

I Mina Trentai Kudtro Na Lihesataran Gudhan
APPOINTMENTS

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	DATE CONFIRMED	NOTES
35GL-19-0116	Dana A. Gutierrez	Member	Guam Solid Waste Authority Board	2/1/19	To serve at the pleasure of the Governor	Committee on Environment, Revenue and Taxation, and Procurement	2/4/19	2/21/19 8:00 a.m.	3/12/19 1:12 p.m.		



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

35TH GUAM LEGISLATURE

March 11, 2019

The Honorable Telen Cruz Nelson

Acting Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Regine Biscoe Lee

Chairperson, Committee on Rules

RBL

RE: Committee Report on the Executive Appointment of Ms. Dana Gutierrez to serve as a Member of the Guam Solid Waste Authority Board of Directors.

Håfa adai Acting Speaker Nelson,

Transmitted herewith is the Committee Report on the **Executive Appointment of Ms. Dana Gutierrez** to serve as *Member* of the *Guam Solid Waste Authority Board of Directors* and which was referred to the Committee on Environment, Revenue and Taxation, and Procurement.

Committee votes are as follows:

- 5 TO DO CONFIRM
- 0 TO NOT CONFIRM
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

2019 MAR 12 PM 1:12

[Handwritten mark]

Si Yu'os ma'åse',

Sabina Flores Perez

Sabina Flores Perez

RECEIVED
MAR 11 2019
[Signature]
COMMITTEE ON RULES
1:42p.m.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

COMMITTEE REPORT

**Nomination of
Dana Gutierrez**

**As Member, Guam Solid Waste Authority
Board of Directors**

To serve at the pleasure of the Governor



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

March 11, 2019

MEMORANDUM

To: **All Members**
Committee on Environment, Revenue and Taxation, and Procurement

From: **Senator Sabine Flores Perez** *SFP*
Committee Chairperson

Subject: **Committee Report on Appointment of Dana Gutierrez**

Håfa Adai,

Transmitted herewith for your consideration is the Committee Report on the appointment of **Ms. Dana Gutierrez** to serve as a *Member of the Guam Solid Waste Authority Board of Directors.*

This report includes the following:

- Copy of COR Referral of the Appointment
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet and Supporting Documents
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies and Supporting Documents
- Committee Report Digest
- Committee Vote Sheet

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

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telená Cruz Neison,
Member

Senator Kelly Marsh (Taitano), Ph.D.,
Member

Senator Sabina Flores Perez
Member

Senator Clynton E. Ridge,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

Senator Joe S. San Agus
Member

Senator Jose T. Terla
Member

Senator Therese M. Terla
Member

Senator James C. Moyk
Member

Senator Mary Camacho Torres
Member at
Chair, Subcommittee on Protoc

February 4, 2019

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 Appointment**

Buenas yan Háfa adai.

As Chairperson of the Committee on Rules, I am forwarding the referral of the following appointment:

Appointee: **Dana A. Gutierrez**
Position: **Member, Guam Solid Waste Authority Board**
Term Length: **To serve at the pleasure of the Governor**

The appointee's nomination packet may be referenced in the Guam Legislature's website at http://guamlegislature.com/35th_mess_comms.htm. Please refer to the following document:

"35GL-19-0116- Office of the Governor of Guam - Appointment and Supporting Documents for Dana A. Gutierrez, Member, Guam Solid Waste Authority Board."

Please ensure that the aforementioned appointment is referred to **Senator Sabina Flores Perez, Chairperson of the Committee on Environment, Revenue and Taxation, and Procurement.**

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules

1/2019 Annual Report No. 1/2019 Annual Report
APPOINTMENTS

POST	NAME	POSITION	DATE OF APPOINTMENT	DATE OF TERMINATION	REASON FOR TERMINATION	DATE OF RESIGNATION	DATE OF RESIGNATION	DATE OF RESIGNATION	DATE OF RESIGNATION
3541-19-016	Dana A. Calverre	Member	2/1/19	To serve at the pleasure of the Governor	Committee on Environment, Revenue and Taxation	2/4/19			

UFISINAN I MAGA'HAGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LAHI • LIEUTENANT GOVERNOR

February 1, 2019

Honorable Tina Muna Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guahån
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

35GL-19-020116
Speaker Tina Muna Barnes
RECEIVED
DATE: 2/1/19
4:11 PM

RE: Board Appointment

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE:	Dana A. Gutierrez
POSITION:	Member, Guam Solid Waste Authority Board
TERM LENGTH:	To serve at the pleasure of the Governor

The appointment is subject to the consent of *I Liheslaturan Guahån*. Please schedule a hearing at your earliest convenience.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

0116

2019 FEB -4 AM 9:07
K

GUAM GOVERNMENT
OFFICE OF THE GOVERNOR



January 31, 2019

Dana Gutierrez



Dear Ms. Gutierrez:

Pursuant to my authority under 10 GCA § 51A105, I am appointing you to serve as a

MEMBER, GUAM SOLID WASTE AUTHORITY BOARD OF DIRECTORS

Appointing you to this position comes with great responsibility because you will have a vital role to perform which will place many demands on your time and energy. Integrity and honesty are virtues that I prioritize for my Administration to exemplify, and I know that you will do the same while in service to the people of Guam. Your responsibilities shall be significant and consequential. I trust that you will fulfill your duties and set a standard for others to follow.

I appreciate your willingness to serve in this position, and I am confident that your time will be spent in a manner to improve the island of Guam.

This appointment is subject to the advice and consent of *I Liheslaturan Guahan*. If you have any questions or concerns, please contact the Office of the Governor.

Senseramente,

A handwritten signature in black ink, appearing to read "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
I Maga'hagan Guahan
Governor of Guam

LOURDES A. LEON GUERRERO
Governor



JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM
Nomination and Appointment Information Sheet

The following information is required for submission to the
Speaker of *I Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

NOMINEE INFORMATION

Last Name GUTIERREZ	First Name DANA	Middle Initial A.
Mailing Address [REDACTED]		Apartment/Unit # [REDACTED]
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Phone [REDACTED]	E-mail Address [REDACTED]	
Position to which Appointment is Made Member, Board of Directors, Guam Solid Waste Authority		
Are you a citizen of the United States? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If no, are you authorized to work in the United States? Yes <input type="checkbox"/> No <input type="checkbox"/>		

EDUCATION

SCHOOL (Name, City and State)	DATES OF ATTENDANCE	TYPE OF DEGREE	YEAR EARNED
High School Bishop Baumgartner Junior High School Academy of Our Lady of Guam	1985-1986 1986-1989	High School Diploma	1989
College University of Southern California	August 1989 – May 1993	Bachelor of Arts	1993
Graduate School University of Southern California Gould School of Law	August 1994 – May 1997	Juris Doctorate	1997
Other Degree			

EMPLOYMENT HISTORY

Name of Present/Last Employer and Mailing Address Calvo Fisher & Jacob LLP 259 Martyr Street, Ste. 100 Hagåtña, Guam 96910	Position Title Of Counsel
	Dates Held September 2016 – Present

Previous Employer and Mailing Address Thompson Gutierrez & Alcantara 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Position Title Partner
	Dates Held January 2014 – June 2015

Previous Employer and Mailing Address Mair, Mair, Spade & Thompson 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Position Title Partner
	Dates Held December 2006 – December 2013

Previous Employer and Mailing Address Mair, Mair, Spade & Thompson 238 Archbishop Flores St., Ste. 801 Hagåtña, Guam 96910	Position Title Associate
	Dates Held June 2005 – November 2006

Previous Employer and Mailing Address Carlsmith Ball LLP 134 W. Soledad Ave., Ste. 401 Hagåtña, Guam 96910	Position Title Associate
	Dates Held August 1997 – July 2003

PRIOR GOVERNMENT OF GUAM SERVICE

Agency or Department Name Judiciary of Guam		Position Title Director of Policy, Planning & Community Relations
Address Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, GU 96910	Phone No. 475-3544	Dates Held July 2015 – September 2016

Agency or Department Name University of Guam		Position Title Exec. Asst. to the President/EEO Compliance Oversight Official
Address UOG Station, Mangilao, Guam 96913	Phone No. 735-2990	Dates Held November 2003 – May 2005

PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

Agency or Department Name University of Guam		Position Title Legal Counsel	
Address UOG Station, Mangilao, Guam 96913	Phone No. 735-2990	Dates Held July 2003 – October 2003	

Agency or Department Name		Position Title	
Address	Phone No.	Dates Held	

TRAINING

INSTITUTE/SEMINARS/ON-THE-JOB TRAINING	DATE

AWARDS

List all educational, professional, civic awards, and recognition for public service:

PROFESSIONAL INVOLVEMENT

List involvement on a local/national/international level. List organizations, activities participated in, and offices held:
President-Elect, Society for Human Resource Management (Guam) (2019-Present) Vice President (Legislative Affairs), Society for Human Resource Management (Guam) (2015-2018) Member at Large, Guam Bar Association Board of Governors (2013-2016) Treasurer & Trustee, Guam Law Library Board of Trustees (2000-2006, 2015-2017)

COMMUNITY / CIVIC INVOLVEMENT

List organizations, activities participated in, and offices held:

Member, Board of Directors, Guam Girl Scouts (2012-2013)

PUBLICATIONS AND PRESENTATIONS

List any published articles, papers delivered at professional meetings, etc.:

Articles:

"Guam's Fair Chances Hiring Process Act is upon us," Marianas Business Journal (October 16, 2018)

"Can You Fire Someone Without Getting Sued?," Guam HR Magazine (2018-2019)

"Did You Know . . . Some OOGs for HR in Guam," Guam HR Magazine (2017-2018)

Presentations:

"Employment Law Update," Society for Human Resource Management (Guam) (May 2, 2018)

"Implications of Marijuana Laws in the Workplace," District Court of Guam Conference (February 9, 2017)

MILITARY SERVICE (Please attach Form DD-214)

BRANCH	DATES OF SERVICE	RANK AT DISCHARGE	TYPE OF DISCHARGE

OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes No If so, please specify in detail: _____

Address of the Court: _____

Date(s) of Conviction: _____

Specific Infraction Committed: _____

(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?

Yes No If so, please specify in detail the reasons and facts related to such declaration:

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?

Yes No

(4) Have you ever been confined to a mental institution for any reason?

Yes No If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

LOURDES A. LEON GUERRERO
Governor



JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM

Statement of Financial Interests

(Required by 4 G.C.A. §13104.1)

TO: The Honorable Lourdes A. Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

FROM: Dana A. Gutierrez

- I have no financial interest in any business
- I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST


Signature

1/25/19
Date

AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

Dana A. Gutierrez 
Print Name and Signature

11/25/19
Date



**Government of Guam
GUAM POLICE DEPARTMENT
RECORDS & IDENTIFICATION SECTION
P.O. Box 23909
Guam Main Facility, Guam 96921**



January 24, 2019

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	Dana A. GUTIERREZ		
DATE OF BIRTH:		FINGERPRINT #:	NONE
	The individual has no record of criminal conviction(s) in GPD files that are subject to Guam law and rules and regulations of the Department.		

*******NOTHING FOLLOWS*******

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

fm

By Direction: priscilla

[Signature]

**STEPHEN C. IGNACIO
Acting Chief of Police**

**The absence of an original GUAM POLICE seal invalidates this police clearance.
REVISED. 01/07/19**



SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910

Telephone (671) 475-3370/475-3449

Fax (671) 472-2856

DANIELLE T. ROSETE
Clerk of Court

Name: **DANA A. GUTIERREZ**

SS#:

ID# GUAM DL # [REDACTED]

Date of Birth: [REDACTED]

CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

Criminal Cases:

- A. No Case Found
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

Criminal Record: Page 1 of 1

Civil Cases:

- A. No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatña, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: 01/24/2019

DANIELLE T. ROSETE
Clerk of Court

BY: **CHRISTIANE CACHERO-XIAO**
Deputy Clerk

Prepared By: **CCX**



The absence of an original Court Seal invalidates this document

Dana A. Gutierrez

Phone
Email:

Professional Experience

Calvo Fisher & Jacob LLP
Of Counsel

September 2016 – Present

Judiciary of Guam
Director of Policy, Planning & Community Relations

July 2015 – September 2016

Thompson Gutierrez & Alcantara
Partner

January 2014 – June 2015

Mair, Mair, Spade & Thompson
Partner

December 2006 – December 2013

Mair, Mair, Spade & Thompson
Associate

June 2005 – November 2006

University of Guam
*Executive Assistant to the President/
EEO Compliance Oversight Official*

November 2003 – May 2005

University of Guam
Legal Counsel

July 2003 – October 2003

Carlsmith Ball LLP
Associate

August 1997 – July 2003

Representative Work

Acquisitions: Performed and advised on due diligence reviews related to acquisition and sale of business including licensing, permitting and security interests (UCC filings).

Commercial Real Estate: Prepared documentation of the sale and mortgage of real property on behalf of sellers and buyers. Reviewed and prepared lease agreements, amendments and assignments for landlords and tenants.

Corporate: Assisted clients in preparing documentation and obtaining licenses to operate in Guam. Formed, advised and maintained corporations and limited liability companies. Reviewed and prepared documentation related to company merger. Advised corporate clients and boards.

Equal Employment Opportunity: Counseled and represented employers in responding to charges of discrimination and harassment filed with local and federal agencies. Represented employers in mediation. Represented employers in discrimination and harassment lawsuits.

Government: Provided advice to agencies and boards on matters relating to compliance with local and federal laws and regulations. Reviewed and drafted policies, procedures and standard operating procedures. Advised on personnel matters and represented management in grievances, mediations and adverse action appeals. Prepared and defended requests for information under Guam Sunshine Act.

Insurance: Advised client on compliance with federal and local insurance laws and regulations. Reviewed and prepared policies of insurance and related insurance documents. Assisted with negotiations with government for health insurance contracts.

Investigations: Advised and represented employers in conducting investigation of complaints, including discrimination and harassment cases, and fashioned remedial measures.

Legislation: Reviewed and analyzed proposed legislation. Prepared written testimony in support of and in opposition to legislation.

Personnel Management: Assisted companies with drafting employee handbooks, job descriptions, employment contracts and workplace policies and procedures. Counseled clients on hiring and termination practices.

Procurement: Represented private companies and government entities in protests and in analyzing procurement issues. Negotiated and prepared procurement contracts.

Wage and Hour: Advised companies on overtime payment rules and exempt/non-exempt status of employees to ensure compliance with wage and hour laws. Represented contractors in prevailing wage and back wage investigations.

Wrongful Termination: Represented clients in defending wrongful discharge claims. Drafted separation and release agreements related to termination disputes.

Education

University of Southern California Gould School of Law August 1994 – May 1997
Juris Doctorate
 Activities: Review of Law & Women’s Studies

University of Southern California August 1989 – May 1993
Bachelor of Arts, Political Science & East Asian Studies
 Honors: Magna Cum Laude, Phi Beta Kappa, Phi Kappa Phi

**Professional/
Civic Activities**

Society for Human Resource Management (Guam) 2019-Present
President-Elect

Society for Human Resource Management (Guam) 2015-2018
Vice President (Legislative Affairs)

Guam Bar Association Board of Governors 2013-2016
Member at Large

Guam Law Library Board of Trustees 2000-2006, 2015-2017
Treasurer & Trustee

Guam Girl Scouts Board of Directors 2012-2013
Director

Presentations

Society for Human Resource Management (Guam) May 2, 2018
“Employment Law Update”

District Court of Guam Conference February 9, 2017
“Implications of Marijuana Laws in the Workplace”

Marianas Business Journal Conference April 17, 2015
“When Does Your Workplace Qualify as Hostile”

Society for Human Resource Management (Guam) March 5, 2014
“Employee Disputes in and outside the Workplace”

	Judiciary of Guam <i>"Workplace Investigations: How to Conduct an Effective (and Defensible) Investigation"</i>	July 7, 2011
	Guam Contractors Association <i>"The Importance of Being Licensed"</i>	June 15, 2011
Articles	Marianas Business Journal <i>"Guam's Fair Chances Hiring Process Act is upon us"</i>	October 16, 2018
	Guam HR Magazine <i>"Can You Fire Someone Without Getting Sued?"</i>	2018-2019
	Guam HR Magazine <i>"Did You Know . . . Some OOGs for HR in Guam"</i>	2017-2018

1st Notice of Public Hearing: Thursday, February 21, 2019 at 8:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Thu, Feb 14, 2019 at 9:25 AM

To: phnotice@guamlegislature.org, "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, nic.rupley@epa.guam.gov, paul1.santos@land.guam.gov, margarita.borja@land.guam.gov, dafne.shimizu@revtax.guam.gov, dafne shimizu <dafne.shimizu@gmail.com>, mel.mendiola@investguam.com, law@guamag.org, info@guamchamber.com.gu, Sabrina Salas Matanane <sabrina@kuam.com>, Nick Delgado <nick@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, carmen@kuam.com, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofguam.com>, businesseditor@glimpsesofguam.com, reporter2@glimpsesofguam.com, reporter4@glimpsesofguam.com

February 14, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **1st Notice of Public Hearing: Thursday, February 21, 2019 at 8:00 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Thursday, February 21, 2019 at 8:00 a.m.** This hearing will take place in *Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

8:00 a.m.

Executive Appointment of Ms. Dafne Shimizu to serve as a **Director** of the **Department of Revenue and Taxation.**

Executive Appointment of Ms. Dana A. Gutierrez to serve as a **Member** of the **Guam Solid Waste Authority Board.**

Testimony on the **Executive Appointment of Ms. Dafne Shimizu and Executive Appointment of Ms. Dana A. Gutierrez** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4:00 pm February 26, 2019.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2698.

GUAM DAILY POST • THURSDAY, FEBRUARY 14, 2019

Senate passes the decade's biggest public lands package

By Juliet Elperin and Dino Grandoni
The Washington Post

WASHINGTON - The Senate on Tuesday passed the most sweeping conservation legislation in a decade, protecting millions of acres of land and hundreds of miles of wild rivers across the country and establishing four new national monuments honoring heroes including Civil War soldiers and a civil rights icon.

The 662-page measure, which passed 92-8, represented an old-fashioned approach to dealmaking that has largely disappeared on Capitol Hill. Senators from across the ideological spectrum celebrated home-state gains and congratulated each other for bridging the partisan divide.

"It touches every state, features the input of a wide coalition of our colleagues, and has earned the support of a broad, diverse coalition of many advocates for public lands, economic

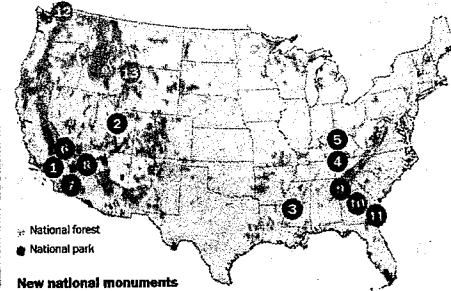
development and conservation," said Senate Majority Leader Mitch McConnell.

It's a paradoxical win for conservation at a time when President Donald Trump has promoted development on public lands and scaled back safeguards established by his predecessors.

The bill, which the Congressional Budget Office projects would save taxpayers \$9 million, enjoys broad support in the House. The lower chamber is poised to take it up after the mid-February recess, and White House officials have indicated privately that the president will sign it.

The measure protects 1.3 million acres as wilderness, the nation's most stringent protection, which prohibits even roads and motorized vehicles. It permanently withdraws more than 370,000 acres of land from mining around two national parks, including Yellowstone, and permanently authorizes a program to spend offshore-drilling revenue on conservation efforts.

Proposed national park and monument expansions



● National forest
● National park

New national monuments

- 1 Saint Francis Dam Disaster, Calif.
- 2 Jurassic, Utah
- 3 Medgar Evers Home, Miss.
- 4 Mill Springs Battlefield, Ky.
- 5 Camp Nelson, Ky.

Significant expansions of existing national parks

- 6 Death Valley National Park, Calif.
- 7 Joshua Tree National Park, Calif.
- 8 Connect Death Valley and Mojave Desert National Preserve, Calif.
- 9 Kennesaw Mountain National Battlefield Park, Ga.
- 10 Omulgee Mounds National Historic Park, Ga.
- 11 Fort Frederica National Monument, Ga.

Permanent withdrawal of mining claims around national parks

- 12 Methow Headwaters, Wash. (North Cascades National Park)
- 13 Emigrant Crevise, Mont. (Yellowstone National Park)

Source: USGS

AARON STECKELBERG/WASHINGTON POST

Trump not 'thrilled' with border deal, but doesn't expect shutdown

WASHINGTON (Los Angeles Times) - President Donald Trump on Tuesday said he was "unhappy" with the border security funding agreement crafted by a bipartisan group of lawmakers, throwing the fate of

the spending plan into question days before the government would shut down again. "I can't say I'm thrilled," Trump said at the White House. "I have to study it. I'm not happy about it. It's not doing the trick, but I'm

adding things to it." But he also said he doesn't expect the government to shut down again, just weeks after a record 35-day partial stop in federal programs. Top Republicans in the Senate

implored Trump to sign the proposal, but "rank-and-file" lawmakers were more skeptical.

The \$1.3 billion deal, which allows for border fencing but no walls, was reached late Monday.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

MACO INCORPORATED

dba: **NEW ROUTE 8 MINI MART**

has applied for a Class: 5/ Off-Sale Beer Alcoholic Beverage License said premises being marked as Lot: 1 BLK1 Tract 109 #400 Route 8 Barrigada, Guam 96913.

Chamorro Land Trust Commission (Kumision Inangokkon Tano' Chamoru)

Chamorro Land Trust Commission Board Meeting
Thursday, February 21, 2019, 1:00 p.m.,
Land Management Conference Room,
3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning

The Agenda may be viewed at: <http://dlm.guam.gov/announcements-2/>
In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid by CLTC funds.



Senator Sabina Flores Perez
Committee on Environment,
Revenue and Taxation, and Procurement

Public Hearing Notice
Thursday, February 21, 2019
I Lihestaturan Guahan, Public Hearing Room

AGENDA

8:00am

Executive Appointment of Ms. Dafne Shimizu to serve as a Director of the Department of Revenue and Taxation.

Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.

Testimonies can be delivered to the Legislative Mailbox at the Guam Congress Building at 163 Chalan Santo Papa, Hagåtña, Guam 96910, or via email to office@senatorperez.org, no later than 4pm February 26, 2019.

Individuals requiring special accommodations should submit request to Office of Senator Sabina Flores Perez at 989-2968. Paid for by Committee funds.

FALLEN HEROES OF THE PACIFIC FOUNDATION

P.O. BOX 11045 YIGO, GUAM 96929

FINANCIAL STATEMENT FOR 01 JAN 2017 TO 31 DEC 2018

REVENUE

CASH ON HAND 2016	\$ 1265.48
CASH DONATION 2017	\$ 30.00
CASH DONATION 2018	\$ 5.00
	\$1300.48

EXPENSES

2015-2016 FINANCIAL STATEMENT PUBLICATION	\$120.00
FOUNDATION MISCELLANEOUS EXPENSES	\$ 185.00
	\$305.00

TOTAL CASH ON-HAND \$ 995.48

/S/ DOROTHY LUKEALA, Treasurer



2nd Notice of Public Hearing: Thursday, February 21, 2019 at 8:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Tue, Feb 19, 2019 at 8:33 AM

To: phnotice@guamlegislature.org, "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, nic.rupley@epa.guam.gov, paul1.santos@land.guam.gov, margarita.borja@land.guam.gov, dafne.shimizu@revtax.guam.gov, dafne shimizu <dafne.shimizu@gmail.com>, mel.mendiola@investguam.com, law@guamag.org, info@guamchamber.com.gu, Sabrina Salas Matanane <sabrina@kuam.com>, Nick Delgado <nick@kuam.com>, nector@kuam.com, Chris Barnett <malafunkshun@kuam.com>, carmen@kuam.com, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofguam.com>, businesseditor@glimpsesofguam.com, reporter2@glimpsesofguam.com, Joy White <reporter4@glimpsesofguam.com>

February 19, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **2nd Notice of Public Hearing: Thursday, February 21, 2019 at 8:00 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Thursday, February 21, 2019 at 8:00 a.m.** This hearing will take place in *Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

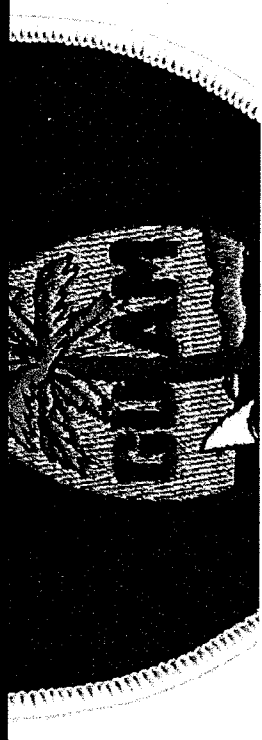
8:00 a.m.

Executive Appointment of Ms. Dafne Shimizu to serve as a Director of the Department of Revenue and Taxation.

Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.

Testimony on the **Executive Appointment of Ms. Dafne Shimizu and Executive Appointment of Ms. Dana A. Gutierrez** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4:00 pm February 26, 2019.


In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2698.



\$1.1M worth of meth, marijuana seized in bust

- Suspect in Guam drug case a CNMI Homeland Security officer
- Bribery case against FSM airport official details cash, cars and trips
- New game room to shut down
- Raid yields marijuana
- Woman dies after shooting gallery incident
- Soldier's family seeks answers
- Sex offender from Spain found working on Guam
- Police investigate official vehicle crash
- Army investigates 2nd death of Guam native at S. Korea base
- Star means Guam card is Real ID-compliant

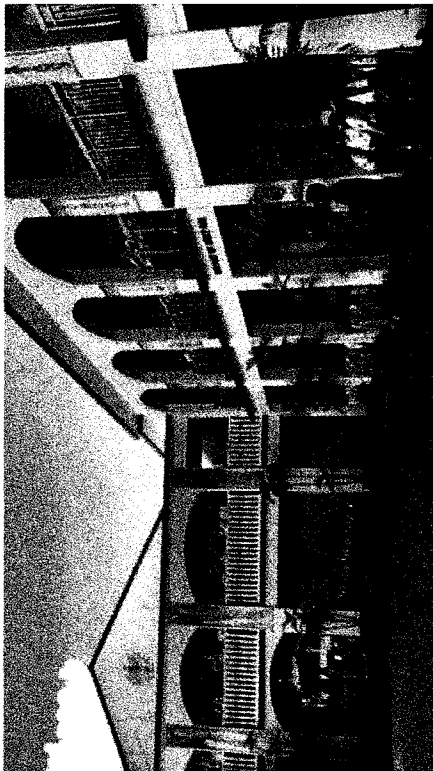
February 19, 2019 - Guam Daily Post Website


Senator Sabina Flores Perez
 Revenue, Tourism, and Environment
Public Hearing Notice
Thursday, February 21, 2019
11:00am-12:00pm, Public Hearing Room

AGENDA

REGAM
 Executive Appointment of Ms. Dafne Shinlao to serve as a Director of the Department of Revenue and Taxation.
 Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.
 Testimonies can be delivered to the Legislative Mallbox at the Guam Congress Building at 163 Charles Santa Rosa, Hagadone, Guam 96910, or via email to office@senatorperez.org, no later than 4pm February 20, 2019.

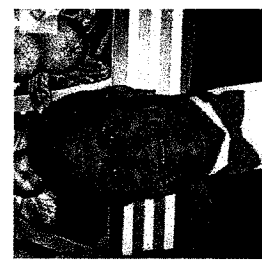
Do not disseminate without the express written consent of the Senator's Office. Photo by: Government of Guam.



Santa Barbara School earns accreditation



Business



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life@guampdn.com	

Updated as of 3.11.19



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

AGENDA

PUBLIC HEARING

Thursday, February 21, 2019

I Liheslaturan Guahan, Public Hearing Room

The agenda is as follows:

8:00 am

Executive Appointment of Ms. Dafne Shimizu to serve as a Director of the Department of Revenue and Taxation.

Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENATAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

Public Hearing

Thursday, February 21, 2019, 8:00am

I Liheslaturan Guahan, Public Hearing Room

Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Kirakski Herlani	self	✓		✓		588-2030
Janelyn Davison	Calvo Fisher Jacobs	✓	✓	✓		646-9355
Dani Buti Emer	self	✓		✓		646-9355
Hannah M. Gutierrez	self	✓		✓		483-4642
Annie M. Gutierrez	self			✓		482-7801
Ann Marie D. Zaitague	self			✓		727-1986
Kathryn B. Roberts	self	✓		✓		472-6948

Beverly Torres *Personnel Department*
 Karen Saigo *self*
 Michael Pansalmen *self*
 Mercedes Mendionda *self*

✓
 ✓
 ✓
 ✓

486-7777
 646-9355
 SHEET NO. 1
 4821927



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
 I MINA TRENDAI SINGKO NA LIHESLATURAN GUAHAN
 35TH GUAM LEGISLATURE

Public Hearing

Thursday, February 21, 2019, 8:00am

I Liheslaturan Guahan, Public Hearing Room

Executive Appointment of Ms. Dana A. Gutierrez to serve as a Member of the Guam Solid Waste Authority Board.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
<i>Sandra McKeen</i>	<i>Asita Pacific</i>		<input checked="" type="checkbox"/>			

February 19, 2019

VIA EMAIL (office@senatorperez.org)

Honorable Sabina Flores Perez
SENATOR, 35TH GUAM LEGISLATURE
CHAIRPERSON, COMMITTEE ON ENVIRONMENT,
REVENUE AND TAXATION, AND PROCUREMENT
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Testimony in Support of Dana A. Gutierrez, Member of the Guam Solid Waste Authority Board

Dear Senator Perez:

The Guam Solid Waste Authority's ("GSWA") Board of Directors is one of the most important public boards in our government. The GSWA has critical statutory functions that begin with protecting the public safety by ensuring that solid waste is efficiently disposed of at the Layon Landfill and overseeing the system of trash disposal. The GSWA also has oversight over recycling, radioactive waste and, importantly, the task of setting rates, or tipping fees, to pay for a responsible and sustainable – and environmentally sound – process of solid waste disposal. Currently, however, these functions are now under complex federal receivership that ultimately must be returned to the GSWA, the board which Governor Leon Guerrero has asked Attorney Dana A. Gutierrez to sit. For the following reasons, we write to support the nomination of Dana to the GSWA Board.

Dana is smart and experienced. She is a daughter of Guam and graduate of the Academy. She put herself through college and law school at one of the best institutions in the Country – University of Southern California. She has been a lawyer for over twenty years, having worked at firms that represented Government institutions and almost every kind of commercial legal challenge. She has provided legal advice to corporate boards on how to do their job, company's seeking advice for difficult labor and employment issues and to our brothers and sisters in the community who just need basic help with a deed or probate question. She knows Government well, having served as legal counsel at the University of Guam and as Policy, Planning and

Senator Sabina Flores Perez
February 19, 2019
Page 2

Community Relations for the Judiciary of Guam. She currently is our colleague at Calvo Fisher & Jacob and leads our efforts for employment advice, critical to our representation of a key autonomous agency of the Government, and serves our clients business needs on a daily basis.

There is no question that Dana understands the role of a director and how directors can be effective in government service. She also understands the important “role” that government plays in our small Island community. Importantly, she knows how critical it is to show up and use all of one’s skills to advance the purpose of the work – in this case – to address the variety of challenges that Guam has in regard to the expense and disposition of solid waste and what will be a complicated transition for the GSWA ultimately from receivership.

Dana has also demonstrated that she is fit for this position through a variety of community and professional service to the community. At core, serving as a director on a government board is community service of the highest nature. Dana believes that community service is not a “choice” but something we all have a duty to do as citizens. She has shown her commitment to community and professional service for many years. Dana is the President-elect for the Guam Chapter of the Society for Human Resource Management, or SHRM. She contributes significant time and talent to educating this group of Island professionals, including just recently where she presented to a group of over two hundred SHRM members on the law of sexual abuse and harassment.

Dana has also served (and continues to serve) on committees that advance the administration of justice. She has been deeply involved with the work of the Guam Bar Association. Dana has served in several leadership and directorship capacities on important committees, such as the Guam Bar Association Board of Governors, the Guam Law Library and the Guam Law Week Committee. The American Bar Association awarded Guam’s Law Week Committee the national award for its community outreach efforts for six of the eleven years Guam has contributed to the national day of recognition for the “Rule of Law.” Her work involves the governance, administration and discharge of disciplinary functions for the Bar.

Dana will be a strong asset to the GSWA. She will serve as a role model to others in our community that rely on the GSWA. She will be a role model to girls and young women and an inspiration to those working everyday to contribute to our Government. Finally, Dana is an excellent teammate. She brings intelligence, hardwork and a friendly personality to every task. Because she understands the importance of collaboration and puts a lot of fun in everything she does, the GSWA Board will benefit from her wit, style and chemistry.

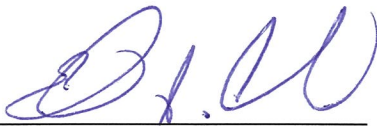
CALVO FISHER & JACOB LLP

Senator Sabina Flores Perez
February 19, 2019
Page 3

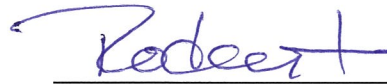
For these reason, we highly recommend that the Legislature confirm Attorney Dana Gutierrez to the GSWA.

Sincerely,

CALVO FISHER & JACOB LLP



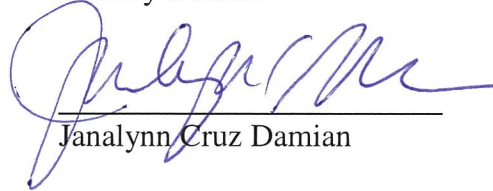
Eduardo A. Calvo



Rodney J. Jacob



Michael A. Pangelinan



Janalynn Cruz Damian



Genevieve P. Rapadas



February 18, 2019

SENT VIA EMAIL: office@senatorperez.org

Senator Sabina Flores Perez
Chairperson
Committee on Environment, Revenue and Taxation, and Procurement

RE: Testimonial and Reference for Ms. Dana Gutierrez, ESQ
For the Guam Solid Waste Authority Board

Dear Senator Perez:

I have no hesitation to recommend Ms. Dana Gutierrez, ESQ to be a Member of the Board for the Guam Solid Waste Authority. Ms. Gutierrez currently serves as the President-Elect for the Society of Human Resources Management (SHRM) Guam Chapter and has served in the SHRM Guam Chapter Board for the past three (3) years as its Vice-President of Legislative Affairs. Ms. Gutierrez has been instrumental in providing objective, candid, and intelligent advice to our SHRM Guam Chapter board in her capacity as the VP of Legislative Affairs. And I have no doubt, she will also provide that same uncanny and clever guidance and management in her current role as President-Elect. Ms. Gutierrez has the intellect, character, and candor to hold a position in the Solid Waste Authority Board, as she has so proven as a SHRM Guam Chapter Board member. We look to her for legal guidance and to provide the essential advice when the Chapter seeks to support or not support legislation that will affect the Human Resource industry and the businesses of Guam as a whole. Her advice is sound as she backs it up with solid evidence and facts. This characteristic will be beneficial to any Board.

On a more personal level, Dana has a very caring demeanor. She is easy to relate to and has an amazing way of communicating to a company of 200 or to a company of 2. Without a doubt, Dana would be an asset to the Solid Waste Authority. It is my sincere pleasure to provide this recommendation for Ms. Dana Gutierrez, ESQ.

Very Respectfully,

Charlotte D. Huntsman, MA, SHRM-CP, PHR
President
SHRM Guam Chapter

Senior Vice-President, Human Resources & Organizational Development
Guam Regional Medical City

JOEPHET R. ALCANTARA, ESQ.

238 Archbishop Flores Street, Suite 801, Hagåtña, Guam 96910
Telephone: 472-2089 • Email: JAlcantara@ttalaw.net

February 20, 2019

VIA EMAIL: office@senatorperez.org

Honorable Sabina E. Perez, Chairperson
COMMITTEE ON ENVIRONMENT, REVENUE
AND TAXATION, AND PROCUREMENT
35TH GUAM LEGISLATURE
194 Hernan Cortes Avenue, 1st Floor
Hagåtña, Guam 96910

Re: Testimony on the Executive Appointment of Dana A. Gutierrez, Esq.

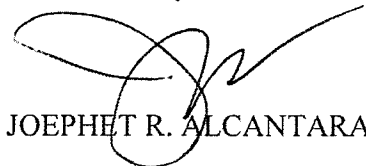
It is an absolute pleasure to provide this personal testimony on behalf of my friend and colleague, Attorney Dana A. Gutierrez, regarding her appointment as a member of the Guam Solid Waste Authority Board (the "Board").

I have known Ms. Gutierrez for most of my legal career. Ms. Gutierrez was a junior partner at the law firm of Mair Mair Spade & Thompson when I first joined that firm. In our years practicing together, I came to appreciate Ms. Gutierrez's diligence, work ethic, and attention to detail.

In addition, Ms. Gutierrez is no stranger to leadership and public service. Throughout her professional career, she has served on several committees of the Guam Bar Association, at one point serving as its Member at Large; she has also served on Guam's Society of Human Resource Management, presently as its President-Elect, and in the Guam Girl Scouts organization. I have no doubt that Ms. Gutierrez will bring the same type of dedication and commitment with her to the Board.

Finally, Ms. Gutierrez's work experience demonstrates that she has an expansive legal career, working at one point for the University of Guam, the Judiciary of Guam, as well as in private practice. This experience will bring a diverse set of perspectives to the Board, which can aid in the Board's execution of its statutory obligations. Accordingly, I fully support her confirmation.

Most sincerely,



JOEPHET R. ALCANTARA

February 20, 2019

Honorable Sabina Flores Perez
SENATOR, 35TH GUAM LEGISLATURE
CHAIRPERSON, COMMITTEE ON ENVIRONMENT,
REVENUE AND TAXATION, AND PROCUREMENT
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

**RE: TESTIMONY IN SUPPORT OF DANA A. GUTIERREZ,
MEMBER OF THE GUAM SOLID WASTE AUTHORITY BOARD**

Good afternoon Madame Chair:

My name is Mike Pangelinan. I'm an attorney with Calvo Fisher & Jacob and I'm also a Commissioner on the Guam Public Utilities Commission. I am honored to have this opportunity to present testimony in support of the nomination of my good friend and colleague Dana Gutierrez to the Guam Solid Waste Authority ("GSWA") Board.

Dana has been an attorney with our law firm for the past three years. Prior to joining our firm, Dana had already built an impressive legal career in both government and private service. She was legal counsel to the University of Guam. She was the Director of Policy, Planning and Community Relations for the Supreme Court of Guam. She was also an attorney with two highly respected Guam law firms, Carlsmith Ball and Mair Mair Spade & Thompson.

But Dana has too much energy and drive to limit herself to only a career in law. Honestly, I think being only a lawyer would be a little too boring for Dana. She's also served several years as a member of the Board of Governors of the Guam Bar Association, as a member of the organizing committee for the annual Law Week events -- which has won multiple National Awards, as an instructor at Guam Community College, and as a Director and Officer of the Guam Chapter of the Society for Human Resource Management or SHRM. In fact, she is currently President-Elect of SHRM.

The diversity of Dana's impressive career and community service involvement demonstrates her intelligence and her genuine desire to help people. Her lawyering style is the perfect mix of both of those attributes. Dana's analytical skills are second to none and over the

Senator Sabina Flores Perez
February 20, 2019
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past several years she's chosen to put them to use primarily in the area of labor and employment law. She regularly helps her corporate clients navigate through the complexities of Guam and federal labor regulations. And she does this always with an eye toward improving workplace conditions for people – the employees.

But I would also like to speak about Dana from my perspective as her friend. Dana brings high energy and fun to everything she does. Whether she's meeting with corporate or government clients, giving a presentation at a packed labor law conference, teaching a college class, mentoring younger attorneys or prospective attorneys in our firm, or attending a client social event, things are just more interesting and enjoyable when Dana is involved. That's mostly because Dana is hilariously. She has the quick wit of a stand-up comedian and she knows exactly when and where to use it. Dana's humorous touch with people enables her to diffuse tension and make people feel comfortable in serious and even contentious situations.

Even when she's poking fun at you, she does it in a way that somehow makes you feel happy about it. Dana and I have an ongoing rivalry that involves the colleges we each graduated from. Dana is a USC Trojan and I'm a Cal Bear. During college football season each year we trade insults about each other's teams from September through January. I have other friends from other colleges that I engage in this same type of banter with, but with Dana it's different. Dana approaches even trash talking with sensitivity. Sure she'll tell me that USC rules and she'll send me text messages with audio links to the Trojan fight song, but she'll also do things like leaving me a USC colored cupcake and she often ends our trash talking sessions with an encouraging "Go Bears."

Talk of college football rivalries may seem trivial in light of the important position Dana has been nominated for, but I thought the Committee would benefit from hearing something about the type of person Dana is. Dana's ability to deal effectively with people in all different types of environments is a prominent part of who Dana is as a person and something that will be of great benefit to the GSWA Board.

As an attorney myself and also a member of a commission involved in utility regulation, I can say with confidence that Governor Leon Guerrero could not have made a better choice than Dana for the GSWA Board. Dana is a problem solver with knowledge of the legal system and she's used to absorbing and making sense of dense technical material quickly. She's done that throughout her 20 plus year career. Her natural abilities and legal training, but even more importantly her genuine desire to make people's lives better, will be a huge benefit to the GSWA as it transitions from the current federal receivership to local oversight and regulation. I sincerely and wholeheartedly urge the Committee to confirm Dana's nomination.

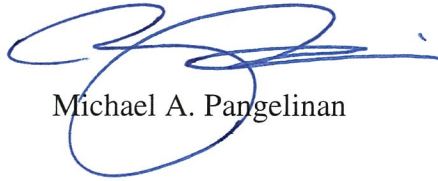
CALVO FISHER & JACOB LLP

Senator Sabina Flores Perez
February 20, 2019
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Thank you again Madame Chair and Committee Members for receiving my testimony.

Very sincerely,

CALVO FISHER & JACOB LLP



Michael A. Pangelinan

cc: Senator Therese M. Terlaje, Vice Chairperson for Environment
Senator Telena Cruz Nelson, Vice Speaker, Vice Chairperson for
Revenue and Taxation, and Procurement
Senator Tina Muna Barnes, Vice Speaker
Senator Kelly G. Marsh (Taitano), Ph.D.
Senator Telo T. Taitague
Senator Mary Camacho Torres

LAW OFFICE OF
CYNTHIA V. ECUBE, ESQ.

A Professional Corporation

Cynthia V. Ecube, Esq.

February 28, 2019

VIA HAND DELIVER

Honorable Sabina Flores Perez
I MINA'TRENTAI SINGKO
NA LIHESLATURAN GUAHAN
Chairperson, Committee on Environment,
Revenue and Taxation, and Procurement
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **Testimony on Behalf of the Confirmation of Dana A. Gutierrez
to Serve as Director of the Guam Solid Waste Authority Board.**

Dear Chairperson Perez and Members of the Committee on Environment, Revenue and Taxation, and Procurement:

My name is Cynthia V. Ecube, Esq., and I am an attorney licensed to practice law in all local Courts of Guam, the District Court of Guam, and the Ninth Circuit Court of Appeals for the past twenty eight (28) years. I am pleased to present my written testimony in support of the confirmation of Dana A. Gutierrez to serve as a Director of the Guam Solid Waste Authority Board.

I have known Dana for almost fifteen (15) years based on our professional association with the practice of law on Guam. Dana is a highly intelligent, competent and methodical individual who clearly possesses the knowledge, experience and skills necessary to serve on the Board. Dana has served on various and important boards and committees with the Guam Bar Association ("GBA") during my tenure as President from 2009 to 2015. She understands the role and purpose of serving on boards and commissions and has made valuable contributions while serving with them. On a personal level, Dana is an individual who possess qualities of leadership, honesty, and integrity. She is a hard working and conscientious individual who is committed to doing the right thing and making the best decision for the organization that she serves. I am confident that her knowledge, expertise, and experience combined with her commitment and contribution to our community will make her valuable asset to the Guam Solid Waste Authority Board and I hereby request your favorable consideration of Dana Gutierrez to serve as Director for the Board. If you have any questions concerning this testimony, please feel free to contact me.

Sincerely,


CYNTHIA V. ECUBE, ESQ.

February 21, 2019

VIA HAND DELIVERY

Honorable Sabina Flores Perez
Chairperson
Committee on Environment, Revenue and
Taxation, and Procurement
& Members of the 35th Guam Legislature
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

**Re: Testimony in Support of My Appointment to Serve as a Member of the
Guam Solid Waste Authority Board of Directors**

Hafa Adai Chairperson Perez and Members of the 35th Guam Legislature,

Thank you for the opportunity to provide testimony in support of my appointment to serve as a member of the Guam Solid Waste Authority (“GSWA”) Board of Directors (“Board”).

I would like to thank Governor Lourdes Leon Guerrero and Lieutenant Governor Joshua Tenorio for the appointment, and for their trust in my ability to serve on the GSWA Board. I would also like to thank my family, friends and colleagues for submitting written and oral testimony on my behalf and for taking the time to support my appointment. I am humbled by their support.

When my appointment was first released by the media, I was asked by a close friend in a joking way, if I wanted to be on the Board because I like trash. Although I have been known to talk some trash, I cannot say that I particularly like trash. But in all seriousness, if confirmed as a member of the Board, I will be committed to protecting the public health and safety of our people; to ensuring the proper and cost-effective disposal of solid waste; and to protecting and conserving our natural resources by reducing waste and promoting recycling.

Since my appointment, many have asked what is left to be done if the District Court of Guam will soon end the federal Receivership. Based on my initial discussions with Board Chair Andrew Gayle and my review of the most recent Order issued by the District Court, the end of the federal Receivership merely means the beginning of more work to be done by the Board and the new management team.

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Our island is at a crucial time as we near the end of a process that has been in place for over 10 years and we move towards the transition of GSWA's operations and management from the Receiver to the Board. The Board performs critical functions in our government from overseeing the system of residential and commercial trash collection to protecting public safety by ensuring the efficient disposal of trash at the Layon Landfill. Aside from overseeing the current day-to-day solid waste operations, the Board is also responsible for overseeing the post-closure of the Ordot Dump and for obtaining funding to construct a new cell at the Layon Landfill. The long-awaited return of autonomy to the Board, coupled with the hiring of a new General Manager and Comptroller, will definitely bring about new challenges but will also allow for new leadership, and in turn, new ideas and ways to address and manage these matters.

As an attorney, I assist clients with difficult issues and offer advice on how they may resolve these issues. Before giving advice, I educate myself by engaging in fact-finding and determining whether there are any relevant laws and regulations that may be applicable to the issue I am reviewing. And this is how I intend to approach matters we are faced with on the Board—to make informed decisions after educating myself about the facts and any applicable laws or regulations.

During my career, I have been fortunate to work in both the public and private sectors on island. As a former employee of the University of Guam and the Judiciary of Guam, as well as through the work I have done while representing government agencies in private practice, I am familiar with how our government works. I understand that there are processes in place, such as those related to procurement and personnel, that must be followed before decisions can be made.

I also understand the role and duties of members serving on a Board. I have served on numerous local Boards including the Guam Bar Association Board of Governors, the Guam Law Library Board of Trustees and the Guam Girl Scouts Board of Directors. I am the current President-Elect of the Guam Chapter of the Society for Human Resource Management, having also served as its past Vice-President for Legislative Affairs. I know that service on a Government of Guam Board brings with it even greater responsibility as not only are Board members in the public eye, but we are also tasked to uphold the public trust that our people have in our government. For this reason, I believe impartiality is vital to government service and I intend to perform my duties as a Board member with the upmost integrity while in service to the people of Guam.

Additionally, I hope to put my legal skills to good use as a member of the Board. I practice predominantly in the areas of personnel management and labor and employment law. It is my understanding that many of the day-to-day personnel matters at GSWA are currently being handled through an agreement with Pacific Human Resources Services, Inc. I believe my

Honorable Sabina Flores Perez
& Members of the 35th Guam Legislature
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background in these areas of the law can be an asset to the Board, especially during the transition period.

I know that the issues facing the Board are complex and that there will be a bit of a learning curve if I get on the Board, but I welcome the challenge and look forward to working with the members of the Board and with the Executive and Legislative branches both during and after the transition from Receivership.

Thank you again for the opportunity to provide testimony in support of my appointment to the GSWA Board.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dana A. Gutierrez', written in a cursive style.

DANA A. GUTIERREZ



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

35TH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Environment, Revenue and Taxation, and Procurement convened a public hearing on February 21, 2019 at 8:00 a.m. in *I Liheslaturan Guahan* Public Hearing Room. Among the items on the agenda was the consideration of the appointment of Ms. Dana Gutierrez to serve as Member, Guam Solid Waste Authority Board of Directors, whose appointment history is as follows:

- Appointed by Governor Lourdes A. Leon Guerrero on January 1, 2019, to serve at the pleasure of the Governor
- Appointment packet forwarded to *I Liheslaturan Guahan* on February 1, 2019
- Appointment packet forwarded to this committee for public consideration on February 4, 2019

Public Notice Requirements

Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on February 14, 2019 and again on February 19, 2019. Publication was conducted in the **Guam Daily Post**, a newspaper of general circulation, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

Senators Present

Senator Sabina Flores Perez	<i>Committee Chairperson</i>
Senator Therese M. Terlaje	<i>Committee Member</i>
Senator Kelly Marsh (Taitano), PhD	<i>Committee Member</i>
Senator Marry Camacho Torres	<i>Committee Member</i>
Senator Amanda Shelton	Legislative Member
Senator James C. Moylan	Legislative Member
Senator Louise Borja Muña	Legislative Member
Senator Joe S. San Agustin	Legislative Member
Senator Régine Biscoe Lee	Legislative Member

The confirmation hearing for **Ms. Dana Gutierrez** commenced at 8:00 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Perez called up those who have signed up to give testimony.

Minakshi Hemlani, *Member, Guam Solid Waste Authority Board of Directors*: Good morning Senators my name is Minakshi Hemlani. I'm a current Member of the Guam Solid Waste Authority Board and I'm here to give my support to Dana Gutierrez in hopes that she would join our board. I've known Dana personally and professionally for 10 maybe 15 years but we've worked more closely with the Guam Bar Association on other projects in the community for over 10 years. I know that Dana is committed and hardworking and she's a friendly and fun person to work with,

which would be a good thing on our board as well because I know she works well in a team environment and will help collaborate with us. Dana's legal experience with government agencies will be a benefit to our board as well and you may know that our, we've been working at the GSWA to transition out of receivership and our new general manager will be coming on in March 4th I believe and some of the things that we've been working on recently is developing policies and personnel regulations. I know Dana's experience with the Society for Human Resources Management would be a great benefit for us as well. So, all around I just support her nomination. I encourage you to confirm her appointment.

Chairperson Perez: Thank you so much, next person is Janalynn Damian.

Janalynn Damian, Calvo Fisher and Jacob LLP: Good morning again Madam Chair and Senators, I work with Dana at Calvo, Fisher and Jacob and our entire office couldn't be here, but I assure you they all wholeheartedly support Dana's confirmation to the GSWA board. The GSWA board is one of the most important public boards in our government. It has critical statutory functions that begin with protecting the public safety by ensuring that solid waste is efficiently disposed of at the *Layon* Landfill and overseeing the system of trash disposal. GSWA also has oversight over recycling radioactive waste and importantly the task of setting rates or tipping fees to pay for a responsible and sustainable and environmentally sound process of solid waste disposal. Currently, however these functions are now under complex federal receivership that ultimately must be returned to GSWA. The board which Governor Leon Guerrero has appointed Dana to sit for the following reasons, we support the nomination of Dana.

Dana is smart and experienced. She is a daughter of Guam and graduate of the Academy. She put herself through college and law school at one of the best institutions in the country, the University of Southern California. She has been a lawyer for over 20 years, having worked at firms that represented government institutions and almost every kind of commercial legal challenge. She has provided legal advice to corporate boards on how to do their job, companies seeking advice for difficult labor and employment issues and to our brothers and sisters in the community who just need basic help with a deed or probate question. She knows government well, having served as legal counsel at the University of Guam and as the Director of Policy Planning and Community Relations for the Judiciary of Guam. She currently is our colleague at Calvo, Fisher and Jacob and leads our efforts for an employment advice critical to our representation of a key autonomous agency of the government and serves our clients business needs on a daily basis. There is no question that Dana understands the role of a director and how directors can be effective in government service. She also understands the important role that government plays in our small island community. Importantly, she knows how critical it is to show up and use all of one's skills to advance the purpose of the work in this case to address the variety of challenges that Guam has in regard to the expense and disposition of solid waste and what will be a complicated transition for GSWA, ultimately from receivership.

Dana has also demonstrated that she is fit for this position through a variety of community and professional service to the community at core serving as a Director on a government board is a community service of highest nature. Dana believes that community service is not a choice but something we all have, duty to do as citizens. She has shown her commitment to community and professional service for many years. Dana is the president-elect for the Guam chapter of the Society for Human Resource Management or SHRM. She contributes significant time and talent to educating this group of island professionals including just recently, where she presented to a group

of over 200 share members on the law of sexual abuse and harassment. Dana has also served and continues to serve on committees that advance the administration of justice. She has been deeply involved with the work of the Guam Bar Association. Dana has served in several leadership and directorship capacities on important committees such as the Guam Bar Association, Board of Governors, the Guam Law Library and the Guam Law Week committee. The American Bar Association awarded Guam's law week committee the National Award for its community outreach efforts for six of the 11 years. Guam has contributed to the National Day of recognition for the rule of law, her work involves the governance administration and discharge of disciplinary functions at the bar.

Dana will be a strong asset to GSWA. She will serve as a role model to others in our community that rely on GSWA. She will be a role model to girls and young women and an inspiration to those working every day to contribute to our government. Finally, Dana is an excellent teammate, she brings intelligence, hard work and a friendly personality to every task because she understands the importance of collaboration and puts a lot of fun in everything she does. The GSWA board will benefit from her wit style and chemistry on behalf of my colleagues at Calvo, Fisher and Jacob. We urge the legislature to confirm Dana to the GSWA board. Thank you.

Chairperson Perez: Thank you again Janalynn, the next in the list is Georgette Concepcion.

Georgette Concepcion, Attorney: *Håfa adai* Senators Perez, Terlaje, San Agustin, Moylan, Taitano, Muña and Torres, my name is Georgette Bello Concepcion and I'm an attorney and I've known Dana for 18 years and that's about as long as I've known her from being an attorney. I've worked with Dana, she's a colleague and we've worked on several cases together. We've served together on the Guam Board of Governors for at least two terms. Dana has served on boards of several nonprofit organizations such as the Guam Girl Scouts Guam chapter, Society for Human Resource Management and she has advised many government boards in her practice. Having worked with Dana, I have learned she is extremely bright and gives 110% effort in all of her endeavors. She's meticulous and her attention to detail is so spot-on. GSWA, hopefully, we'll be transitioning out of receivership at the end of March 2019, having served as the legal counsel of the Guam Solid Waste Authority Board of Directors in the past I am knowledgeable the transition challenges facing the board and the GSWA employees. One of the issues before the board is the classification and pay plan of the agencies classified employees. As you heard from Janalynn, Dana's law practice focuses on employment and labor law. She has the wherewithal to understand the workings and implementing of such a plan at the GSWA. Also, Dana was born and raised here in Guam. So, she definitely has a stake in our island's environment and I'm confident that she as a board member will take positions that are only in the best interests of Guam and its people and for these reasons, I highly recommend the legislature confirm Dana's nomination to the GSWA Board of Directors. Thank you.

Chairperson Perez: Thank you for your testimony. I would like to ask Michael Pangelinan to present his testimony.

Michael Pangelinan, Calvo, Fisher and Jacob: Good morning Senator Perez, Madam Chair, distinguished Senators, Members of the Committee. Janalynn presented the support on behalf of our law firm Calvo, Fisher and Jacob for Dana but I also wanted to express my individual support for Dana. My name is Mike Pangelinan, I'm an attorney with Calvo, Fisher and Jacob and I'm also a Commissioner on the Public Utilities Commission. I'm honored to have this opportunity to

present testimony and support of the nomination of my good friend and colleague Dana Gutierrez to the Guam Solid Waste Authority board. Dana has been an attorney with our law firm for the past three years prior to joining our firm Dana had already built an impressive legal career in both government and private service. She was legal counsel to the University of Guam. She was Director of Policy, Planning and Community Relations for the Supreme Court of Guam. She was also an attorney with two highly respected Guam law firms, Carlsmith Ball and Mair Mair Spade and Thompson.

Dana has too much energy and drive to limit herself to only a career in law. Honestly, I think being only a lawyer would be a little bit too boring for Dana. She's also served several years as a member of the Board of Governors of the Guam Bar Association, as a member of an organizing committee to the annual Law Week events, which as mentioned has won multiple national awards, as an instructor at Guam Community College and as Director and Officer of the Guam chapter of the Society for Human Resource Management or SHRM. In fact, she is currently President-Elect of SHRM. The diversity of Dana's impressive career and community service involvement demonstrates her intelligence and her genuine desire to help people. Her lawyer style is the perfect mix of both of those attributes. Dana's analytical skills are second to none and over the past several years she's chosen to put them to use primarily in the area of labor and employment law. She regularly helps her corporate clients navigate through the complexities of Guam and federal labor regulations and she does this always with an eye toward improving workplace conditions for people, the employees.

But I'd also like to speak about Dana from my perspective as her friend. Dana brings high energy and fun to everything she does. Whether she's meeting with corporate or government clients, giving a presentation at a packed labor conference, teaching a college class, mentoring younger attorneys or even aspiring attorneys from our firm or attending a client social event, things are just more interesting and enjoyable when Dana is involved. That's mostly because Dana is hilarious. She has the quick wit of a stand-up comedian and she knows exactly when and where to use it. Dana's humorous touch with people enables her to defuse tension and make people feel comfortable in serious and even contentious situations. Even when she's poking fun at you she does it in a way that somehow makes you feel happy about it. Dana and I have an ongoing rivalry that involves the college as we graduated from. Dana is a USC Trojan and I'm a Cal Bear. During college football season each year we trade insults about each other's teams from September through January. I have other friends and colleagues that I engage in the same kind of banter with but somehow, it's different with Dana. Dana approaches even trash-talking with sensitivity sure she'll tell me USC rules and she'll send me text messages with the USC fight song on an audio link, one of them came in once when I was in a dental chair getting my teeth cleaned and it was very embarrassing but she'll also do things like leave me a USC colored cupcake and she often ends our trash-talking sessions with an encouraging "Go Bears."

Talk of college football rivalries may seem trivial in light of the important position that Dana's been nominated for, but I thought the committee would benefit from hearing something about the type of person Dana is. Dana's ability to deal effectively with people in all different types of environments is a prominent part of who Dana is as a person and something that will be of great benefit to the Guam Solid Waste Authority Board. As an attorney myself and also a member of a commission that's involved in utility regulation, I can say with confidence that Governor Leon Guerrero could not have made a better choice than Dana for the GSWA Board. Dana is a problem solver with knowledge of the legal system, and she's used to absorbing and making sense of dense

technical material quickly. She's done that for her 20 plus year career. Her natural abilities and legal training, but even more importantly her genuine desire to make people's lives better, will be a huge benefit to GSWA as it transitions from current federal receivership to local oversight and regulation. I sincerely and wholeheartedly urge the committee to support and recommend the confirmation of Dana, thank you again Madam Chair and Senators for receiving my testimony.

Chairperson Perez: Thank you so much for all your testimony. Now I would like to invite Ms. Dana Gutierrez herself, oh I'm sorry my apologies, I miss two people, I do, would like to recognize Melanie Mendiola.

Melanie Mendiola, Acting Director, Guam Economic Development Authority: *Håfa adai* good morning Madam Chair and honored members of the 35th Guam legislature, my name is Melanie Mendiola it's been a long time since I've been sitting here but I did want to come, and I couldn't miss an opportunity to support Dana who is like one of my sisters. I've been gangs with the nominee for about 12 years, Judge Iriarte actually introduced us when we first moved home. When I first moved home from off-island and we became fast friends. Dana is, like I said, she's like a sister to me and so my testimony could probably go all day and night about and be full of stories of all the things that Dana and I have done an experienced and talked about together but I wanted to keep it short and I wanted to keep it short and talk about why I think she'd make tremendous member of the Board of Solid Waste. You know she is an attorney, she's an expert in the area of Human Resources. She's someone that I've reached out to for free advice from time to time especially when I was leading farm-to-table. It's like running a small business and when you have a small business every penny counts and you can't afford, a lot of times you really you can't afford legal advice, you can't afford free legal. I really can't afford legal advice and Dana is always willing to do it. I don't even have to buy her lunch. She would always pick up the phone and with small businesses often times you have the same, if not more issues with these than you do running a larger business and I always found that Dana took the time to talk to me. It wasn't just about us going out and having fun, that was of course a huge part of our friendship but a huge part of it has always been her role as a supportive, as a supportive colleague as well as a mentor coming into a board role.

I think when you're new to a board, you're full of questions and you're full of unsureness about the decisions that you're making for the people of Guam. You always want to make sure that you're making the right decision and while you do have an attorney present it's always nice to have, sometimes it's nice to have a second opinion or someone to bounce off ideas or even to formulate help. You formulate your question to your attorney properly and that's something that Dana has always really helped me. Throughout her career she does a lot of nonprofit work for the Society of Human Resources as well as, she did some time on the Guam Girl Scouts board with me. She's very involved in the Guam Bar Association law week, tends to take place right around my birthday, so I never forget how involved she is with law week. One of the last things is you know Deana is a true daughter of Guam. She's a graduate of the Academy along with myself and others in the room. She's one that understands the value of relationships. She's one that, she'll meet you at a fiesta and next thing you know I find out my sketchy relatives are calling her for legal advice, and I call her up and say thank you so much for dealing with them and thank you for dealing with my family.

I just kind of wanted to close my remarks by saying a long time ago I invited Dana, right around the time we became friends, to a birthday party for my mom and as Dana was leaving my mom

gave her a hug and she said thank you for coming and thank you for being friends with my daughter and Dana's response to that was you're welcome Mrs. Mendiola, it is very difficult being friends with your daughter but I try just think. You know she said something like that and I think that we don't get a lot of opportunities except for forums like this to tell our friends how much we appreciate them and this is one of them where I truly am grateful for our relationship not only as friends but also as colleagues and I encourage you to confirm her unanimously to the board of the Guam Solid Waste.

Chairperson Perez: Thank you so much for your testimony, I would like to ask Chairman Duenas.

Joseph T. Duenas: *Håfa adai* Senator Sabina Perez and other Committee Members, my name is Joseph T. Duenas just for the record and I'm here in support of the confirmation of the nomination of Dana Gutierrez. You've heard so many things about her abilities or intelligence or ethics or her principles and those are all good. I have to tell you I'm her uncle and one of the things that's really important I think is she has a lot of respect and respect comes of culture and our culture style tied up in our land and our environment and that's why I believe she'll do a really good job in this position. She never hesitated to say hi Uncle Joey,, that impresses me because we're a culture people, our culture is about respect about the generations and I'll tell you every time I've ever bumped in today and I sometimes even at a family gathering she would say hi Uncle Joe, comes up and gives me a kiss and that respect is important because again I'm going to repeat it's tied up in our island culture, our island, our environment, our love for our people and that's the one thing I think that I'd like to add to all the other testimonials, really great and thank you very much for the opportunity to offer those two words.

Chairperson Perez: Thank you so much is there anybody else in the public that would like to offer testimony on behalf of Dana Gutierrez? So, thank you so much and I would like to invite Ms. Dana Gutierrez to provide testimony *Si Yu'os ma'åse'*.

Dana Gutierrez, Nominee, Member, Guam Solid Waste Authority Board of Directors: *Håfa adai* Chairperson Perez and members of the 35th Guam legislature. My name is Dana Gutierrez and I thank you for the opportunity to provide testimony and support of my appointment to serve as a member of the Guam Solid Waste Authority Board of Directors. I would like to thank Governor Lourdes Leon Guerrero and Lieutenant Governor Joshua Tenorio for the appointment and for their trust and my ability to serve on the GSWA board. I would also like to thank my family, friends and colleagues, they have told some stories this morning, I'm a little bit embarrassed but I like to thank them for submitting written and oral testimony on my behalf and for taking the time to support my appointment. I am very humbled by their support. When my appointment was first released by the media, I was asked by a close friend and I hope in a joking way, if I wanted to be on the board because I like trash. Although I have not been known, you know to talk trash, I cannot say that I particularly like trash. But in all seriousness, if confirmed as a member of the board, I will be committed to protecting the public health and safety of our people; to ensuring the proper and cost-effective disposal of solid wastes; and to protecting and conserving our natural resources by reducing waste and promoting recycling.

Since my appointment, many have asked what is left to be done if the District Court of Guam will soon end the federal receivership. Based on my initial discussions with Board Chair Andrew Gayle and my review of the most recent order issued by the District Court, the end of the federal receivership merely means the beginning of more work to be done by the board and the new

management team. Our island is at a crucial time as we near the end of a process that has been in place for over 10 years and we move towards a transition of GSWA's operations and management from the receiver to the board. The board performs critical functions in our government from overseeing the system of residential and commercial trash collection to protecting public safety by ensuring the efficient disposal of trash at the *Layon* Landfill. Aside from overseeing the current day-to-day solid waste operations, the board is also responsible for overseeing the post closure of the *Ordot* dump and for obtaining funding to construct a new cell at the *Layon* Landfill. The long-awaited return of autonomy to the board, coupled with the hiring of a new General Manager and Comptroller, will definitely bring about new challenges but will also allow for new leadership, and in turn, new ideas and ways to address and manage these matters.

As an attorney, I assist clients with difficult issues and offer advice on how they may resolve these issues. Before giving advice, I educate myself by engaging in fact-finding and determining whether there are any relevant laws and regulations that may be applicable to the issue I am reviewing. And this is how I intend to approach matters we are faced with on the board, to make informed decisions after educating myself about the facts and any applicable laws or regulations. During my career, I have been fortunate to work in both the public and private sectors on island. As a former employee of the University of Guam and the Judiciary of Guam, as well as through the work I have done while representing government agencies and private practice, I am familiar with how government works. I understand that there are processes in place, such as those related to procurement and personnel, that must be followed before decisions can be made. I also understand the role in duties of members serving on a board. I have served on numerous local boards, as you heard my colleagues say, including the Guam Bar Association Board of Governors, the Guam Law Library Board of Trustees and the Guam Girl Scouts Board of Directors. I'm the current president elect of the Guam chapter of the Society for Human Resource Management, having also served as the past Vice President for legislative affairs. I know that service on a government board brings with it even greater responsibility as not only our board members in the public eye, but we are also tasked to uphold the public trust that our people have in our government. For this reason, I believe in impartiality is vital to government service and I intend to perform my duties as a board member if confirmed with the utmost integrity while in service to the people of Guam.

Additionally, I hope to put my legal skills to good use as a member of the board, as you heard from my colleagues. I do practice predominantly in the area of personnel management and labor in employment law. It's my understanding that many of the day-to-day personnel matters at GSWA are currently being handled through an agreement with a private company Pacific Human Resources incorporated. I believe my background in these areas of the law can be an asset to the board, especially during the transition period. I know that the issues facing the board are complex and that there will be a bit of a learning curve I get on the board, but I welcome the challenge and look forward to working with the members of the board and with the executive and legislative branches both during and after the transition from receivership if it was to occur in the near future. I thank you again for the opportunity to provide testimony in support of my appointment to the GSWA Board and I hope that I can rely on your support. Thank you very much.

Chairperson Perez: Thank you so much Ms. Dana Gutierrez, I appreciate you accepting the nomination to become a member of the board and I am confident that you will be a very important part of transforming how we manage our waste. So, I would like to open the floor for questions. I would like to first recognize Senator Regine Bisco Lee, who's joining us today, thank you so much.

I would like to open the floor to my colleagues for any questions I'll start on my far right to Ms. Louise Muña, sorry Senator Louise Muña.

Senator Muna: Good morning Mrs. Gutierrez, I only want to say fun things about you I think that's the theme for the panel before you, but I just want to congratulate you and thank you for having taken this opportunity to sit on the board for the solid waste. I know they need your expertise for sure and they'll welcome all the fun things that you can bring, I'm sure as well too, but yeah you have my support thank you Dana.

Dana Gutierrez: Thank you.

Chairperson Perez: Thank you Senator Muña, Senator Torres.

Senator Torres: Hi Dana, it's remarkable how your friends and associates have taken such great care to articulate the particulars about you ,your professional accolades, your personal athletes and your inner social strengths and I think going into the transition from receivership to Guam, we certainly need someone like you on board to ensure that all minds are thinking clearly and that the camaraderie is actually there, so that we can get through all the challenges that we have but I um, I want to thank you for agreeing to be on the board. I think we couldn't have gotten you any sooner on the board and we certainly give you all our support and I know you'll do well that you always have and congratulations.

Chairperson Perez: Thank you Senator Torres, Senator Terlaje.

Senator Terlaje: Thank you Dana, thank you and congratulations. Thank you for accepting the position and thank you all for the testimony that you gave earlier. Of course, your, you have excellent qualifications for this position. It's a going to be a great contribution to the board. This is going to be an excellent board with the current members, and I am very excited about that especially getting out of the receivership and going forward. It's a brand-new experience for us and so I'm glad that you will be there. I just wanted to ask a couple questions, do you, do you have any connection personally, I don't see any in your resume, so I just want to make sure if any GRRP or any other solid waste business that might have a conflict.

Dana Gutierrez: Do I personally have a connection, I do not.

Senator Terlaje: All right and what about, so I see that you're currently employed at Calvo, Fisher and Jacob, do you foresee, I know that's a large firm, any potential conflicts with clients that might be also in solid waste businesses, yeah.

Dana Gutierrez: Thank you for that question Senator. Of course, when I was asked to sit on the solid waste board and the appointment came forward, we ran our standard conflicts check in our office and I was able to clear any conflicts that we had, and we had none and I do not at this point anticipate any conflicts. But of course, if something was to arise, we would have to do of that issue at that time.

Senator Terlaje: I'm glad to hear that and I wish you the best and so let us know if there's anything. I'm sure Andy Gayle and all of the other board members. I'm going to make sure we know if there's anything that we need to do. So, thank you for your service.

Dana Gutierrez: Thank you Senator.

Chairperson Perez: Thank you Senator Terlaje, Senator San Agustin.

Senator San Agustin: Thank you Madam Chair, you know, I was very happy when Melanie Mendiola mentioned that you give her free advice because she's, that was a secret, well I say that because I'm going to support her for GEDA and I'm going to hope that she's going to call you say Dana I got a problem can you help me on the legal side and you know and it's great to hear.

Dana Gutierrez: Barring any conflicts Senator, we would try to help her as best we could.

Senator San Agustin: Yeah, there won't be any conflict because you just discussed it here, you just disclosed it here, so you're good. I will support you on your nomination and I'm hoping that the solid waste will get out of receivership and get on its feet and then we can find out how much money can be shared among the people of Guam or maybe reduce the costs to the people.

Dana Gutierrez: I think that's a great idea Senator because I think one of the things that I'm concerned about is to also make sure that trash disposal is affordable and accessible. Because we do have a lot of illegal dumping on this island and I'll just share a personal story quickly. My husband does a lot of woodwork at home and he wanted to dispose of some wood, about a week ago and he had to drive around to different areas to try and find one that actually would take in the wood and in my head I was thinking, I'm so happy he just didn't throw it somewhere, you know, who can do something illegal but it wouldn't be past my husband. But at the same time just knowing that he had such a difficult time trying to find a place to legally place the lumber, that he was using it did raise a concern and I'm happy that I'm going to be on the board because it is something that I would like to make sure that the people here in Guam have a ways to dispose of trash. I mean this is our big community here and our tourism community, it's unsightly to have trash all over the place, on our island when people don't dispose of it properly.

Senator San Agustin: Yes, thank you Ms. Gutierrez and I'm hoping that the board would take advantage of the public service announcement, do a lot of PSAs out there. Let the people know what's going on because that's all they want to know, it's what's going on once they know, then it's kind of like this.

Dana Gutierrez: Yeah, I think education is a big factor as well and I agree with you. I think you know letting the community know the dangers of failing to properly dispose of trash and to promote recycling. An educational campaign is something that we should look into it and not take that for granted.

Senator San Agustin: Yes, and if you ever feel you need some help at the legislature feel free to call any of us Senators, your oversight chair, folks like me on the Office of Finance and Budgeting, the money person and then we'll help you out we'll see what we can do.

Dana Gutierrez: Thank you so much, thank you for your support.

Chairperson Perez: Thank you San Agustin, Senator Moylan.

Senator Moylan: Thank you Madam Chair. Dana it was mentioned that you're in one of the most important boards that we have on the island because it really affects the health, overall our water table lenses and everything our relationship through outside business and there and all that. I'm glad you stepped up to the plate. I'm happy for that, as you're aware, we're in a receivership for over ten years and it's cost our government over eighteen million dollars and every month were in receivership that's another hundred thousand dollars. We're coming close to an end and like Senator San Agustin said we're looking forward to saving some of that money and putting it in other places. To your professional and you have a great heart and you really serve the community with all your volunteer programs and boards that you sit on. So, you're really the right person for the job. I'm happy for that. I'm not going to make any trash jokes but I'm happy. I'm happy for that but I do want to echo what Senator San Agustin also said that we want to make sure that the legislation is correct and especially maybe we should relook at recycling and what else we can do to help our island and in education as well for our use. We've just got a small footprint here in the middle of the ocean and so if we can recycle more, that's even much better. I want to thank you for accepting the position and I'm looking forward to working with you closely. Thank you so much, thank you madam chair.

Senator Marsh (Taitano): *Håfa adai* so it was very reassuring to go through your application here and look at your experience and then hear from the others as well about your experiences, both in your employment, your legal specialty and then also the sitting on many boards. I think all of those, as has been mentioned, are really important that you bring a lot to the table. That is really needed in this agency and so with that, this is a subject that's been very important to me. I mean it's important to all of us, but it's been important to me with my oversight. My oversight is over the Department of Parks and Rec and so I've been in communication with Senator Flores Perez and talking about having some sort of partnership between us or some sort of partnered approach. Because as the illegal dumping occurs, it then is something that happens on a roadside, yes. But it's also at our parks and at our cultural and historical sites and so I think it makes for a very good partnership there and as has been mentioned there are a lot of new challenges. But as you were outlining, this really creates a lot of new opportunities and so we really are at this time where we can be looking at the landscape. I mean literally and figuratively we're looking at the landscape and finding out what those challenges are going to be but they're also the opportunities and with your background.

I think it's so important because a lot of what we're dealing with is the human factor, right, it's the employees themselves, it's our community and getting them on board for those that aren't and getting our youth involved. So, that this becomes a culture that the island just embraces us taking care of our environment and dealing with those health and safety issues and perhaps that's an angle that hasn't really been brought out at this time and so I think you can really help. You mentioned that and I think you can really help bring that out in some of this public awareness and these approaches is helping us understand what we are doing to our environment in general and the health of that but also the health and safety of us all. If we're not taking care of waste properly and we also got to hear some testimony about being raised on Guam and your love for the community in the island. So, I mean those go a long way but that's going to be really important and I also think part of what's going to occur is, you know, our agencies we get hit up a lot of times in media and elsewhere.

As an educator, one of the things that's often brought up in my history of Guam class is the issue of the illegal dumping or the waste that's left at the beaches and so forth. And I try to remind them

that really, I don't know what the statistics are, but I would hazard a guess and say 98% of us are really conscientious about that. I think we have so many positive stories to tell the successes that the Solid Waste Authority has the successes of the transfer stations. Although I agree there is work to be done in those areas to make it more user-friendly and in the positives of the communities that are already participating and how we can all work together to get the last two percent on board right. So, the thinking and guidance that you have, I think are going to go a long way and if you can help us figure out ways to make trash collection, keeping the eyes and clean and recycling fun. I'm all for that and if you have those connections with GEDA.

I'm also have oversight over the, yeah, the partnership goes both ways right. They're getting free legal advice and then we can have these partners, who with GEDA, as well but you know I also have oversight over the Guam Product Seal and so I'm not sure if there are recycled products that are part of that. But I think that there's a real opportunity to build up that recycling part of our community and it's so important as you were mentioning the landfill is filling up even more quickly than we had anticipated. We really need to strategize as an island. We don't have a lot of options maybe even more so than in big continents. We have to really be embracing recycling and we have to really be embracing a lot of aspects that are helping us take care of our landfill. And so again I think you bring though things to the table so with all of that being said mine ended up being rather long but um I do support your nomination and I look forward to everything that you're going to bring to the board.

Dana Gutierrez: Thank you Senator.

Chairperson Perez: Thank you Senator Marsh Taitano, Senator Régine Biscoe Lee.

Senator Biscoe Lee: *Si Yu'os ma'åse'* Madam Chair and thank you so much Dana for accepting the Governor's nomination. I also want to thank your husband and your family members and friends who are here to kind of give the committee a full picture of your experience and your personal and your professional endeavors. I also, I'm really glad that I've had many interactions with you over the past few years, decade particularly with SHRM and in the last term. I was the oversight Chair of Labor and so we had a lot of opportunities to go over many and I see Rose nodding her head back there to go over pieces of legislation that were before the body, namely Fair Chances Law that was introduced by my colleague Senator Torres and also our Bereavement Law that was passed into public law last term. So, I know that the SHRM Board and in fact the entire community really relies on your solid review of these pieces of legislation and your feedback. We really depend on that, we rely on that heavily. I want to thank you for providing that service to the people of Guam. I'm glad that one of my colleagues asked a question prior about conflicts of interest and I guess rest assured with your response and I look forward to you providing those checks and balances as a member of the GSWA board. I wanted to just touch on and you talked a little bit about possibly an education campaign for illegal dumping but I wanted to just give you an opportunity to share with the committee and also the public about any other ideas you have about tackling that very big problem that we have on our island.

Dana Gutierrez: I have not had a big opportunity to meet with the board members of course. I'm friends with one of them, Minashi Hemlani and I did have a short meeting with the Chairman. I think personally with regard to that issue, I would like to make it part of the platform that I would bring to the board. I think it's not something that we've really had an opportunity to discuss or to see how we could really put that into action, but I definitely think it's something that we need to

review as Senator Taitano, Marsh Taitano mentioned. You know this is a small island and there isn't many places that we can go, you know aside from the landfill that we have right now, which we know already is requiring the construction of an additional cell. I think it's something we need to review, it's something we need to discuss and perhaps partner with other government agencies. I think you know solid waste may not be the only one that could lead that charge but I definitely think you know collaborating with other agencies may be where we want to go at this point. So, it's something we would probably have to look at as a board but definitely something that's on my agenda, personal agenda.

Senator Biscoe Lee: Thank you Dana. I also want to ask that you please look into and I know you mentioned this as well looking to access an opportunity for people to participate in paying for trash service. I know that some people, you know that might be out of what's available or what's accessible to them, what's affordable for them. So, if you could continue to you know keep the ratepayers in mind. You know obviously the entire community really appreciates that one other question that kind of came to mind is, we are in the midst of somewhat of a crisis in terms of labor on our island and especially with some of the exemptions on H-2b. I wanted to ask you in your professional opinion or maybe just what you read in the news, do you think that will cause any delays with that second cell being constructed in Layon?

Dana Gutierrez: Well you know that's a good question. I mean we've been dealing with it at our firm as well with some of our clients. Just the idea of, do we have enough labor or people on this island, if the H2 issue was to prevent us from getting labor. I mean I think it's a possibility. I mean at this point I don't know enough about where we're at timewise with the construction, but you know I think we already have a labor shortage. I mean whether or not the H2 issues going to affect it I think right now skilled labor on the island is something that is a deficiency, so it's a possibility. But I think until I get on the board, if I'm confirmed and get an idea of what's actually happening, I could come back and give you a, you know a better, I'd better answer at that point.

Senator Biscoe Lee: Thanks Dana I also just want to thank you again for accepting the Governor's nomination. I look forward to approving your nomination and giving you a positive push into the board and I really look forward to the good work that you're going to do, and I just want to reiterate a sentiment that was shared by one of my colleagues. We're really here to work with you and try to assist you and we look forward to you providing those checks and balances on your end and we'll continue to do that on our end as well.

Chairperson Perez: Thank you so much Ms. Dana Gutierrez, I appreciate all the testimony that was given today. I'm your behalf and I feel confident as well that you will do well to help transition us out receivership.

Chairperson Perez then adjourned the confirmation hearing for **Ms. Dana Gutierrez.**

Written Testimonies:

- Dana A. Gutierrez, *Nominee, Member, Guam Solid Waste Authority Board of Directors*
- Michael A. Pangelinan, *Attorney, Calvo Fisher and Jacob LLP*
- Employees, *Calvo Fisher and Jacob LLP*
- Charlotte D. Huntsman, *President, SHRM Guam Chapter*

- Joephet R. Alcantra, *Attorney*
- Cynthia V. Ecube, *Attorney*

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Revenue and Taxation, and Procurement finds the following on the appointment of **Ms. Dana Gutierrez**:

- Dana Gutierrez received overwhelming support for her nomination as a Member of the Guam Solid Waste Authority Board of Directors.

The Committee on Environment, Revenue and Taxation, and Procurement hereby reports out the appointment of **Ms. Dana Gutierrez** to serve as a **Member** of the **Guam Solid Waste Authority Board of Directors** with the recommendation to do confirm



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

COMMITTEE VOTE SHEET

Nomination of

Dana Gutierrez

to serve as Member, Guam Solid Waste Authority Board of Directors

To serve at the pleasure of the Governor

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR SABINA FLORES PEREZ Chairperson	<i>Sabina Flores Perez</i> 3/11/2019	✓				
SENATOR THERESE M. TERLAJE Vice Chairperson	<i>Theresa M. Terlaje</i> 3/11/2019	✓				
VICE SPEAKER TELENA CRUZ NELSON Member						
SPEAKER TINA MUÑA BARNES Member						
SENATOR KELLY G. MARSH (TAITANO), Ph.D. Member	<i>Kelly Marsh</i> 3/11/19	✓				
SENATOR TELO T. TAITAGUE Member	<i>Telo T. Taitague</i> 3/11/19	✓				
SENATOR MARY CAMACHO TORRES Member	<i>Mary Camacho Torres</i> 3/11/19	✓				