

Vote : Senator calls lawsuit opportunity

▲ Continued from Page 1

named in the lawsuit, but it's unclear in what capacity Weakly was being sued.

The Center for Individual Rights, a nonprofit and civil rights advocate group based in Washington, D.C., is representing Davis in the case.

Davis said the lawsuit is meant to affirm the right of every U.S. citizen on Guam to vote on the issue of decolonization.

Under Guam law, voters in a plebiscite will be allowed to choose one of three political status options — statehood, independence or free association with the United States. Eligible voters are those who can trace their roots back to residents living on the island at the time of the passage of the Organic Act in 1950 who were made citizens by the federal law.

Denied

Davis said he tried in 2009 to add his name to the Decolonization Registry, which confirms eligible voters, but was denied because he wasn't a native inhabitant of Guam.

Maria I.D. Pangelinan, executive

director of the Guam Election Commission, said voters seeking to register aren't turned away.

"If they want to sign up, fine. If they want to perjure themselves, they can decide if they want to turn it in," she said.

The Guam Election Commission is moving forward with the task of educating the public on why they should vote, Maria Pangelinan said.

Sen. Ben Pangelinan, whose office registers voters for the plebiscite, said the vote on self-determination is reserved for those people who haven't exercised the right to determine their own political fate as a group. But the senator said the lawsuit creates an opportunity to educate the people of Guam, both those who qualify to vote for the plebiscite and those who aren't covered by the law.

"This gives us an opportunity for a greater dialogue and greater education," he said.

Long delay

The effort for a vote on Guam's political status has been stymied for years. It was supposed to have been held in 2000. The Commission on Decolonization, which oversees the plebiscite, was recently reconvened



Rick Cruz/Pacific Daily News/rmcruz@guampdn.com

Registry: Sen. Vicente "Ben" Pangelinan of the Guam Legislature waves to a passing motorist as he is photographed in front of his office in Hagåtña, yesterday.

after a decade of hiatus.

Davis said he didn't dispute the right of self-determination for the Chamorro people, but he said decolonization is a different issue.

"If you're talking decolonization, every resident of this island — if you want to call this a colony — is

a colonized person," Davis said. "Self-determination is a Chamorro issue. Decolonization is an issue for every person on this island."

Davis said it wasn't for him to explain how to separate the two issues, but said there are "lots of options" when it comes to Chamorro

self-determination.

"Chamorros could try to acquire, for example, Native American status, which they do not now enjoy," he said. "I don't believe they want to do that."

Laws violated

J. Christian Adams, an attorney with the Election Law Center in Alexandria, Va., and co-counsel in the suit, said the law allowing the plebiscite violates the Voting Rights Act of 1965, the 1950 Organic Act of Guam and other federal statutes.

"Anywhere the American flag flies, the rule of law applies," Adams said.

Although the vote is not patently "Chamorro only," because it allows anyone who lived on Guam who was made a U.S. citizen in 1950 or their descendants, regardless of race, to participate, Adams said the law would effectively bar those not of Chamorro heritage from voting.

"Federal law prohibits any racial effect. ... Even if you disguise it as an ancestry qualification, and it still has a racially discriminatory effect — meaning outcome — then it violates federal law," Adams said.

Public Works issues Route 15 ultimatum

By Brett Kelman

Pacific Daily News
bmkelman@guampdn.com

A local construction company has a week to get the Mount Santa Rosa road project back on track or GovGuam will consider the contractor in default and the contract breached.

In dueling letters sent this month, the construction company said it couldn't finish the project until GovGuam pays for finished work, but the Department of Public Works stated the finished work doesn't meet certain federal standards.

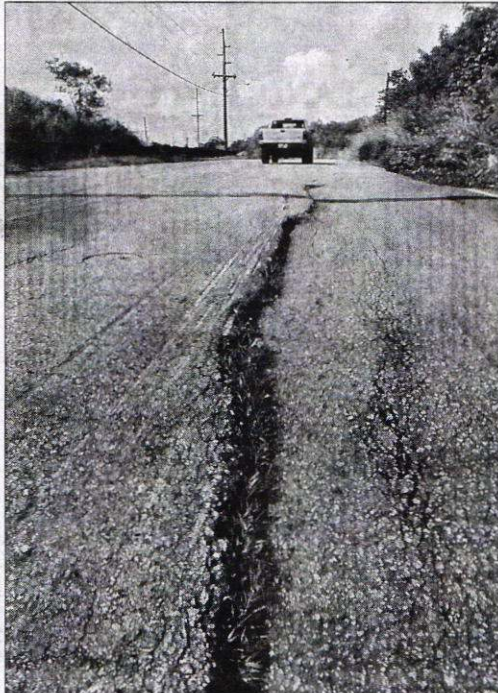
While Public Works and International Bridge Corp. disagree, long cracks along parts of Route 15 remain unfixed.

Yesterday morning, large portions of pavement remained sunken and uneven, with no ongoing roadwork in sight. However, construction crews were unloading concrete barriers to resume work.

International Bridge Corp. should have finished a small project to repair portions of Route 15 in July, but the project is only a third done, Department of Public Works Director Joanne Brown wrote in a Nov. 14 letter.

IBC did "almost nothing" for the first 14 months of the contract, Brown wrote, and the work it's done so far doesn't meet contract specifications. Liquidated damages are accruing daily, Brown wrote.

"For reasons that should be clear, the government is out of patience and finds that IBC's performance — or non-performance as it were — and its bad faith course of dealing to be grounds for holding IBC in material default of the formal contract," Brown wrote. "Nevertheless, the government also believes that it is in the best interest of the territo-



Rick Cruz/Pacific Daily News/rmcruz@guampdn.com

Pavement: A crack forms in the roadway of Route 15 as photographed yesterday. ▲ See more photos at www.GuampDN.com

ry and the parties if this matter can be somehow resolved."

This project's contract price was \$940,000. IBC was given 480 days to finish the work, which is "extremely generous" for a relatively small project, Brown wrote in her letter.

In a letter to Brown, IBC President Robert Toelkes wrote that the project has slowed because Public Works owes his company

\$400,000. Toelkes said Public Works isn't working to make payment in a timely manner, and that a "cooperative working relationship" has diminished.

In response, Brown said Public Works couldn't pay IBC for some of the work because the company installed "micropiles" — worth about \$272,000 — that don't conform to the contract specifications. Micropiles are eight-inch

columns sunk into a roadway to stabilize the asphalt. They were insufficient because they were the wrong size and their materials weren't properly verified, among other failures, said highway Administrator Joaquin Blaz, although Public Works has since determined the micropiles will work as intended.

Ultimately, Public Works has agreed not to terminate the IBC contract if a checklist that was proposed by the company was met within seven days. The list includes correcting the micropiles under debate and an updated work schedule.

"IBC will resume work on the project and will put all available resources on the project until completed," states the final task on the checklist.

Yesterday, William Toelkes, who is listed on the Guam Contractors Licensing Board website as IBC's point of contact, said his company had resumed work on the project recently, but then stopped again when word came that Public Works had planned some design changes.

He said an IBC employee who was more familiar with the project could provide detailed information, but that employee didn't have time to provide comment yesterday.

If IBC doesn't meet the demands of the checklist and Public Works follows through on holding the company in default, the Route 15 project would proceed much like a Route 2 project that fell apart earlier this year.

On that project, Hubtech International was fired by Public Works and a bonding company had to refund the money that was already paid. Ultimately, the project was taken on by a second contractor, which was more expensive but actually completed the work.

"We've curtailed millions of dollars in spending that meant a suspension of your pay raises and increments. We're re-organizing and making major changes, and you have carried the heavy burden of sacrifice. ... I want you to spend some time with your families. Rest, take a break and re-energize. I want to invest in your morale and in your health."

— Gov. Eddie Calvo

Holiday: Cost of at least \$450K

▲ Continued from Page 1

and making major changes, and you have carried the heavy burden of sacrifice. ... I want you to spend some time with your families. Rest, take a break and re-energize. I want to invest in your morale and in your health."

According to Pacific Daily News files, each GovGuam holiday costs at least \$450,000 in additional taxpayer money, plus additional spending by autonomous agencies. Because of this cost, GovGuam cut six holidays in 2002, although one of them — Martin Luther King Jr. Day — has since been reinstated.

The addition of the Friday holiday is an unexpected expense after months of the Calvo administration implementing cuts and planning government downsizing. Calvo recently has announced several consolidations of GovGuam and eliminated positions in an effort to shrink costs.



Local News Editor
Steve Limtiaco, 479-0419
slimtiaco@guampdn.com

News tip hotline:
Call 475-NEWS
news@guampdn.com

Assistant Local News Editor
Kyle Daly, 479-0417
kj Daly@guampdn.com

Assistant Digital Editor
Michelle Conerly, 479-0414
mconerly@guampdn.com



Have you been a victim of theft?

Yes	32.75%
No	67.25%

Total Votes: 1,090
As of 5:16 p.m., Sept. 5

Pacific Daily News

GENERAL INFORMATION

Lobby hours are 8 a.m. to 5 p.m. Monday to Friday and closed on Saturday and Sunday. For classified ads, call 472-1PDN (1736) from 8 a.m. to 5 p.m. Monday to Friday. To start or stop home delivery or if you missed your paper, call customer service at 472-1PDN (1736) 6:30 a.m. to 5 p.m. Monday to Friday and 7 a.m. to 11 a.m. on Saturday and Sunday. Subscription rates on Page 13.

NEWS

News tip hot line: 475-NEWS
News fax: 477-3079
News email: news@guampdn.com
General newsroom: 479-0404
Managing Editor: David V. Cristosto-
mo, 479-0400,
dcristos@guampdn.com

OTHER DEPARTMENTS

Publisher: Rindraty Celes Limtiaco,
479-0100, rlimtiaco@guampdn.com
Advertising billing questions: 479-0307
Circulation billing questions: 472-1736
Classified: 472-1736
Advertising fax: 477-0359

INDEX

Weather	6
Your Money	8
World/Nation	11
Opinion	12, 13
Lifestyle	14
Islandstyle	20
Comics/Horoscope	22
Classifieds	24
Sports	28

OBITUARIES, ROSARIES

Index to advertisements	
Death Announcements	
Diosdado Calilung Carlos	18
Jessie Bautista Perez	18
Messages of Appreciation	
Jesus Manibusan Camacho	18
Rosaries	
Ignacio Perez Pereda	18

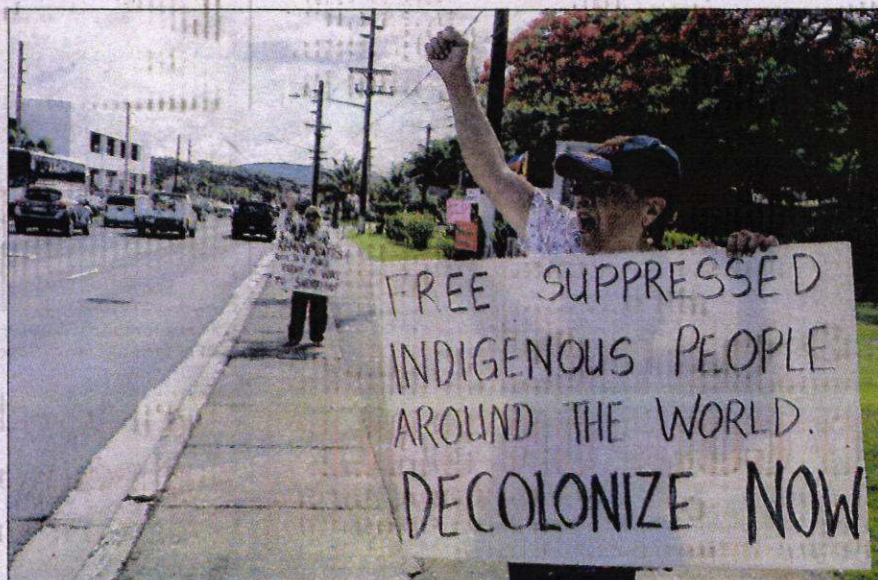
CLEARING THE RECORD

■ An incorrect abbreviation for Guam Memorial Hospital was published in a headline on Page 1 of the Sept. 4 edition of the Pacific Daily News.

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 479-0419.

LOCAL

Nasion Chamoru holds protest



'Decolonize now': Catherine Flores McCollum pumps her fist into the air and shouts out, "Nasion Chamoru," as she urges drivers to sound their horns at the ITC building intersection in Tamuning yesterday. McCollum and other Nasion Chamoru members staged the peaceful protest to remind the public that issues, such as Guam's war reparations, continued to be addressed despite the outcome of the upcoming General Election. Rick Cruz/Pacific Daily News/rmcruz@guampdn.com

Bill creates hybrid retirement plan

By Jerick Sablan

Pacific Daily News
jpsablan@guampdn.com

Government of Guam employees under the current Defined Contribution plan could have another option for retirement, which would provide better coverage after they retire, if a bill passes into law.

Vice Speaker Benjamin Cruz, D-Piti, introduced Bill 394, which creates a new hybrid retirement plan.

Current employees under the DC plan will have the option of transferring to the alternative retirement plan with guaranteed annuity by the end of year, according to the legislation introduced by Cruz, the acting retirement committee chair.

Based on retirement reform developed by the late Sen. Ben Pangelinan, Bill 394 helps lift employees under the DC plan by creating a new hybrid plan.

"Over four years ago, senator Pangelinan foresaw an issue with the existing DC Retirement System and worked with the Government of Guam Retirement Fund to craft retirement reform that strikes a balance between the government's budgetary needs and its obligations to its retirees and their survivors," Cruz said in a release.

The bill was drafted in collaboration with Retirement Fund actuaries, investment advisers and financial experts.

"The result is the new hybrid retirement system, which is both affordable for GovGuam and ad-

vantageous for employees who would have had to struggle to maintain their quality of life upon retirement under the existing plan," Cruz said.

Not enough

A 2011 audit from the Office of Public Accountability found that GovGuam employees under the defined contribution plan will not have enough to sustain themselves when they plan to retire.

"If members are left without adequate income when they retire, the government of Guam may find itself subsidizing their cost of living through public assistance programs," the audit states.

The plan will be available to all GovGuam employees and mandated for new hires on or after January 1, 2015. The new plan under the retirement reform bill includes both a defined "floor" of benefits and a deferred compensation program as the defined contribution component.

While current DC plan members receive benefits equal only to the growth of their investments, hybrid plan members would receive a guaranteed annuity based in part on a formula that takes 1.75 percent of average annual salary for each year of service, according to the bill.

The retirement reform bill also allows current DC retirement plan members to elect to transfer their retirement account balances into the hybrid plan in exchange for creditable years of service to-

ward retirement.

In the development of the proposed hybrid plan, the Retirement Fund conducted comprehensive analyses of numerous retirement alternatives and cost comparisons between Social Security, the DC retirement plan, Social Security plus the DC retirement plan, and multiple hybrid retirement plan benefit options.

Amendment

Guam Del. Madeleine Bordallo recently introduced a bill that would amend the Social Security Act to extend eligibility for Social Security and Medicare coverage to GovGuam employees.

Under current federal statutes, the governments of Guam, American Samoa and the District of Columbia are prevented from entering into an agreement with the Social Security Administration to cover their employees in Social Security and Medicare. The bill would remove this exclusion for Guam and American Samoa.

The Legislature in June passed a resolution to ask Bordallo to help place GovGuam employees in the federal Social Security program.

The Retirement Fund found that the implementation of Social Security plus DC Retirement System option would cost both the government and the employee more than 10 percent over the proposed hybrid plan, which

translates to less pay for the employee and a greater demand on GovGuam resources.

"Retirement reform is necessary; upon retirement age, many of our GovGuam workers on the existing DC retirement plan would have to choose between retiring with financial strains, or postponing retirement altogether," Cruz said. "This bill is about giving people a chance at a dignified retirement after a lifetime of work."

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land is scheduling a series of public hearings for Bill 394 in subsequent weeks, a press release states.

During these hearings, Retirement Fund experts will be present to explain in detail the benefit levels and policies of the proposed hybrid plan and how the new plan will affect both current and future GovGuam employees.

"No one should have the impression that the DC Plan was written in stone; Guam law recognizes that the plan should be placed under periodic review — changing the plan to meet the needs of future retirees," Cruz said, referring to the legislative intent of Public Law 23-42 that states in part that "benefit levels should be adjusted in order to address specific inequities, excessiveness, and desired policy objectives"

"Speaker Ben started this work, and with his help we are trying to finish it," Cruz said.

