

BOARD OF DIRECTORS

*Francisco G. Santos, Chairman
Nathan T. Taimanglo, Vice Chairman
Isa Marie C. Koki, Board Secretary
Maria D.R. Taitano, Member
Anthony P. Chargualaf, Jr., Member*



Resolution No. 2019-22

**RELATIVE TO AUTHORITY TO SETTLE LITIGATION
BETWEEN THE PORT AUTHORITY OF GUAM AND
CERTAIN APPELLANTS AT THE CIVIL SERVICE COMMISSION**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, the Port Authority of Guam (the “Port”) is presently engaged in litigation with former employees Josette Javelosa, Frances Arriola Cepeda, Leonora Leon Guerrero in front of the Civil Service Commission; and

WHEREAS, the Board of Directors having been advised by its counsel the Staff Attorney shall grant settlement authority within parameters advised upon confidential and privileged communications with counsel;

WHEREAS, the Board has retained authority and control over the above-mentioned litigation but logistically cannot comply with Civil Service Commission (“CSC”) Rules requiring a member of management to be present at hearings before the CSC and must balance board member attendance against compliance with the Open Government Law;

WHEREAS, it is in the best interest of the Port to explore settlement expeditiously and to have an authorized representative of the Board negotiate and or offer terms; now therefore be it

RESOLVED, that the Port Staff Attorney shall have the authority to explore and offer settlement terms upon the parameters communicated in privilege and confidence and to draft settlement agreements within and only within such parameters;

RESOLVED, that, the Port Staff Attorney if attending a hearing in front of the CSC shall bring a member of management designated by the Staff Attorney to proceedings in front of the CSC and who may confirm to the CSC that management is there to represent that Port and may receive a delegation of authority to settle a particular case from the Port Staff Attorney; and be it further

RESOLVED, that, the Deputy General Manager of the Port is authorized to receive employee-signed settlement agreements from the Staff attorney and upon his counsel execute and deliver all documents, undertake such acts, and provide direction to staff as are necessary to comply with the terms of the settlement after an employee has signed an Agreement; and be it further

RESOLVED, that, if necessary the Staff Attorney may recommend that further consultation upon the parameters of settlement authority be brought before the Board, including but not limited to, that any settlement or proposed settlement, whether within or without the parameters authorized to the Staff Attorney, shall be enacted and approved through formal Board action at a meeting of the Board; and be it further

RESOLVED, the Civil Service Commission shall be notified of any settlement and both parties’ desires to withdraw litigation before the Commissioners; and be it further

RESOLVED, that the Chairman certify, and the Secretary attest to, the adoption hereof, and that a copy of the resolution be transmitted to the Civil Service Commission for their final disposition.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF

DIRECTORS THIS 19th DAY OF DECEMBER, 2019.

**FRANCISCO G. SANTOS
CHAIRMAN, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**



**ISA MARIE C. KOKI
SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**