

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|--------------|--------------------|--|----------------------|---------------|---|----------------------|-----------------------------|--|
| 235-34 (COR) | Joe S. San Agustin | AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE MATTER OF JON FERNANDEZ V. GUAM EDUCATION BOARD ET AL., DISTRICT COURT CIVIL CASE NO. CV-16-00080, IN ACCORDANCE WITH 1 GCA § 1820. | 1/31/18 8:12 a.m. | 02/02/18 | Committee on Appropriations and Adjudication | 2/14/18 9:00 a.m. | 2/19/18 10:48 a.m. | Fiscal Note Request 2/5/18 Fiscal Note 2/15/18 |



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåtro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

February 19, 2018

The Honorable Régine Biscoe Lee
Chairwoman
I Mina'trentai Kuåtro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

2018 FEB 19 AM 10:48 C.S.

RE: Committee Report on Bill No. 235-34 (COR), As Introduced

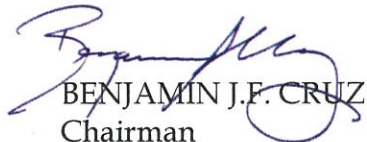
Dear Chairwoman Biscoe Lee:


Transmitted herewith is the Report of the Committee on Appropriations and Adjudication on Bill No. 235-34 (COR), As Introduced - J. S. A. Agustin - "An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al., District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820."

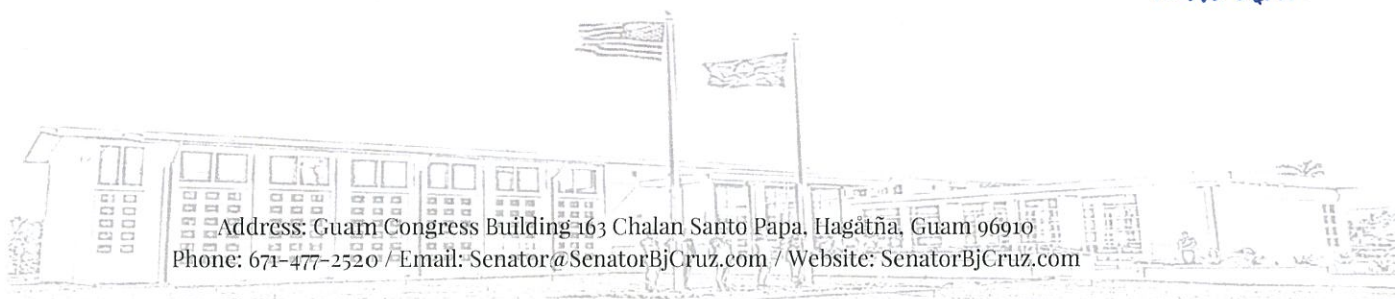
Committee votes are as follows:

1 TO DO PASS
0 TO NOT PASS
4 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairman

RECEIVED
FEB 19 2018

COMMITTEE ON RULES
10:13am.





Office of the Speaker

BENJAMIN J.F. CRUZ

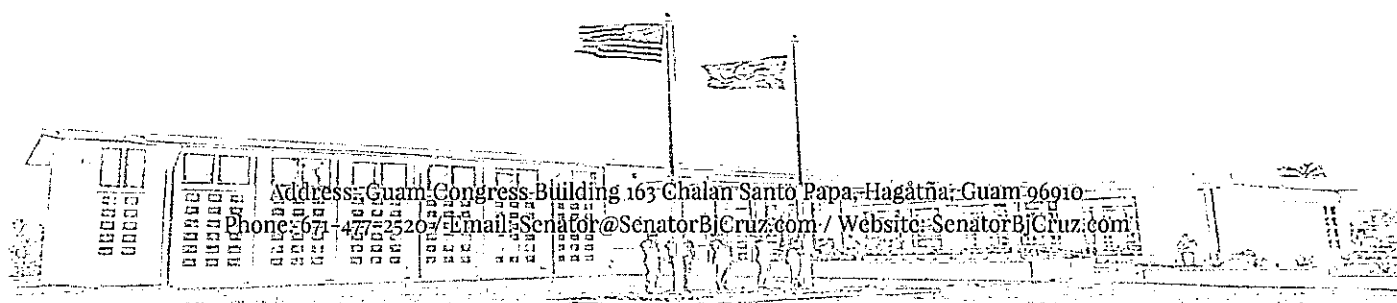
I Mina'trentai Kuåtiro na Liheslaturan Guåhan

Committee on Appropriations and Adjudication

COMMITTEE REPORT

Bill No. 235-34 (COR), As Introduced

"An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al., District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820."



Address: Guam Congress Building 163 Chalan Santo Papa, Hagåtña, Guam 96910
Phone: 671-477-2520 / Email: Senator@SenatorBjCruz.com / Website: SenatorBjCruz.com



Office of the Speaker

BENJAMIN J.F. CRUZ

I Mina'trentai Kuåtiro na Liheslaturan Guåhan

Committee on Appropriations and Adjudication

MEMORANDUM

TO: All Members

FROM: Speaker Benjamin J.F. Cruz

Chairman, Committee on Appropriations and Adjudication

SUBJECT: Committee Report on Bill No. 235-34 (COR), As Introduced

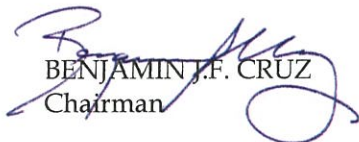
Transmitted herewith for your consideration is the Committee Report on Bill No. 235-34 (COR), As Introduced - J. S. A. Agustin - "An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al., District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820."

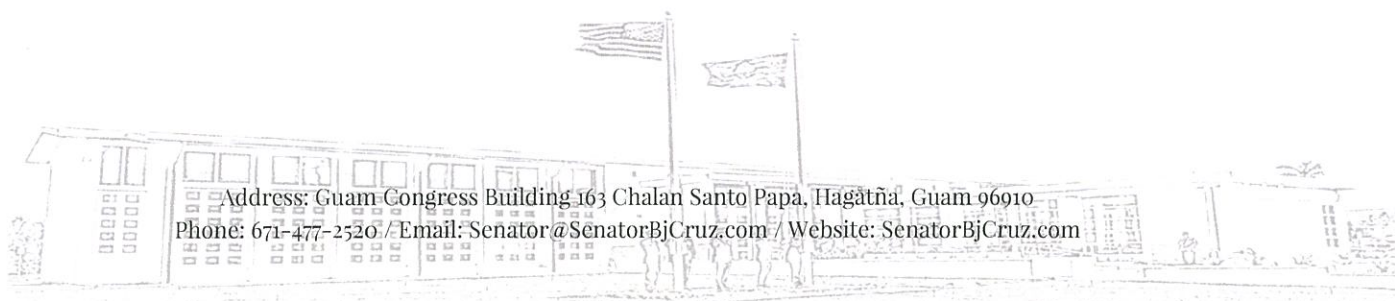
This report includes the following:

- COR Referral of Bill No. 235-34 (COR)
- Notices of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Bill No. 235-34 (COR)
- COR Pre-referral Checklist
- Fiscal Note Requirement and Funding Availability Note

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


BENJAMIN J.F. CRUZ
Chairman



Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Sen. Dennis G. Rodriguez, Jr.
Member

Sen. Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES

SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN • I MINA 'TRENTAI KUÁTRO
NA LIHESLATURAN GUÅHAN


LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

February 2, 2018

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee** 
Chairperson, Committee on Rules

Re: **Referral of Bill No. 235-34 (COR)**

Buenas yan Håfa adai!

Committee on Rules and subject to § 6.01(d)(1), Rule VI of our Standing Rules (see B(2) and B(3) of the pre-referral checklist), I am forwarding the referral of **Bill No. 235-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to Speaker Benjamin J.F. Cruz, Chairperson of the Committee on Appropriations and Adjudication. I also request that the same be forwarded to the prime sponsor of the subject bill.

After committee review, the subject bill may be further referred by the Committee on Appropriations to the Principal Committee of subject matter jurisdiction, pursuant to § 6.01(d)(1), Rule VI of our Standing Rules. If the Committee on Appropriations determines that a subsequent referral is in order, the Committee on Rules respectfully advises that the subject bill be referred to Senator Joe S. San Agustin, Chairperson of the Committee on Education, Finance and Taxation.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Jeanenne Cordero at 472-2461. Thank you for your attention to this important matter.





Sarah Elmore <sarah.elmore@senatorbjcruz.com>

FIRST NOTICE of Public Hearing – Wednesday, February 14, 2018

1 message

Media Communications <media@senatorbjcruz.com>

Wed, Feb 7, 2018 at 7:30 AM

Cc: av@guamlegislature.org, Clerks <clerks@guamlegislature.org>, Committee on Rules Guam Legislature <corguamlegislature@gmail.com>, Management Information System <mis@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>

February 07, 2018

MEMORANDUM

To: All Members / All Senators

From: Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearing – Wednesday,
February 14, 2018**

Håfa Adai! The Committee on Appropriations and Adjudication will conduct a Public Hearing beginning **9:00 AM** on **WEDNESDAY, FEBRUARY 14, 2018**, in the ***Liheslatura* Public Hearing Room** at the **Guam Congress Building** with the following schedule:

BILL No. 235-34 (COR) – Joe S. San Agustin – An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of *Jon Fernandez V. Guam Education Board et al.*, District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820.

Bill No. 204-34 (COR) As substituted by the Committee on Appropriations and Adjudication – Frank B. Aguon – An act to *amend* §§ 58D103(l), 58D105, 58D109, and 58D112, and to *repeal* 58D103 (m), all of chapter 58D, title 5, Guam Code Annotated, relative to designating the Guam Department of Education (GDOE) as the procuring entity for purposes of any solicitation respecting the construction and/or renovation of Simon Sanchez High School under a longterm lease-back, changing definitions respecting responsiveness, and authoring GDOE to solicit for architectural and engineering design, development of a comprehensive capital improvement plan, construction management, purchase of collateral equipment, and long-term capital maintenance planning.

Testimonies may be submitted via hand delivery to the Office of Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to Guam Congress Building, 163 Chalan Santo Papa, Hagatna, GU 96910; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Speaker at 477-2520 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

cc: AV
Clerks
COR
MIS
Protocol
SGT at Arms

Hermína R.B. Certeza

The Office of Speaker Benjamin J.F. Cruz
Committee on Appropriations and Adjudication
I Mina'trentai Kuâtro Na Liheslaturan Guåhan
T (671) 477-2520 | F (671) 477-2522
<http://www.senatorbjcruz.com>

3 attachments



PUBLIC HEARING AGENDA 021418.pdf
352K



FIRST NOTICE - PH PR .pdf
733K



FIRST NOTICE - PH MEMO .pdf
385K



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåtro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

FOR IMMEDIATE RELEASE

February 07, 2018

FIRST NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for a Public Hearing by the Committee on Appropriations and Adjudication scheduled on **WEDNESDAY, FEBRUARY 14, 2018** in the **Guam Legislature Public Hearing Room** at the **Guam Congress Building**, on the following:

9:00 AM

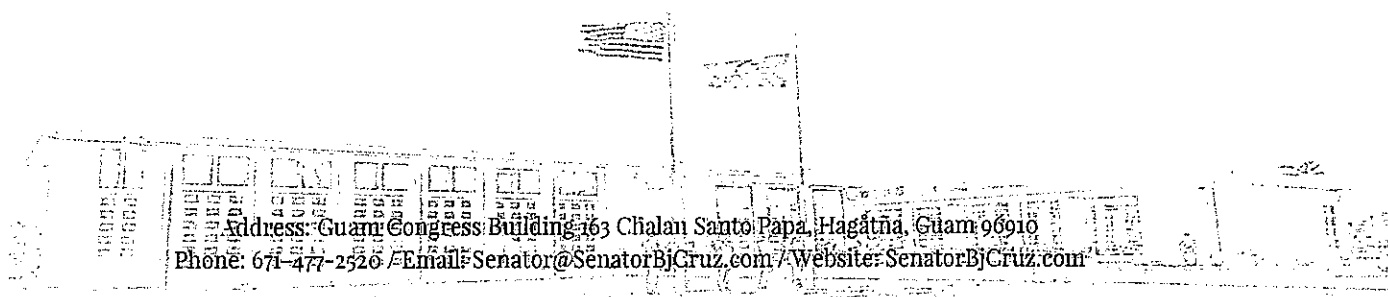
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Testimonies may be submitted in person to the Office of Speaker Benjamin J.F. Cruz at the Guam Legislature; by postal mail to Guam Congress Building, 163 Chalan Santo Papa, Hagåtña Guam 96910 or by email to senator@senatorbjcruz.com. Copies of written testimonies received at least one day before the scheduled date will be available at the hearing.

Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Speaker at 477-2520, or by e-mail at carlo.branch@senatorbjcruz.com.

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Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Phone: 671-477-2520 / Email: Senator@SenatorBjCruz.com / Website: SenatorBjCruz.com



Office of the Speaker

BENJAMIN J.F. CRUZ

I Mina'trentai Kuåtro na Liheslaturan Guåhan

Committee on Appropriations and Adjudication

February 07, 2018

MEMORANDUM

To: All Members / All Senators

From: Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearing – February 14, 2018**

Håfa Adai! The Committee on Appropriations and Adjudication will conduct a Public Hearing beginning **9:00 AM** on **WEDNESDAY, FEBRUARY 14, 2018**, in the ***I Liheslatura* Public Hearing Room** at the **Guam Congress Building** with the following schedule:

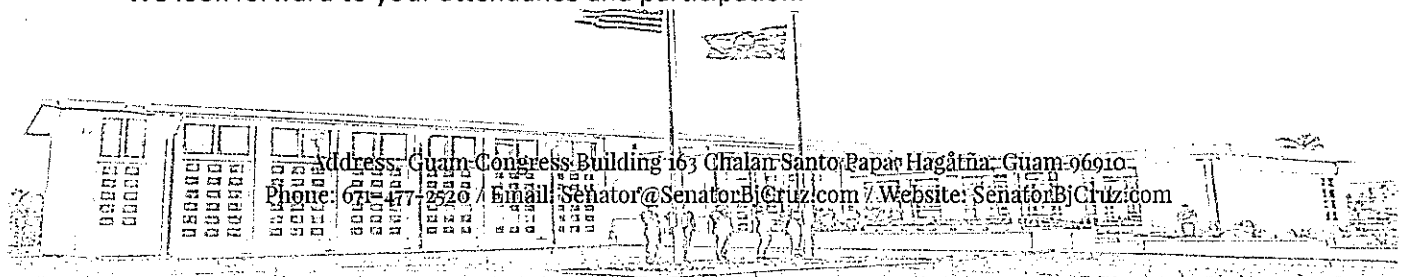
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We look forward to your attendance and participation.





Media Communications <media@senatorbjcruz.com>

SECOND NOTICE of Public Hearing – Wednesday, February 14, 2018

1 message

Speaker Benjamin J.F. Cruz / Media <media@senatorbjcruz.com>

Mon, Feb 12, 2018 at 8:30 AM

Cc: av@guamlegislature.org, Clerks <clerks@guamlegislature.org>, Committee on Rules Guam Legislature <corguamlegislature@gmail.com>, Management Information System <mis@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>
 Bcc: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Hermina Certeza <hermina.certeza@senatorbjcruz.com>, Edward Pocaigue <epocaigue@senatorbjcruz.com>, Orleen Villasoto <orleen@senatorbjcruz.com>, Sarah Elmore <sarah.elmore@senatorbjcruz.com>, jonfernandez@gdoe.net, Andri Baynum <drebaynum@gmail.com>, jacque.terlaje@terlajelaw.com, info@guambar.org, lester.carlson@bbmr.guam.gov, frances.cruz@bbmr.guam.gov, Ho.eun@coretechintl.com, dfbrooks@guamopa.com, yhechanova@guamopa.com, cdmasnayon@gdoe.net, ebanderson@guamag.org, lacruz@guamag.org, puntalan@guamag.org, governor@guam.gov, Mark Calvo <mark.calvo@guam.gov>, edward.birn@doa.guam.gov, "Pacita M.A. UNCANGCO" <pacita.uncangco@doa.guam.gov>, Vincent.Arriola@doa.guam.gov, tmtaitano@gdoe.net, mdroberto@gdoe.net, magutierrez@gdoe.net

February 12, 2018

MEMORANDUM

To: All Members / All Senators

From: Speaker Benjamin J.F. Cruz, Chairman

Re: **SECOND NOTICE of Public Hearing – Wednesday, February 14, 2018**

Håfa Adai! The Committee on Appropriations and Adjudication will conduct a Public Hearing beginning **9:00 AM** on **WEDNESDAY, FEBRUARY 14, 2018**, in the **/ Liheslatura Public Hearing Room** at the **Guam Congress Building** with the following schedule:

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We look forward to your attendance and participation.

cc: AV
Clerks
COR
MIS
Protocol
SGT at Arms

The Office of Speaker Benjamin J.F. Cruz
Committee on Appropriations and Adjudication
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3 attachments



PUBLIC HEARING AGENDA 021418.pdf
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SECOND NOTICE - PH MEMO .pdf
387K



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåtto na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

FOR IMMEDIATE RELEASE

February 12, 2018

SECOND NOTICE OF PUBLIC HEARING

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9:00 AM

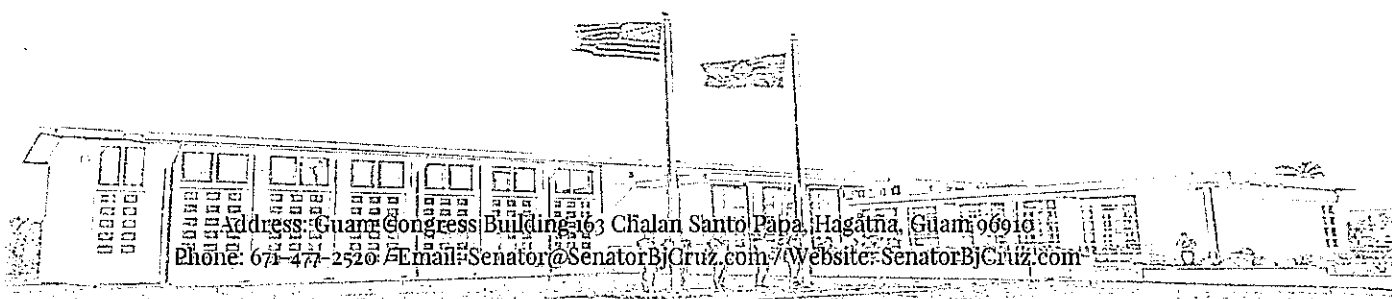
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Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåtiro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

February 12, 2018

MEMORANDUM

To: All Members / All Senators

From: Speaker Benjamin J.F. Cruz, Chairman

Re: **SECOND NOTICE of Public Hearing – February 14, 2018**

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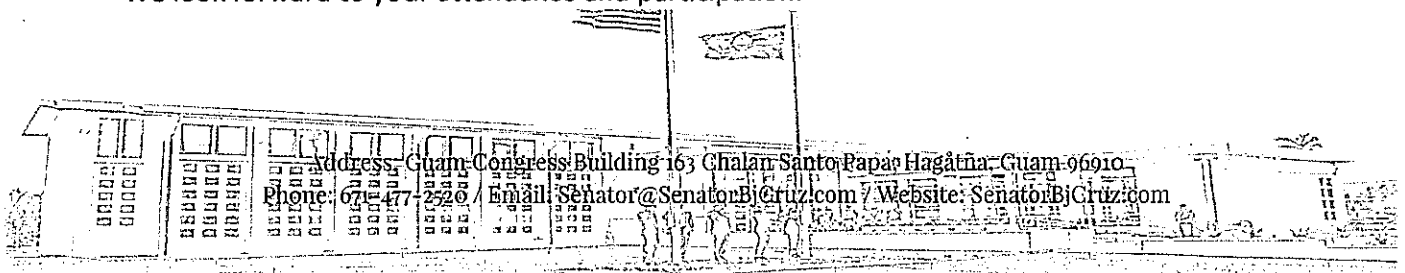
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We look forward to your attendance and participation.



Address: Guam Congress Building 163 Chalan Santo Papa Hagatna, Guam 96910
Phone: 671-477-2520 / Email: Senator@SenatorBjCruz.com / Website: SenatorBjCruz.com



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåtiro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

PUBLIC HEARING AGENDA

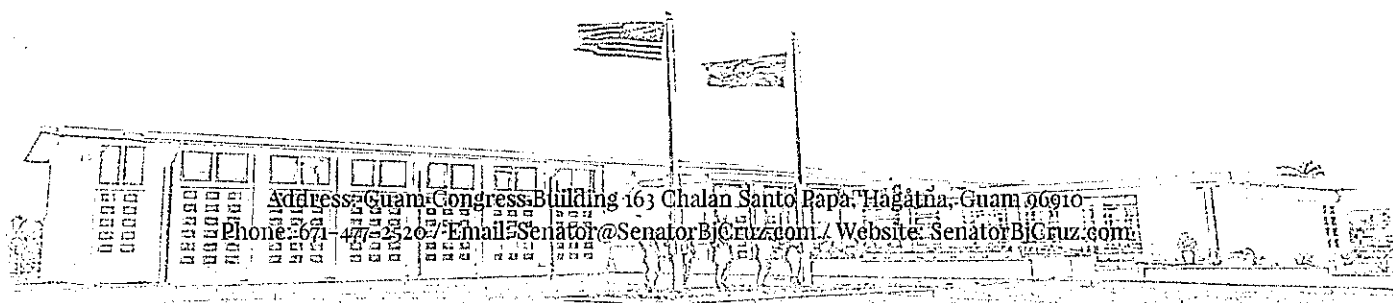
WEDNESDAY, FEBRUARY 14, 2018

Guam Legislature Public Hearing Room • Guam Congress Building

9:00 AM

BILL No. 235-34 (COR) – Joe S. San Agustin – An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of *Jon Fernandez V. Guam Education Board et al.*, District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820.

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Address: Guam Congress Building 163 Chalan Santo Papa, Hagatna, Guam 96910
Phone: 671-477-2520 / Email: Senator@SenatorBJCruz.com / Website: SenatorBJCruz.com



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(Ufisinan Direktot)
Post Office Box 884 * Hagåtña, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788



Edward M. Birn
Acting Director
Vincent P. Arriola
Deputy Director

February 12, 2018

Speaker Benjamin J.F. Cruz

The Honorable Benjamin J.F. Cruz, Speaker
Chairman, Committee on Appropriation and Adjudication
I Mina' Trentai Kuattro Na Liheslaturan Guahan
Suite 107, 155 Hesler Place
Hagatna, Guam 96910

FEB 12 2018
Time: 2:26 PM File No. 34-1511
Received By: [Signature]

Re : Invitation for Testimony on Bill No. 235-34 (COR)

Buenas yan Hafa Adai Mr. Chairman,

Thank you for your letter dated February 08, 2018 inviting the Department of Administration to provide testimony on Bill No. 234-34 (COR).

This bill will approve the settlement between Government of Guam and Mr. Jon Fernandez in the matter of Jon Fernandez vs Guam Education Board. Furthermore, this settlement has been approved by the Attorney General and Governor of Guam. The Department of Administration has no further comment at this time.

In closing, I appreciate the invitation to provide testimony in this matter.

Senseramente,

EDWARD M. BIRN
Acting Director
Department of Administration



JON J. P. FERNANDEZ
Superintendent of Education

DEPARTMENT OF EDUCATION FINANCIAL AFFAIRS

www.gdoe.net
500 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671) 300-1575/1556 • Fax: (671) 472-5009
Email: tmtaitano@gdoe.net



Taling M. Taitano
Deputy Superintendent
Finance and Administrative Services

January 13, 2018

Honorable Benjamin J.F. Cruz
Speaker and Chairman
Committee on Appropriations and Adjudication
Thirty-Fourth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Speaker Benjamin J.F. Cruz

FEB 13 2018

Time: 2:40 [] AM [x] PM File No. 34-1515
Received By: [Signature]

Subject: Testimony on Bill 235-34

Hafa Adai Mr. Speaker,

This is to provide testimony in support of Bill 235-34, Approving the Settlement Between Government of Guam and GDOE Superintendent Jon Fernandez. We appreciate the Legislature's acknowledgement and desire to address this issue.

We believe as written, Bill 235-34 provides sufficient authority for the department to now move forward in processing and completing the final step regarding this matter.

We thank you and members of the Thirty-Fourth Guam Legislature for your quick action.

Thank you.

Senseramente,

[Signature]
TALING M. TAITANO

Cc: Chairman and Members, Guam Education Board
Senator and Chairman, Committee on Education, Finance and Taxation, 34th Guam Legislature



MARK B. MENDIOLA
Chairman

GUAM EDUCATION BOARD

500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone Number: (671) 300-1627
Facsimile Number: (671) 472-5001
Website Address: www.gdoe.net/geb



MARIA A. GUTIERREZ
Vice-Chairwoman

February 13, 2018

VOTING MEMBERS

Mark B. Mendiola, Chairman
Maria A. Gutierrez, Vice-Chair
Peter Alecxis D. Ada
Lourdes M. Benavente
Robert A. Crisostomo
James C. Lujan
Ron L. McNinch, PhD
Lourdes B. San Nicolas

Honorable Benjamin J. F. Cruz
Speaker and Chairman
Committee on Appropriations and Adjudication
THIRTY-FOURTH GUAM LEGISLATURE
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Subject: Testimony, Bill 235-34

EX-OFFICIO MEMBERS

Ermin Samelo (SHS)
IBOGS Representative

Audrey P. Mandapat (SSHS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

Dear Mr. Speaker,

This is to provide testimony in support of Bill 235-34, approving the settlement between Government of Guam and GDOE Superintendent Jon Fernandez. We appreciate the Legislature's acknowledgement and desire to address this issue.

In compliance with §1820 Chapter 18 of Title 1 GCA, the language contained in Bill 235-34 provides sufficient authority to allow the department to now move forward in the final step in completing this process.

EXECUTIVE SECRETARY

Jon J. P. Fernandez
GDOE Superintendent

We thank you and the members of the Thirty-Fourth Guam Legislature for your prompt attention and ask the Legislature to act on the bill in the next available Legislative Session.

Senseramente,

MARK B. MENDIOLA



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913



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Administrator
Victim Service Center &
Notary Unit
ext. 5030
puntalan@guamag.org

January 16, 2018

Speaker Benjamin J.F. Cruz

The Honorable Benjamin J.F. Cruz
Speaker
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

JAN 16 2018

Time: 12:08 PM File No. 24-1404
Received By: Adam

Re: *Jon Fernandez vs. Guam Education Board*, District Court of Guam Civil
Case No. 16-00080

Dear Speaker Cruz:

Hafa Adai! Pursuant to Section 1820 of Title 1 of the Guam Code Annotated, our Office hereby submits the enclosed Settlement Agreement that requires Legislative statutory approval. Your action on this matter within the next forty-five (45) days is appreciated.

If you have any further questions please feel free to contact me at 475-3324 ext. 3075.


KENNETH ORCUTT
Deputy Attorney General

Enclosure

cc: Guam Education Board
Lujan & Wolff
Senator San Agustin

**SETTLEMENT AND RELEASE AGREEMENT
FERNANDEZ V. GUAM EDUCATION BOARD ET AL
DISTRICT COURT CIVIL CASE NO. CV-16-00080**

THIS SETTLEMENT AND RELEASE AGREEMENT (hereinafter referred to as "the Agreement") is between JON FERNANDEZ (hereinafter referred to as "PLAINTIFF"), and the GUAM EDUCATION BOARD, and the former and current members of the Guam Education Board sued in their official capacities (hereinafter referred to as "DEFENDANTS").

On November 18, 2016, PLAINTIFF through his authorized representative, Attorney DAVID J. LUJAN, filed a complaint and summons under 42 U.S.C. § 1983 with the United States District Court of Guam, Civil Case No. 16-00080, against the DEFENDANTS for injunctive and declaratory relief and damages for economic harm including loss of future prospects of income, expenses and costs, for future expenses and costs, emotional harm, injury, mental anguish, professional embarrassment, public humiliation, and loss of enjoyment. The PLAINTIFF AND DEFENDANTS have come to an agreement to settle all the issues arising out of Civil Case No. 16-00080.

The GUAM EDUCATION BOARD voted and approved the terms of this Agreement on the 27th day of October, 2017, as a part of the GUAM EDUCATION BOARD MEETING. This Agreement is contingent upon the subsequent approval of the Governor and Attorney General of Guam. This Agreement is also contingent upon the approval of the Guam Legislature or a specific appropriation for this Agreement pursuant to 1 GCA § 1820. If the Attorney General and Governor of Guam approve this Agreement, it may, pursuant to 1 GCA § 1820, be transmitted to the Guam Legislature for approval. If the Guam Legislature fails to approve the Agreement or make a specific appropriation for said settlement pursuant to 1 GCA § 1820 within forty-five (45) days of transmittal, or fails to amend or repeal 1 GCA § 1820 within forty-five (45) days of transmittal

eliminating the need for legislative approval, this Agreement is void *ab initio* and is of no force and effect. If the Guam Legislature approves the Agreement or makes a specific appropriation within forty-five (45) days of transmittal, or amends or repeals 1 GCA § 1820 within forty-five (45) days of transmittal such that the Agreement is valid without legislative approval, then the parties agree to the following settlement of Civil Case No.16-00080:

1) Upon fulfillment of the below conditions, plaintiff shall dismiss with prejudice all claims against Defendants in their official capacity and the Guam Education Board.

a) As a condition for the above dismissal of the claims against the Guam Board of Education and the individual defendants sued in their official capacity, the Government of Guam through the Guam Board of Education shall pay Plaintiff **SIXTY THOUSAND DOLLARS** (\$60,000.00) as costs and attorney fees incurred by Plaintiff in this litigation under 42 U.S.C. § 1988.

2) As further consideration for this settlement, prior to dismissal of the claims against the Guam Board of Education and the individual defendants sued in their official capacity, DEFENDANTS shall cooperate in seeking the entry of an order expunging the Title IX investigative report submitted to the Guam District Court from the Court record. Such cooperation shall include stipulating and/or moving jointly with PLAINTIFF for such order.

3) **Purpose of Agreement.** The Parties acknowledge and agree that this Agreement is a settlement and compromise of Civil Case No.16-00080 and the incident that is the subject of Plaintiff's complaint. The parties intend by the execution of this Agreement to fully, finally and completely resolve all disputes between them regarding said incident and court case as set forth in this Agreement:

4) **Additional Documents.** All parties shall cooperate fully and execute all supplementary documents and take all additional actions that may be necessary or appropriate to give full force and effect to this Agreement.

5) **Independent Advice of Counsel.** Each party has received or could have received independent advice from its respective attorneys with respect to the advisability of this settlement and the advisability of executing this Agreement. Each party further represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement or in making this settlement, except as expressly provided for herein.

6) **Voluntary Agreement.** Each party represents and declares that it has carefully read this Agreement, that it knows the contents of this agreement, and that it has signed the same freely and voluntarily.

7) The Parties acknowledge and agree that this Agreement is a settlement and compromise of disputed claims. This Agreement is the result of a good faith compromise of disputed claims. This Agreement and any action taken by the Parties, is not and shall never be used or considered to be an admission of the truthfulness or correctness of the claims advanced by any Party, or of any liability, fault or responsibility by any Party. Each Party continues to deny all liability, disclaim all responsibility, and dispute all factual allegations claimed by the other Party. In entering into this Agreement, the Parties simply intend to avoid further litigation. Further, this Agreement is not and shall not be used as evidence of any admission of liability or wrongdoing for any purpose.

8) **Release.** Except for the rights and obligations created by this Agreement, the parties hereby fully release and forever and irrevocably discharge all Claims against each other or any

heir, assign, or successor in interest thereto, of every kind and of any nature, including, but not limited to, all Claims of any nature related to or arising out of the incident described in Plaintiff's complaint in Civil Case No.16-00080, whether known or unknown, asserted or unasserted, whenever and howsoever arising, that have been or could have been or may in the future be asserted, against any party, including that parties' employees, agents and similar persons.

9) **Integration.** This Agreement is the complete and final expression of the entire and only understanding between the parties relating to its subject matter and supersedes any prior written and oral representations between the parties. There are no other agreements or understandings between the parties relating to the matters and releases referred to herein. Each Party relies upon the finality of this Agreement as a material factor inducing that Party's execution hereof. This Agreement may not be altered or amended except by a writing signed by all of the parties hereto expressly stating that such modification is intended.

10) **Settlement Agreement.** All Parties have investigated the facts pertaining to the releases contained herein as they deem necessary. No Party has been unduly influenced to any extent whatsoever by any other Party. Except as expressly stated herein, no Party has made any representation regarding any fact, which representation is relied upon by any other Party in entering into this Agreement.

11) **Use of This Agreement in Court.** In the event that the Guam Legislature approves the Agreement or makes a specific appropriation within forty-five (45) days of transmittal, or amends or repeals 1 GCA § 1820 within forty-five (45) days of transmittal such that the Agreement is valid without legislative approval, this Agreement may be pleaded as a full and complete defense to any causes of action that may be instituted, prosecuted or attempted for, upon, or in respect of any of the incident described in Plaintiff's complaint.


12) Preparation of Agreement. This Agreement was produced by negotiation and review by and among the Parties and their respective attorneys. This Agreement shall not be deemed prepared or drafted by one Party or another, or its attorneys, and will be construed accordingly.

IT IS SO AGREED:

IN WITNESS WHEREOF, the parties have entered into this Settlement and Release Agreement on the dates indicated by their respective names.

GUAM EDUCATION BOARD:

PLAINTIFF:




MARIA A. GUTIERREZ
Chairwoman of Guam Education Board



JON P. FERNANDEZ

Date: Oct. 27, 2017

Date: 11/7/17




ELIZABETH BARRETT-ANDERSON
Attorney General
Attorney for Guam Education Board
And the Individually Named Defendants
In their Official Capacity



DELIA LUJAN WOLFF
Attorney for Plaintiff

Date: 11/13/17

Date: 11/7/17



EDDIE BAZA CALVO
Governor of Guam

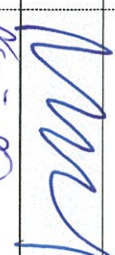
Date: 11/21/17



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'breñtal kiñdro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

COMMITTEE VOTING SHEET

Bill No. 235-34 (COR), As Introduced - J. S. A. Agustín - "An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al, District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820."

| COMMITTEE MEMBERS | SIGNATURE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|--|--|-------------------------------------|-------------|-------------------------------------|------------|------------------------------|
| CRUZ, BENJAMIN J.F. Chairperson |  | | | <input checked="" type="checkbox"/> | | |
| AGUON, Jr., FRANK B. Vice Chairperson |  | <input checked="" type="checkbox"/> | | | | |
| TERLAJE, THERESE M. Member | | | | | | |
| ESPALDON, JAMES V. Member |  | | | <input checked="" type="checkbox"/> | | |
| RODRIGUEZ, Jr., DENNIS G. Member | | | | | | |
| SAN NICOLAS, MICHAEL, F.Q. Member |  | | | <input checked="" type="checkbox"/> | | |
| LEE, REGINE BISCOE Member |  | | | <input checked="" type="checkbox"/> | | |
| MORRISON, THOMAS A. Member | | | | | | |



Office of the Speaker

BENJAMIN J.F. CRUZ

I Mina'trentai Kuåtro na Liheslaturan Guåhan

Committee on Appropriations and Adjudication

COMMITTEE REPORT DIGEST

Bill No. 235-34 (COR), As Introduced - J. S. A. Agustin - "An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al., District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820."

I. OVERVIEW

Bill No. 235-34 (COR) was introduced by Senator Joe S. San Agustin on January 31, 2018 and referred to the **Committee on Appropriations and Adjudication** on February 2, 2017.

The Committee on Appropriations and Adjudication convened a public hearing on Wednesday, February 14, 2018, beginning at 9:00 AM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 235-34 (COR) began at 9:00 AM and ended at 9:21 AM.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on February 7, 2018, and February 12, 2018, via email. Copies of the hearing notices are appended to the report.

Senators Present

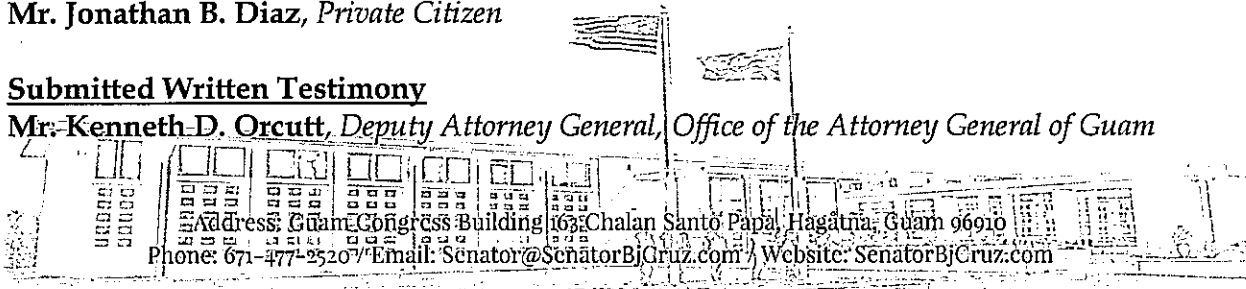
Speaker Benjamin J.F. Cruz, *Chairperson*
Vice Speaker Therese M. Terlaje, *Member*
Senator Frank B. Aguon, Jr., *Vice Chairman*
Senator Régine Biscoe Lee, *Member*
Senator James V. Espaldon, *Member*
Senator Joe S. San Agustin
Senator Wil M. Castro

Appeared Before the Committee

Mr. Kenneth D. Orcutt, *Deputy Attorney General, Office of the Attorney General of Guam*
Mr. Mark B. Mendiola, *Chairman, Guam Education Board*
Ms. Maria A. Gutierrez, *Vice Chair, Guam Education Board*
Mr. Ronald L. McNinch, Ph.D., *Member, Guam Education Board*
Mr. Jonathan B. Diaz, *Private Citizen*

Submitted Written Testimony

Mr. Kenneth D. Orcutt, *Deputy Attorney General, Office of the Attorney General of Guam*



Address: Guam Congress Building 103 Chalan Santo Papa, Hagåtña, Guam 96910
Phone: 671-477-2520 / Email: Senator@SenatorBjCruz.com / Website: SenatorBjCruz.com

Mr. Edward M. Birn, Acting Director, Department of Administration

Ms. Taling M. Taitano, Deputy Superintendent, Guam Department of Education Financial Affairs

Mr. Mark B. Mendiola, Chairman, Guam Education Board

I. TESTIMONY & DISCUSSION

Speaker Benjamin J.F. Cruz, Chairman of the Committee on Appropriations and Adjudication (Committee), called the hearing to order and announced **Bill No. 235-34 (COR)**. The chairman then called upon the individuals who had signed up to testify.

Mr. Mark B. Mendiola:

"Good morning Honorable Speaker. *Si Yu'os Ma'ase para esta oportunidad*. I'm here to provide testimony in support of Bill No. 235-34 approving the settlement between government of Guam and [Guam Department of Education (GDOE)] Superintendent John Fernandez. We appreciate the Legislature's acknowledgment and desire to address this issue in compliance with Subsection 1820, Chapter 18 of Title 1 Guam Code Annotated. The language contained in Bill No. 235-34 provides sufficient authority to allow the department to now move forward in the final steps in completing this process. We thank you and the members of the 34th Guam Legislature for your prompt attention and ask the Legislature to act on the bill in the next available legislative session. *Si Yu'os Ma'ase*."

Chairman Cruz:

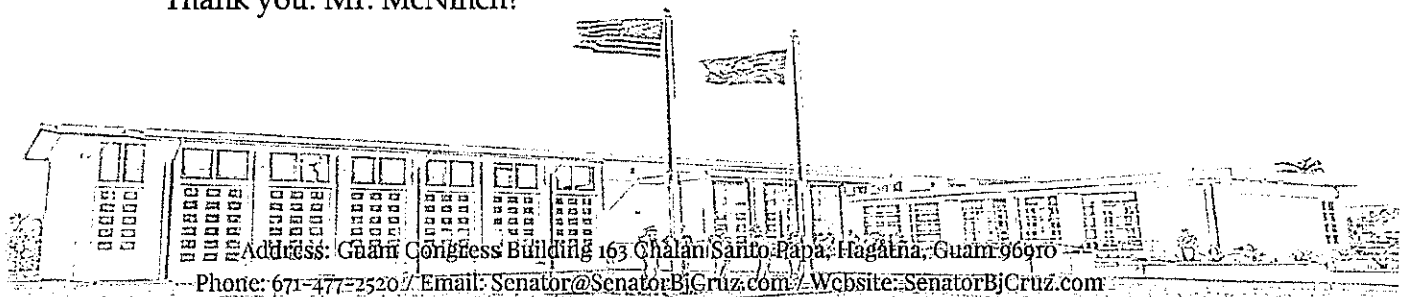
"Thank You. Ms. Gutierrez?"

Ms. Maria A. Gutierrez:

"Thank you, Mr. Speaker. My name is Maria Gutierrez, the vice chair of the Guam Education Board. Good morning senators. I'm here just to echo the support of our chair. I was the board chair when we signed this agreement on October 27, 2017 so I'm here in the support and I ask the legislature to please, if possible, put this in your next agenda. We need to get this resolved it's unfortunate that it happened, but I know that you are looking for what is the in the best interest for the Department of Education. Thank you."

Chairman Cruz:

"Thank you. Mr. McNinch?"



Mr. Ron McNinch:

"Thank You Mr. Speaker and honorable senators. My name is Ron McNinch. I'm a member of the Guam Education Board. I just want to make a couple of brief comments. Our board worked a lot on this particular issue for a long time. I believe that we have a very collegial board and that we were able to get a lot done but I wanted to point out that in a very strong time in need, the Office of the Attorney General stepped in when we really needed them and they took over a lot of the effort on our behalf and I just wanted to say I think everyone on the board greatly appreciated that. That helped us to resolve a lot of these things. Thank you, sir."

Mr. Orcutt:

"Thank You Mr. Speaker, Senators, I'm Ken Orcutt. I'm the deputy of the Litigation division at the Guam Office of the Attorney General. We do support the passage of this bill. We think that the proposed resolution of this case is reasonable. The basis for the sixty thousand dollars (\$60,000) to be paid to Mr. Fernandez is based upon the provision in the law that allows a plaintiff in a civil rights action against the government of Guam for injunctive relief to obtain attorney's fees.

"We've had several cases over the years we had the added abortion case back in the 1990's where the government had to pay a couple million dollars in attorneys' fees. No civil rights action. We had the tax refund litigation a few years ago that also resulted in the payment of a couple million dollars in attorneys' fees. So we think that in this particular matter payment of sixty thousand dollars (\$60,000) as attorneys' fees for Mr. Fernandez is a reasonable resolution of your case given the possible risk that this matter actually proceeded to trial. And if the government lost the award, attorneys' fees would be much greater than that otherwise. If the panel has any questions for me, I'll be glad to take them. Thank you."

Chairman Cruz:

"Thank you. Mr. Diaz?"

Mr. Jonathan Diaz:

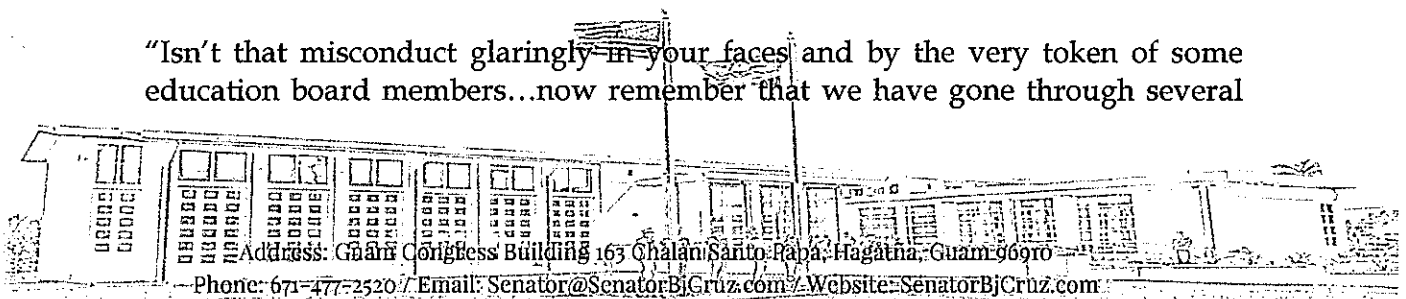
"Buenas yan salutat para todos hamyu. menagof oggan para hamyu na bonito jan bonita yan sen gotbu na senadot yan senadora siha guahu si Jonathan Frank Blas Diaz ma estron chamorro ni agas at lao bi fin kuentos si finenena' gi fino enlis ya sine yu lache a sina yu magahet na lache yu loke. Lo ani malofeni tempo ani ma estru yu gatu gue Okkodo-na es schelan tat kilo gue ya dededo



una'i este oportunidad guato para todo este educator misconduct investigations training finenena yi certifico gue partisipason. Augusto shiety dose mit kinsey pa este gue yi Segundo na certifico para manai tres horas na para educator misconduct code of ethics training for the University of Guam at the University of Guam under the executive director of Leia E. Santos the Guam Commission for educator certification now I also attended the educator and also administrator codes of conduct of ethics training and because of this gue fino chamorro na ebla casion hu na necesita tanahi hu yu este oportunidad, para ta hungcu mas ya'n opang pro hafa este na certifico ko magahet este na certifico para educator misconduct yan kan todo na ministrodot na misconduct Pues banat hu'yong hamyu - pago na ogan na minagof haane guenya pues este gue ginan eyi gina tomtu gu yu pago, para todun mahan estru yan ma estra yan todo este yi obligacionta finenena ecostumbre yi lin gua'he yan henengue finenena nai lo gueni yi hen guenin todo y lenguahi ny muhuong este ga pachotu pago pues on hongco put' todo si taotao finenena na pago necesita ta fan nahi hamyu atfu beton gaga yi glota na lectra guige ha'ani este siha na gaga pues finenena a babang alu magena gua ha otru senia lo guaha hu para nahi para todo este pa shat mente para senot Superintendent John Fernandez aba-bang yi aba-bang naga gof benito yi colotna siha atilong assut yan amarijo yi alu gue totdong tasi na jan ya yi alu anog guehan jan colot appu bajena bajena na gaga ge totdong tasi bajena na gaga hago guehi hegante Pues gauha elephante yan guaha hafa na claucin gaga malagot meju lo magahet na gaga finenena yi taotao nihagas ju guine na este yi na ipotonte este sat hafa y leckmu miyu na

"The et al [in the bill's title] is what I am here to represent. I am here to represent the inadequacy of this title first because the et al should include administrators. It should also include support staff. It should also include teachers and also one-to-one aides, and it should also include the parents, the guardians, and also, of course, not only the education board, but the children of Guam at the age of 17 to vote on this island of Guam. This case in some sense to me is that we have an administrator who is convening misconduct in our faces by asking this legislature to pay for his bill and subsequently is not only suing the Guam Education Board—because remember the Guam Education Board is an elected body as well—therefore, John Fernandez is committing an official misconduct and I would like for him to be subpoenaed before a court of law because if he's going to ask the people of Guam to foot the bill in which he is prosecuting children.

"Isn't that misconduct glaringly in your faces and by the very token of some education board members...now remember that we have gone through several



Guam Education boards of which he has successfully dismantled. Now my understanding is that the only remaining person on the original board of this whole case and lawsuit is the good lady three (3) chairs down for me. Unfortunately or fortunately that as a former educator because I was fired by John Fernandez for official SOP 904.602(e)(1) that because I was absent according to the principal and I wasn't present as a teacher one hundred and eighty (180) school days of instruction or its equivalent. And good ladies and good gentlemen what is the equivalent of one hundred and eighty (180) instructional days. It is a hundred and eighty instructional days. Now there is a bill before this good body in Bill 160 in which we get the equivalency but the school board subcommittee decided upon itself to interpret without consulting a lawyer along with the Superintendent of Education about this issue – this very issue in which it affects me personally."

Chairman Cruz:

"Can you just address the bill that's before us, Mr. Diaz, today."

Mr. Diaz:

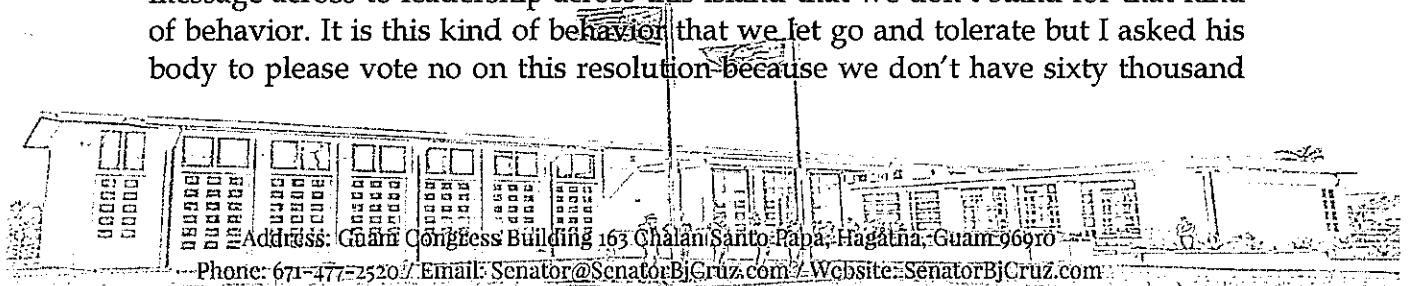
"Yes, but what I'm getting at is I consider this that please go ahead and choose to make your decision whether yes or no but in my humble a case in the deepest recesses of my mind and my heart and my spirit is that we need to say no to this resolution and very quickly, expeditiously, officially make that an official record that I would like to enter that this is also improper for the good lady to speak on behalf of the school education board in which it's being litigated against because if she is the only one named in the suit then I would like to report that the Superintendent of Education through his lawyer and the petition of this before because there's a big conflict of interest I see because Joe S. Augustin used to sit on the Guam Education Board. Now why did [he] begin this title...it's inaccurate because they et al now that..."

Chairman Cruz:

"That was the court title, Mr. Diaz..."

Jonathan Diaz:

"I elected several of the board members therefore I'm being sued also as a voter of Guam that et al because there are some elected members of this body that the people of Guam are also...children are getting sued and we need [to] get this message across to leadership across this island that we don't stand for that kind of behavior. It is this kind of behavior that we let go and tolerate but I asked his body to please vote no on this resolution because we don't have sixty thousand



dollars (\$60,000) on top of the ten thousand dollars (\$10,000) of one hundred and fifty-nine thousand dollars (\$159,000). Let's just be real ladies and gentlemen, that if we have sixty seven point five million dollar (\$67,500,000) shortfall, where is it going to come because I can take my case to the court and it's going to come from the Department of Education because it just is a cycle of abuse..."

Chairman Cruz:

"Okay."

Mr. Diaz:

"...and I'm not here..."

Chairman Cruz:

"Thank you very much, Mr. Diaz."

Mr. Diaz:

"Please vote your conscience. Vote 'yes' then yeah but there's no section of saying abstention because of the whole situation, now it's a conflict of interest so I say 'yes' or 'no' to the bill. *Hamyu la mon sat hamyo magas lo*. Miseducation is as you know education misconduct stands for something and I'm saying right now that this is official misconduct and it needs to be done expeditiously."

Chairman Cruz:

"Thank you very much."

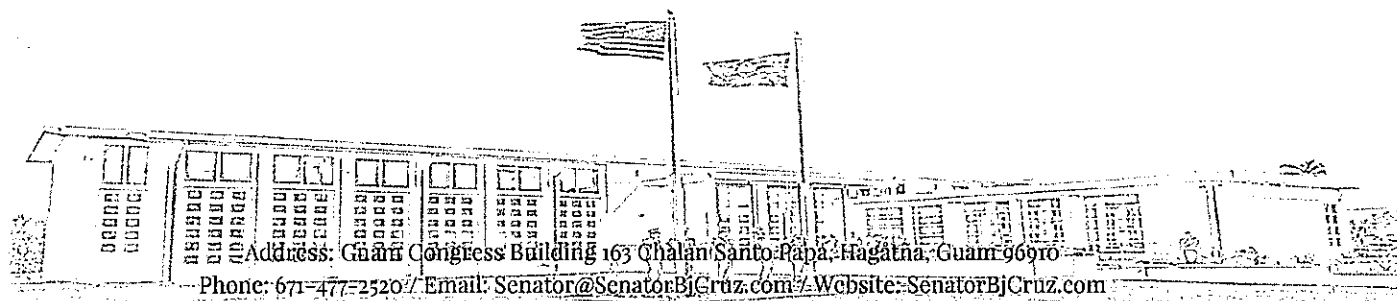
Mr. Diaz:

"Thank you."

Chairman Cruz inquired if the Committee members had questions for the panel.

Senator Frank B. Aguon, Jr.:

"Thank you very much, Mr. Speaker and Mr. Chairman. Just a quick question and this will be addressed towards I guess the Attorney General's office because [Mr. Orcutt had referenced] other negotiations that has preceded this particular negotiation and that were approved by the Attorney General's office and possibly the Governor's office and they were effectuated so why this would necessitate legislative action?"



Mr. Orcutt:

"There were a number of people sued in different capacities. If a government official is sued in their official capacity, that's a lawsuit against Guam itself. If the same person is sued in their individual capacity, then they're being sued as an individual. If they had to pay money, they would pay money out of their own pocket. So some of the defendants in this case were represented by other counsel. I represented only the Guam Education Board and the individual sued in their official capacity, which is basically the lawsuits against Guam under Title 1 Guam Code Annotated § 1820 against the government of Guam, arising out of this incident—it would end that litigation."

Senator Aguon:

"Okay, thank you very much. Thank you, Mr. Speaker."

Vice Speaker Terlaje:

"Mr. Orcutt, or maybe this is for the board. This looks like it's only a part of the settlement that was reached and it's been separated, just the money part versus the rest of the settlement. And I only know from the news that part of the settlement was to reinstate him without any penalty and things like that. Was this the only part of the settlement and that's before us or was it a bigger settlement?"

Mr. Orcutt:

"There were separate settlement agreements entered into as to the other defendants in the litigation. As to the settlement regarding the government of Guam, it's complete within this agreement I think the board could address the return of Mr. Fernandez to his position earlier but that was not part of a negotiated settlement."

Vice Speaker Terlaje:

"All right so I guess I was just curious why we weren't able to negotiate this away as part of the settlement. That's one and the second part is from what part of the budget—my copy doesn't show—from what part of the budget is this going to come from, what part of GDOE's budget is this going to come from?"

Mr. Mendiola:

"Thank you, Madam Vice Speaker. In our board budget, we budget it for a private attorney and we've had prior legal counsel but with the litigation that has gone on and with the commitment that the Attorney General's office will represent the board in any litigation henceforth, we did not procure the services



of another legal counsel but rather we have funding set aside for legal services for the board and so we intend to use that within our budget to settle this case. This case has dragged on long enough and we believe that if we continue on the case it can potentially cost..."

Vice Speaker Terlaje:

"How much did you set aside?"

Mr. Mendiola:

"Sixty thousand [dollars] (\$60,000)."

Vice Speaker Terlaje:

"You set aside sixty thousand dollars (\$60,000) for legal counsel?"

Mr. Mendiola:

"Yes ma'am. That's prior to me coming."

Vice Speaker Terlaje:

"Fiscal 2018."

Mr. Mendiola:

"Yes ma'am."

Seeing that there were no further questions nor individuals present to testify, Chairman Cruz considered Bill No. 235-34 (COR) as heard.

II. FINDINGS AND RECOMMENDATIONS


The Committee on Appropriations and Adjudication to which was referred **Bill No. 235-34 (COR) - J. S. A. Agustin - "An act to approve the settlement between the Government of Guam and Jon Fernandez in the matter of Jon Fernandez V. Guam Education Board et al., District Court Civil Case No. CV-16-00080, in accordance with 1 GCA §1820"** hereby submits these findings to *I Mina'trentai Kuâtro na Liheslaturan Guåhan* and reports out **Bill No. 235-34 (COR), As Introduced** with a recommendation TO REPORT OUT ONLY.



I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 235-34 (COR)

Introduced by:


Joe S. San Agustin 

**AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE
GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE
MATTER OF *JON FERNANDEZ V. GUAM EDUCATION
BOARD et al.*, DISTRICT COURT CIVIL CASE NO. CV-16-
00080, IN ACCORDANCE WITH 1 GCA § 1820.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. This Act is intended to effect final resolution to litigation involving the government of Guam and Jon Fernandez, in *Jon Fernandez v. Guam Education Board et al.*, District Court Civil Case No. CV-16-00080. The parties in the aforementioned case have reached a settlement, the terms of which are attached hereto as Exhibit A.

Section 2. Settlement Approved. *I Liheslaturan Guåhan* hereby approves the settlement agreement between the government of Guam and Jon Fernandez set forth in Exhibit A.

2018 JAN 31 AM 8:12 



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913



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Victim Service Center &
Notary Unit
ext. 5030
puntalan@guamag.org

January 16, 2018

Speaker Benjamin J.F. Cruz

JAN 16 2018

Time: 12:08 PM File No. 24-1404
Received By: Admin

The Honorable Benjamin J.F. Cruz
Speaker
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Re: *Jon Fernandez vs. Guam Education Board*, District Court of Guam Civil
Case No. 16-00080

Dear Speaker Cruz:

Hafa Adai! Pursuant to Section 1820 of Title 1 of the Guam Code Annotated, our Office hereby submits the enclosed Settlement Agreement that requires Legislative statutory approval. Your action on this matter within the next forty-five (45) days is appreciated.

If you have any further questions please feel free to contact me at 475-3324 ext. 3075.

KENNETH ORCUTT
Deputy Attorney General

Enclosure

cc: Guam Education Board
Lujan & Wolff
Senator San Agustin

**SETTLEMENT AND RELEASE AGREEMENT
FERNANDEZ V. GUAM EDUCATION BOARD ET AL
DISTRICT COURT CIVIL CASE NO. CV-16-00080**

THIS SETTLEMENT AND RELEASE AGREEMENT (hereinafter referred to as "the Agreement") is between JON FERNANDEZ (hereinafter referred to as "PLAINTIFF"), and the GUAM EDUCATION BOARD, and the former and current members of the Guam Education Board sued in their official capacities (hereinafter referred to as "DEFENDANTS").

On November 18, 2016, PLAINTIFF through his authorized representative, Attorney DAVID J. LUJAN, filed a complaint and summons under 42 U.S.C. § 1983 with the United States District Court of Guam, Civil Case No. 16-00080, against the DEFENDANTS for injunctive and declaratory relief and damages for economic harm including loss of future prospects of income, expenses and costs, for future expenses and costs, emotional harm, injury, mental anguish, professional embarrassment, public humiliation, and loss of enjoyment. The PLAINTIFF AND DEFENDANTS have come to an agreement to settle all the issues arising out of Civil Case No. 16-00080.

The GUAM EDUCATION BOARD voted and approved the terms of this Agreement on the 27th day of October, 2017, as a part of the GUAM EDUCATION BOARD MEETING. This Agreement is contingent upon the subsequent approval of the Governor and Attorney General of Guam. This Agreement is also contingent upon the approval of the Guam Legislature or a specific appropriation for this Agreement pursuant to 1 GCA § 1820. If the Attorney General and Governor of Guam approve this Agreement, it may, pursuant to 1 GCA § 1820, be transmitted to the Guam Legislature for approval. If the Guam Legislature fails to approve the Agreement or make a specific appropriation for said settlement pursuant to 1 GCA § 1820 within forty-five (45) days of transmittal, or fails to amend or repeal 1 GCA § 1820 within forty-five (45) days of transmittal

eliminating the need for legislative approval, this Agreement is void *ab initio* and is of no force and effect. If the Guam Legislature approves the Agreement or makes a specific appropriation within forty-five (45) days of transmittal, or amends or repeals 1 GCA § 1820 within forty-five (45) days of transmittal such that the Agreement is valid without legislative approval, then the parties agree to the following settlement of Civil Case No.16-00080:

1) Upon fulfillment of the below conditions, plaintiff shall dismiss with prejudice all claims against Defendants in their official capacity and the Guam Education Board.

a) As a condition for the above dismissal of the claims against the Guam Board of Education and the individual defendants sued in their official capacity, the Government of Guam through the Guam Board of Education shall pay Plaintiff **SIXTY THOUSAND DOLLARS** (\$60,000.00) as costs and attorney fees incurred by Plaintiff in this litigation under 42 U.S.C. § 1988.

2) As further consideration for this settlement, prior to dismissal of the claims against the Guam Board of Education and the individual defendants sued in their official capacity, DEFENDANTS shall cooperate in seeking the entry of an order expunging the Title IX investigative report submitted to the Guam District Court from the Court record. Such cooperation shall include stipulating and/or moving jointly with PLAINTIFF for such order.

3) **Purpose of Agreement.** The Parties acknowledge and agree that this Agreement is a settlement and compromise of Civil Case No.16-00080 and the incident that is the subject of Plaintiff's complaint. The parties intend by the execution of this Agreement to fully, finally and completely resolve all disputes between them regarding said incident and court case as set forth in this Agreement:

4) **Additional Documents.** All parties shall cooperate fully and execute all supplementary documents and take all additional actions that may be necessary or appropriate to give full force and effect to this Agreement.

5) **Independent Advice of Counsel.** Each party has received or could have received independent advice from its respective attorneys with respect to the advisability of this settlement and the advisability of executing this Agreement. Each party further represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement or in making this settlement, except as expressly provided for herein.

6) **Voluntary Agreement.** Each party represents and declares that it has carefully read this Agreement, that it knows the contents of this agreement, and that it has signed the same freely and voluntarily.

7) The Parties acknowledge and agree that this Agreement is a settlement and compromise of disputed claims. This Agreement is the result of a good faith compromise of disputed claims. This Agreement and any action taken by the Parties, is not and shall never be used or considered to be an admission of the truthfulness or correctness of the claims advanced by any Party, or of any liability, fault or responsibility by any Party. Each Party continues to deny all liability, disclaim all responsibility, and dispute all factual allegations claimed by the other Party. In entering into this Agreement, the Parties simply intend to avoid further litigation. Further, this Agreement is not and shall not be used as evidence of any admission of liability or wrongdoing for any purpose.

8) **Release.** Except for the rights and obligations created by this Agreement, the parties hereby fully release and forever and irrevocably discharge all Claims against each other or any

heir, assign, or successor in interest thereto, of every kind and of any nature, including, but not limited to, all Claims of any nature related to or arising out of the incident described in Plaintiff's complaint in Civil Case No.16-00080, whether known or unknown, asserted or unasserted, whenever and howsoever arising, that have been or could have been or may in the future be asserted, against any party, including that parties' employees, agents and similar persons.

9) **Integration.** This Agreement is the complete and final expression of the entire and only understanding between the parties relating to its subject matter and supersedes any prior written and oral representations between the parties. There are no other agreements or understandings between the parties relating to the matters and releases referred to herein. Each Party relies upon the finality of this Agreement as a material factor inducing that Party's execution hereof. This Agreement may not be altered or amended except by a writing signed by all of the parties hereto expressly stating that such modification is intended.

10) **Settlement Agreement.** All Parties have investigated the facts pertaining to the releases contained herein as they deem necessary. No Party has been unduly influenced to any extent whatsoever by any other Party. Except as expressly stated herein, no Party has made any representation regarding any fact, which representation is relied upon by any other Party in entering into this Agreement.

11) **Use of This Agreement in Court.** In the event that the Guam Legislature approves the Agreement or makes a specific appropriation within forty-five (45) days of transmittal, or amends or repeals 1 GCA § 1820 within forty-five (45) days of transmittal such that the Agreement is valid without legislative approval, this Agreement may be pleaded as a full and complete defense to any causes of action that may be instituted, prosecuted or attempted for, upon, or in respect of any of the incident described in Plaintiff's complaint.


12) Preparation of Agreement. This Agreement was produced by negotiation and review by and among the Parties and their respective attorneys. This Agreement shall not be deemed prepared or drafted by one Party or another, or its attorneys, and will be construed accordingly.

IT IS SO AGREED:


IN WITNESS WHEREOF, the parties have entered into this Settlement and Release Agreement on the dates indicated by their respective names.

GUAM EDUCATION BOARD:


PLAINTIFF:


MARIA A. GUTIERREZ
Chairwoman of Guam Education Board

Date: Oct. 27, 2017


JON P. FERNANDEZ


Date: 11/7/17


ELIZABETH BARRETT-ANDERSON
Attorney General
Attorney for Guam Education Board
And the Individually Named Defendants
In their Official Capacity

Date: 11/13/17


DELIA LUJAN WOLFF
Attorney for Plaintiff

Date: 11/7/17


EDDIE BAZA CALVO
Governor of Guam

Date: 11/21/17

Senator Thomas C. Ada
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Tertaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÁTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

PRE-REFERRAL CHECKLIST

| Bill No. 235-34 (COR) AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE MATTER OF JON FERNANDEZ V. GUAM EDUCATION BOARD ET AL., DISTRICT COURT CIVIL CASE NO. CV-16-00080, IN ACCORDANCE WITH 1 GCA § 1820. – sponsor: Joe S. San Agustin | | |
|---|--|--|
| (A) Legal Bureau | <p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> | <p>Notice to Legal Bureau: <i>Wed. 1-31-18 @ 9:33 a.m.</i></p> <p>Completed by Legal Bureau: <i>Wed. 1-31-18 @ 3:56 p.m.</i></p> |
| (B) Office of Finance & Budget (OFB) | <p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> | <p>Notice to OFB: <i>Wed. 1-31-18 @ 9:33 a.m.</i></p> <p>Completed by OFB: <i>Thursday, February 1, 2018 @ 4:21 p.m.</i></p> |
| COR Action | <p>Is the fiscal impact revenue negative to the government of Guam budget? <input checked="" type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> | <p>Completed by: <i>2.5.18 @ 12:30 a.m.</i></p> |

PRE-REFERRAL CHECKLIST

| Bill No. 235-34 (COR) AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE MATTER OF JON FERNANDEZ V. GUAM EDUCATION BOARD ET AL., DISTRICT COURT CIVIL CASE NO. CV-16-00080, IN ACCORDANCE WITH 1 GCA § 1820. – sponsor: Joe S. San Agustin | | |
|---|---|--|
| (C) DEBT | | |
| (1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor) | Received by: (Signature, Date & Time) 2.5.18 @ 9:30 AM. |
| (2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%) | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor) | Completed by: (Signature, Date & Time) 2.5.18 @ 9:30 AM. |
| (3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached) | Completed by: (Signature, Date & Time) 2.5.18 @ 9:30 AM. |
| COR Action | <input type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: Cmte on Appropriations and Adjudication (BTFC); Subseq. referral to Cmte on Education, Finance and Taxation (JSCA) | Date & Time: 2.5.18 @ 9:30 AM. |
| For COR Office Use Only | Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Initial: 2.5.18 @ 9:30 AM. If NO: Provide letter of explanation (see attached). |

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodríguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

February 15, 2018

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note

Buenas yan Háfa adai.

Attached, please find the fiscal note for the following bill:

Bill No. 235-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Jean Cordero, Committee on Rules Director, at 472-3455.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 235-34 (COR)**

AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE MATTER OF *JON FERNANDEZ V. GUAM EDUCATION BOARD et al.*, DISTRICT COURT CIVIL CASE NO. CV-16-00080, IN ACCORDANCE WITH 1 GCA § 1820.

| Department/Agency Appropriation Information | |
|--|---|
| Dept./Agency Affected: Guam Department of Education | Dept./Agency Head: Jon J.P. Fernandez, Superintendent |
| Department's General Fund (GF) appropriation(s) to date: | 225,826,664 |
| Department's Other Fund (Specify) appropriation(s) to date: Territorial Education Facilities Fund (\$4,353,375); Territorial Education Facilities Fund Balance (\$100,000); Limited Gaming Fund (\$608,518); Healthy Futures Fund (\$891,754); Public School Library Resources Fund (\$996,946); School Lunch/Child Nutrition Meal Reimbursement Fund (\$12,504,000) | 19,454,593 |
| Total Department/Agency Appropriation(s) to date: | \$245,281,257 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2017 Unreserved Fund Balance | | \$0 | \$0 |
| FY 2018 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2018 Appro. (P.L. 34-42 thru 34-68) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
| | One Full Fiscal Year | For Remainder of FY 2018 (if applicable) | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| General Fund | \$60,000 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$60,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /X/ Yes / / No
If no, what is the additional amount required? \$ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date. / / Other:

| | | | |
|---------------------------------------|----------------------|--|--------------------------|
| Analyst: <u>William P. Taitelbaum</u> | Date: <u>2/13/19</u> | Director: <u>Lester L. Carlson, Jr., Acting Director</u> | Date: <u>FEB 14 2019</u> |
| William P. Taitelbaum, BMA Supervisor | | | |

Comments:

Bill No. 235-34 (COR) is intended to effect final resolution to litigation involving the government of Guam and Jon Fernandez. The parties have reached a Settlement Agreement and which requires Legislative statutory approval. The Settlement and Release Agreement between Fernandez V. Guam Education Board et al, District Court Civil Case No. CV-16-00080 provides as a condition for dismissal of the claims against the Guam Education Board is that the government of Guam through the Guam Education Board pay the Plaintiff \$60,000 for costs and attorney fees incurred in this litigation. Th Guam Legislature, within forty-five (45) days of transmittal, may either approve the Agreement or make a specific appropriation for the payment of costs noted to satisfy conditions of the Agreement. Should the Legislature approve the Settlement and not make a specific appropriation, the payment of \$60,000 per the Settlement may have to be absorbed by GDOE's FY2018 operating budget.



Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuåttro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

MEMORANDUM

To: Senator Régine Biscoe Lee
Chair, Committee on Rules

From: Speaker Benjamin J.F. Cruz

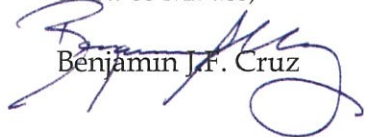
Re: Waiver of Funding Availability Note for Bill No. 235-34 (COR)

Håfa Adai!

In accordance with Section 6.01(d)(1), Rule VI, Part B of *I Mina'trentai Kuåttro na Liheslaturan Guåhan*, the Committee on Appropriations and Adjudication (Committee), with the assistance of the Office of Finance and Budget, has reviewed **Bill No. 235-34 (COR)**.

The Committee has determined that the above-referenced bill does not contain an appropriation or an authorization for appropriation from a specified funding source. Therefore, a **Funding Availability Note** has been waived.

Si Yu'os Ma'ase,


Benjamin J.F. Cruz

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE REPORT CHECKLIST

Part 1 / 1

| Bill No. 235-34 (COR) As Introduced AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND JON FERNANDEZ IN THE MATTER OF JON FERNANDEZ V. GUAM EDUCATION BOARD ET AL., DISTRICT COURT CIVIL CASE NO. CV-16-00080, IN ACCORDANCE WITH 1 GCA § 1820. Introduced by: Joe S. San Agustin | | |
|--|--|--|
| REFERRED TO: Speaker Benjamin J.F. Cruz, Committee on Appropriations and Adjudication | | |
| (A) FISCAL NOTE or WAIVER | (1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Date & Time: Mon., Feb. 5, 2018 @ 12:59 p.m. |
| | (2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | Date & Time: Wed., Feb. 14, 2018 @ 2:00 p.m. |
| | (3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | Date & Time: |
| | (4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | If YES: (BBMR) (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report) |
| | (5) Bill contains an authorization to expend government funds? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | (4/5)(b) Funding source identified? 2 GCA § 9101 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6)) |
| | (6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community" | (4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6)) |
| <p style="text-align: right;">If no boxes checked: UNABLE TO PLACE ON SESSION AGENDA 2 GCA § 9102</p> | | |




Committee Report Checklist on
 Bill No. 235-34 (COR) As Introduced.
 Part 1 / 1

| | | |
|---------------------------|---|--|
| (B) PUBLIC HEARING | (1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8) | |
| | <input checked="" type="checkbox"/> (a) Five (5) working days prior (All Senators & ALL Media) | Date and Time of Notice: Wed., Feb. 7, 2018 @ 7:30 am. |
| | <input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (All Senators & ALL Media) | Date and Time of Notice: Mon., Feb. 12, 2018 @ 8:30 am. |
| | (2) Date and Time of Hearing: Wednesday, February 14, 2018 @ 9:00 a.m. | or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER |
| | (3) Location: Public Hearing Room, Guam Congress Building | |
| | (5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b) | |
| | (a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | (b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO <hr/> COR Chair |

Committee Report Checklist on
Bill No. 235-34 (COR) As Introduced.
Part 1 / 1

| | | | | |
|---|--|---|---|--|
| (C) COMMITTEE REPORT | (1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: Mon, Feb. 19, 2018 @ 10:13 a.m. | Notes: | If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1) | |
| | (1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time: | | | |
| | (2) LAND LEGISLATION | | | |
| | (a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b) | | |
| | (a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td><td style="width: 50%; vertical-align: top;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td></tr> </table> | | | (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease |
| (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease | (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government | | | |
| (b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110 | | | |
| (b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)] | | | |
| (b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | | | | |

Committee Report Checklist on
 Bill No. 235-34 (COR) As Introduced.
 Part 1 / 1

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| (D) COMMITTEE REPORT (continued) | (3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303 | |
| | a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A | If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301(d), 9301(e), 9301(f) |
| | (4) COMMITTEE REPORT COMPONENTS | |
| | (a) Front Page Transmittal to Speaker <input checked="" type="checkbox"/> | |
| | (a)(1) COR Chair Signature Line <input checked="" type="checkbox"/> | |
| | (b) Title Page <input checked="" type="checkbox"/> | |
| | (c) Committee Chair Memo to All Committee Members <input checked="" type="checkbox"/> | |
| | (d) COR Referral Memorandum <input checked="" type="checkbox"/> | |
| | (e) Notice of Public Hearing & Other Correspondence <input checked="" type="checkbox"/> | |
| | (f) Public Hearing Agenda <input checked="" type="checkbox"/> | |
| | (g) Public Hearing Sign-in Sheet <input checked="" type="checkbox"/> | |
| | (h) Written Testimonies & Additional Documents <input checked="" type="checkbox"/> | |
| | (i) Committee Vote Sheet(s) <input checked="" type="checkbox"/> | |
| | (j) Committee Report Digest(s) <input checked="" type="checkbox"/> | |
| | (k) Bill History <input checked="" type="checkbox"/> | |
| | (k)(1) Copy of Bill as introduced <input checked="" type="checkbox"/> | |
| | (k)(2) COR Pre-Referral Checklist <input checked="" type="checkbox"/> | |
| | (k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable) <input type="checkbox"/> N/A | |
| | (k)(4) Copy of Bill as amended/substituted by Committee (if applicable) <input type="checkbox"/> N/A | |
| | Substitute/Amended Mark-Up Version <input type="checkbox"/> N/A | |
| | Substitute/Amended Word-Version Emailed to COR? <input type="checkbox"/> N/A | |
| | (l) Fiscal Note/Waiver and Funding Availability Note (OFB) <input checked="" type="checkbox"/> BBMR | |
| | (m) Two (2) Property Appraisals (if applicable) <input type="checkbox"/> N/A | |
| | (n) Related News Reports (optional) <input type="checkbox"/> N/A | |
| (o) Miscellaneous (optional) <input type="checkbox"/> N/A | | |
| (p) Committee Report Checklist(s) <input checked="" type="checkbox"/> | | |
| | Originals <input checked="" type="checkbox"/> | |
| | Single-Sided <input checked="" type="checkbox"/> | |
| | Letter Size <input checked="" type="checkbox"/> | |
| | No Staples/ Paper Clips <input checked="" type="checkbox"/> | |
| (E) COR Action | <input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee | COR CHAIR (Signature, Date & Time)  2.19.19 @ 10:30 am. |