impose the corresponding punishment in accordance with the agency's personnel rules and regulations.

However, § 4406. Adverse Action Procedures and Appeals (b) Ninety (90) Day Rule. (1) Management shall give the employee in the classified service notice and statement of the charges under this Section no later than: (A) ninety (90) calendar days from the date in which management knew or should have known the facts or events which form the alleged basis for the adverse action; or (B) ninety (90) calendar days from the date of entry of a judgment of conviction in any court of competent jurisdiction that forms the alleged basis for the adverse action.

§ 15404. Disciplinary Action for Violation.

In addition to any other powers the Civil Service Commission or other government agency may have to discipline employees, the appropriate agency involved may reprimand, put on probation, demote, suspend, or discharge any employee found to have violated this Chapter.

§ 15407. Executive Director and Guam Ethics Commission Staff.

(a) (2) The Guam Ethics Commission *shall review and approve a fiscal year budget* necessary to meet all of the Commission's statutory requirements and abide by all policies and procedures set forth in this Chapter and corresponding rules and regulations.

§ 15407. Executive Director con't.

(b) The Commission shall appoint an Executive Director who shall:

(1) administer the laws under this Chapter and all Commission policies, and ensure that investigations and subsequent hearings are held in accordance with the procedures outlined in this Chapter;

(2) manage the daily operations of the Commission and perform duties as assigned by the Commission or specified by law or rule or regulation;

(3) be the ex-officio secretary for the Commission but shall not be a voting member thereof. As such secretary, the Executive Director shall keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe

Open Government Law

5 GCA Ch. 8 - makes Commission administrative action “official”

Policy of transparency to the greatest legal extent

§ 8102. Policy. The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to the public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Important OGL provisions

5 GCA Ch. 8:

- § 8103 Meetings to be public
- § 8104 Definition of “Meeting” and “Action”
- § 8105 Chance meetings and electronic communications
- § 8107 Notice of meeting
- § 8107.1 Notice website
- §§ 8109, 8110 Adjournments
- § 8111 Executive sessions - when the agency is threatened, has a legal risk, or gets sued
- § 8113 Minutes
- § 8114 Void actions generally
- § 8114.1 Void actions if agenda does not provide notice or is not broadcast
- § 8115 Penalties

Start at the end

OGL § 8115. Penalties and Court Jurisdiction. (b) Each member of a public agency who attends a meeting of a public agency where action is taken in violation of any provision of this Chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

Crim. Stat. § 4.60. Guilt Established by Complicity. A person is guilty of an offense if, with the intention of promoting or assisting in the commission of the offense, he induces or aids another person to commit the offense. If the definition of the offense includes lesser offenses, the offense of which each person shall be guilty shall be determined according to his own culpable mental state and to those aggravating or mitigating factors which apply to him.

Crim. Stat. § 4.65. Criminal Facilitation Established and Punished. A person is guilty of criminal facilitation when, knowing that another person intends to engage in conduct which in fact constitutes a crime, he knowingly furnishes substantial assistance to him.

Crim. Stat. § 4.70. Criminal Liability for Acts of Another: Non-Availability of Certain Defenses. In any prosecution in which the criminal liability of the defendant is based upon the conduct of another person, it is no defense that: (a) the offense can be committed only by a particular class of persons to which the defendant does not belong; or (b) the other person has legal immunity from prosecution, or has not been prosecuted for or convicted of an offense based upon the conduct in question, or has previously been acquitted.

Crim. Proc. § 10.40. Exception for Public Officers. Notwithstanding §§ 10.20 and 10.30, a prosecution may be commenced against a public officer or employee or any person acting in complicity with such public officer or employee for any offense based upon misconduct in office by such public officer or employee at any time while such public officer or employee continues in public office or employment or within three (3) years thereafter.

§ 8103. Open Meetings.

(a) Every meeting of a public agency shall be open and public, and any person shall be permitted to attend any public agency meeting, except as otherwise provided in this Chapter. A member of the public shall not be required, as a condition to attendance at a meeting of a public agency, to register his name and other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his attendance.

(c) Except for executive sessions and other meetings expressly authorized by public law to be closed, no board, commission or public officer of the government of Guam may prevent or deny the recording (audio and/or video) of any public meeting.

(d) Except for executive sessions and other meetings expressly authorized by law to be closed, regular and special meetings of a public agency shall be broadcast via video live streaming applications as announced in the notice of meeting and on the agency's website.

§ 8104. Definitions.

(b) Meeting means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program.

(c) Action taken means a collective decision made by a majority of the members of a public agency, a collective commitment or promise by a majority of the members of a public agency to make a positive or a negative decision, or an actual vote by a majority of the members of a public agency when sitting as a body or entity, upon a motion, proposal, resolution or order.

§ 8105. Exception.

A chance meeting of two or more members of a public agency shall not be considered a public meeting. No chance meeting, informal assemblage or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this Chapter.

§ 8107. Notices:

(d) Notices must contain the agenda of matters to be discussed at the respective meeting. Agenda items must be in sufficient detail to put the public on notice as to what is to be discussed.

See also *Joseph v. GBAHE*, 2015 Guam 4

§ 8107.1. Guam Public Notice Website - Creation, Establishment and Administration.

https://notices.guam.gov/notices?search_title=All%20Notices&view=list#notices_start

(b) There is created the “Guam Public Notice Website” to be administered by the Department of Administration.

Adjournments

§ 8109. A public agency may adjourn any regular, adjourned *regular, special or adjourned special meeting* to a time and place specified in the order of adjournment. *Less than a quorum may so adjourn* from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the public agency may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in § 8108 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or *notice of adjournment shall be conspicuously posted on or near the door* of the place where the regular, adjourned regular, special or adjourned special meeting was held *within twenty-four (24) hours after the time of the adjournment*. When a regular or adjourned regular meeting is adjourned as provided in this Section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.

§ 8110. *Any hearing* being held or noticed or ordered to be held by a public agency at any meeting *may by order or notice of continuance be continued or recontinued by any subsequent meeting* of the public agency in the same manner and to the same extent set forth in § 8109 for the adjournment of meetings; provided, that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

§ 8111. Executive Sessions.

(a) No public agency is prohibited because of this Chapter from holding executive sessions with the Attorney General, Chief of Police or the respective designated representatives of each on a *matter which poses a threat to the public health, safety or welfare* or from holding executive sessions during a regular or special meeting to *consider the appointment, employment or dismissal of a public officer or employee* or to *hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing*. *Under no circumstances,* however, shall a public agency hold an executive or closed meeting to *discuss salaries, salary levels or salary adjustments of any employee or officer*. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public. *A public agency may exclude* from any public or private meeting, *during the examination of a witness, any or all other witnesses* in the matter being investigated by the public agency, *but may not exclude a party,* complainant or the subject of an adverse action.

§ 8111. Executive Sessions con't.

(c) Under no circumstances shall a public agency hold an executive or closed meeting to discuss legal matters, impending legal matters or legal strategies with an attorney, except as herein provided below. All such discussions must be held in a public meeting and minutes shall be kept and opened to the public, except as herein provided: (1) No such meeting may be closed except on the written recommendation of the attorney, and an affirmative vote of a majority of the members of the Board of the Public Agency to go into executive session. (2) Only matters directly relating to ongoing litigation or litigation which has been threatened as is reasonably expected may be discussed. Only the attorney(s), court reporter, board members, and the Executive Director or managing officer of the agency may attend such a meeting. (3) A verbatim transcript by an authorized court reporter must be taken of all meetings which are closed to discuss litigation or possible litigation and such transcript shall promptly be reduced to writing. (4) Notice of the meeting shall be given as required for any other meeting. The notice shall indicate the place and time of the meeting, and shall indicate the general subject matter to be discussed, (if not confidential) as well as the specific exemption permitting an executive or closed meeting. (5) After such meeting, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matter relating to litigation or pending litigation have been discussed. (6) There shall be public minutes made of all such executive sessions indicating the existence of the transcript, the subject matter of the meeting (if not confidential), the names of all persons attending the closed meeting, their capacities and the date and times the meeting started and closed. (7) The transcript of such meeting shall be sealed for a period of six (6) months, and shall thereafter be a public document unless there is a court order, further sealing the transcript. Before issuing such an order, the court must read the transcript in camera and determine that the Agency would be unduly prejudiced by the release of the transcript, taking into account the public's right to know. In such event, the court may order the transcript released and made public, or may order the transcript sealed for a period not exceeding six (6) months only if there is ongoing litigation over the matters discussed and release would prejudice the Agency, or if the court finds there is a strong likelihood of litigation concerning the subject matters within six (6) months. Unless the court orders otherwise all transcripts concerning litigation or potential litigation shall become public immediately upon the termination of litigation or the threat of litigation. Under no circumstances may a matter concerning litigation be sealed for more than three (3) months after the conclusion of the litigation. In the case of expected litigation, all such transcripts cannot be sealed for more than one (1) year after the closed hearing if no litigation results. (d) Under no circumstances shall a public agency vote on any matter before it during an executive or closed meeting. All voting must be held in a public meeting and minutes shall be kept and opened to the public.

§ 8111. Executive Sessions con't.

HOWEVER

DFS v. A.B. Won Pat Int'l Airport Auth, 2019 Guam 6

FOIA § 10108 (i) All existing privileges or confidential records or other information expressly protected under the law shall not be abrogated by this Act.

§ 8113. Minutes.

The minutes of every meeting of each public agency shall be promptly and fairly recorded, shall be *open to public inspection* and shall include but not be limited to a record of all motions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call. Insofar as it may do so without violating § 8103 of this Chapter, an agency may also maintain a record of persons present at a meeting.

§ 8114. Action Voided.

Any action taken at a meeting in violation of any Section of this Chapter shall be void and of no effect, provided that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

§ 8114.1. Action Voided-Noncompliance.

Any action of a public agency taken at a meeting is void and of no effect if the public agency failed to comply with the public notice of agenda matters to be discussed pursuant to § 8107(d) of this Chapter or failed to comply with the broadcasting requirement pursuant to § 8103(d) of this Chapter.

GETHC Action but no public right of inspection

§ 15401. Duties of Commission; Complaint, Hearing, Determination.

(b) Charges concerning the violation of this Chapter shall be in writing, signed by the person making the charge under oath, except that any charge initiated by the Commission must be signed by five (5) or more members of the Commission. The Commission shall notify in writing every person against whom a charge is received and afford him an opportunity to explain the conduct alleged to be in violation of this Chapter. The Commission may investigate, after compliance with this Section, such charges and render an informal advisory opinion to the alleged violator. The Commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion. If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the Commission determine that there is a probable cause for belief that a violation of this Chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator in accordance with the rules for personal service found in Guam Rules of Civil Procedure. The person so charged shall have twenty (20) days after service thereof to respond in writing to the charge and statement.

(c) Any Commission member or any individual, including the individual making the charge, who without permission of the Commission, divulges information obtained from the Commission or who reveals confidential actions of or what happened in closed proceedings before the Commission concerning the charge prior to the issuance of the complaint or other final action by the Commission, except as permitted by this Chapter, shall be guilty of a misdemeanor.

QUESTIONS AND CONCERNS

1. "The master key of knowledge is, indeed, a persistent and frequent questioning." – Peter Abelard
2. "A prudent question is one half of wisdom." – Francis Bacon
3. "The one who knows all the answers has not been asked all the questions." – Confucius
4. "The most serious mistakes are not being made as a result of wrong answers. The true dangerous thing is asking the wrong question." – Peter Drucker
5. "Only the one who does not question is safe from making a mistake." – Albert Einstein
6. "The power to question is the basis of all human progress." – Indira Gandhi
7. "What are you trying to do – one of the easiest to ask and most difficult to answer of questions." – Robert K. Greenleaf
8. "Life's most persistent and urgent question is, 'What are you doing for others?'" – Martin Luther King, Jr.
9. "There are no right answers to wrong questions." – Ursula K. Le Guin
10. "You can tell whether a man is clever by his answers. You can tell whether a man is wise by his questions." – Naguib Mahfouz
11. "Never ask a question unless the answer makes a difference." – Proverb
12. "There are no foolish questions and no man becomes a fool until he has stopped asking questions." – Charles Proteus Steinmetz
13. "The greatest compliment that was ever paid me was when someone asked me what I thought, and attended to my answer." – Henry David Thoreau
14. "It's better to know some of the questions than all of the answers." – James Thurber
15. "Questions are never indiscreet, answers sometimes are." – Oscar Wilde



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Closed Proceedings-4 GCA 15 §15401

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