

On My Mind, part II
10/15/10

The ink was hardly dry on the agreed-upon FY 2011 budget when our illustrious governor decided to take advantage of one of its built-in "flexibilities" and grant government employees October 11 as a paid holiday, using up the one spare holiday that the budget allowed. (The new budget law states that "the governor may select one or more legal holidays for which employees shall receive leave with pay.") Fourteen holidays were originally listed, of which the governor demanded that 13 be unpaid holidays. Since he has used up the spare, what will he do at Christmas? On New Year's Day? At Easter?

Now, a mere two weeks into the new fiscal year, comes word that there is apt to be a significant decline in revenue over the coming year, due to Retirement Fund and health insurance obligations that were not included in the governor's original April budget submission. One wonders why this has been so conveniently ignored until now, six months later. One wonders, too, what other revelations await.

As Chamber of Commerce Executive Director Kyle Calabrese points out so clearly in his detailed letter to the chairs of both houses' fiscal affairs committees, which appeared in the 10/13 *Saipan Tribune* - apparently as a full page ad - the problem won't be solved by arbitrarily increasing fees and taxes levied against the private sector. In fact, it will reduce revenue rather than increase it, thereby only making matters worse. In his letter, Calabrese offered the assistance of Chamber members to help legislators gather data and find more practicable solutions for revenue generation. As have others, he also suggested enforcement of existing tax laws as an important factor in solving revenue problems.

In addition, cutting costs - that is cutting payroll - is obviously necessary in order to stay within the limits of the budget, but the governor has been very clear in his position that he wants to "retain as many employees as possible" - the reason he insisted on 16-hour cuts in work hours. That may be a noble intent, but it is neither realistic nor effective. He might better have offered to provide education and training opportunities for those who would be laid off - which would benefit not only the trainers, but also the community at large, and the individuals themselves.

While the 2011 budget apparently gives government agencies some flexibility as to how to meet their budget restrictions and work hour limitations, the central administration continues to insist upon micro-managing internal agency affairs. For example, if the man'amko office were allowed to work 7:30 a.m. until 3:30 p.m., instead of being forced to work 8:30 a.m. to 4:30 p.m., the problem of providing breakfast to the man'amko

would not exist.

There is no reason staggered hours could not be scheduled in other offices as well, so that services would be regularly available from 7:30 a.m. to 4:30 p.m. daily. Flex time has become an accepted practice elsewhere. Isn't it about time it was adopted here too?

Dire predictions of suspension notwithstanding, it would appear that Associate Judge Kenneth Govendo may "escape" with a public reprimand for his "crime" of wishing a defendant in his courtroom "Adios Muchacho." Prosecuting attorney Bruce A. Bradley, in a briefing on suggested sanctions had recommended suspension, but after the testimony presented at Friday's trial, it doesn't seem likely that such severe punishment will be handed down.

Most interesting part of the testimony was Associate Justice Ramona V. Manglona's statement that it wasn't the "Adios Muchacho" so much as other comments Govendo made that caused her to file a complaint. Govendo had apparently told the defendant that he would report the case to the Office of the Attorney General and personally see to it that the defendant eventually left the CNMI, all of which, it appeared, Manglona learned indirectly from an attorney, not having herself sat in on the trial in question.

Manglona believed that Govendo's remarks violated ethical canon, and instead of bringing her concerns to Govendo in person, or reporting them to the Presiding Judge, or to the Ethics Committee, as common courtesy and normal procedure might suggest, Manglona took it upon herself to make the complaint public.

Govendo also called Presiding Judge Robert Naraja and former law clerk Myrna Santos as witnesses on his behalf. His hour-long summary neatly drew all the threads together, as he revealed the differences between family, civil and criminal court, the stress that family court imposes on judges, the special nature of the function of family court as therapeutic, where judges are called upon to play a much more active role than in the ordinary courtroom, the irrelevance of the "Adios Muchacho" tizzy, the problematic role of the press in coverage of court cases, the inadequacy of the CNMI's court rules, and differences of degree in ethics code violations.

The judges were scheduled to listen to tapes of earlier court cases Friday afternoon, with a written decision on sanctions to be imposed to follow.

Short takes:

Too little too late: After the government shut-down ended, the Attorney General's office announced that it was illegal for employees to work voluntarily during the shut-down - that it was against the law. Why wasn't it announced at the very beginning? The restriction - imposed by the Federal Labor Standards Act - applies to "line" employees who receive an hourly wage, but not to staff level employees, who work on contract.

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Some slick salesman has apparently convinced grocery store buyers on island that Hellman's Mayonnaise and Miracle Whip dressing are the same thing - only under different brands - and has persuaded buyers that it isn't really necessary to carry both items. Stores that still carry both are few and far between. However, the two are different. Hellman's tastes more eggy, Miracle Whip more vinegary. They meet different needs, and both should be available to customers - as they have been until recently.

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The *Pacific Daily News* hiccuped badly last week, but did not bother to admit, much less apologize for the fact. The Sunday, 10/3, issue lacked all inserts, including the funnies. The Saturday, 10/9, and Sunday, 10/10, issue did not appear until Monday, 10/11. Apparently the problem was due to transportation difficulties between Guam and Saipan. Could it be that the *PDN* feels Saipan is of so little concern that it didn't think its delivery failures worth noting, acknowledging?

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Regardless of Lynn Knight's involvement in the recently completed desk audit of the Department of Cultural Affairs and the Department of Public Safety, one would think it highly doubtful that the Department of Interior, which provided funding for the audit, would be very forthcoming with additional funding, given the administration's stance that implementation of the findings "are not binding decisions."

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The Humanities Council is sponsoring another Chatauqua event: a presentation by "Abraham Lincoln" Tuesday, 10/19, at 6:00 p.m. at American Memorial Park. Actor James Sayre will assume the role of the U.S.' 16th president, with interesting stories from his childhood, and how his Kentucky roots influenced his presidency. The performance is free.

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The Zoning Board will hold a public hearing on 10/25 at 6:00 p.m. at its office in the JoeTen building in DanDan on a proposed application from Big Boy Marine Sports Inc., to rezone an As Terlaje lot from village residential to mixed commercial. The company wants to be permitted to repair commercial boats as well as its own - all that the present permit allows. At this same meeting, the zoning board intends to begin discussion of additional amendments to the code.

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Kudos to the Zoning Board for its more frequent and much more informative public notices about its meetings and its hearings!

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Kudos as well to Gregorio Kilili Sablan for recognizing and honoring David M. Sablan, one of CNMI's most outstanding citizen, with a Congressional commendation last week. The commendation is richly deserved!