



**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
July 13, 2018
11am-12:00pm
Guam Solid Waste Authority
DOA Training Room, ITC Bldg., Tamuning**

I. Call to Order

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Chairman, Andrew Gayle, at 11:05 am.

II. Roll Call

Board Members:

Andrew Gayle	Chairman
Jonathan Denight	Vice Chairman
Minakshi Hemlani	Board Secretary

Management & Staff:

Greg Martin	GSWA General Manager
Enrique Vinas	GSWA Comptroller

Guests:

George Castro	Court Reporter
Terrance Brooks	Board Legal Counsel
Viivian Leon	PHRS Inc.
Lorraine Okada	Okada Managing Consulting Services

III. Approval of Minutes

Board members reviewed the June 28, 2018 draft minutes. Vice Chairman, Jonathan Denight, made a motion to approve the minutes subject to the correction of minor typos. The motion was seconded by Board Secretary, Minakshi Hemlani. The motion passed unanimously.

IV. Reports

a. Management/Receiver's Report

i. Operating Budget

An Operating Budget was not available for review and discussion; the Receiver and Receiver Operations Manager did not attend the meeting. General Manager, Greg Martin, stated that he double checked with Alicia Fejeran in the morning and confirmed that no report had been provided by the Receiver for consideration.

ii. General Manager's Report

General Manager, Greg Martin, reported that GSWA FY2019 Budget Request that was discussed at the last meeting was scheduled for approval in August of 2018. The FY2019 Budget was presented to the Guam Legislature and public hearing was held on June 20, 2018.

Mr. Martin reported that Guam Legislature considered the GSWA Operating Rules and Regulations on July 2, 2018, and that Senator Nelson did not want to include a rate scheduled with the Bill to approve since it was approved by the Judge and not the PUC. Senator Nelson wanted to propose another bill with new rates. Chairman Andrew Gayle said that another bill was not necessary since Senator Ada's



bill kept rates in place. GSWA would have to through the PUC process and conduct a rate study 6 months after transfer/post-receivership.

Mr. Martin reported 90% drawings for the Cell 3 design should be ready by next week. They will submit to the US and Guam EPA for sign-off.

b. Committee Reports

i. Personnel Transition

Vivian Leon reported that she completed desk audits interviews for 37 employee positions. Keilani Mesa just finished her HR training and Vivian will be scheduling an interview with her.

a. Government Classification and Compensation Plan Update

Ms. Leon reported that 23 out of 34 Government of Guam employees were misallocated; only 11 were properly classified. Ms. Leon said PHRS hoped to review the employee DOA jackets beginning next Tuesday or Wednesday, and that they were awaiting employee consent. Mr. Martin advised that approximately $\frac{3}{4}$ of the employees had already provided consent and that Ms. Mesa was assisting in obtaining signatures.

Chairman Gayle asked why separate employment jackets are kept at DOA. Ms. Leon explained that the employee jackets were transferred to DOA when GSWA was a line agency. The jackets include a history of the individual's employment with other Government of Guam agencies. But since GSWA was now an autonomous agency, Ms. Leon recommends keeping the employee jackets at GSWA post-receivership and is working on guidelines for the same.

Vice Chairman Denight asked if there were any issues with the misallocated positions. Ms. Leon responded that there were violations to the merit system. The Board adopted the DOA rules and regulations in November of 2017, but the Receiver was not following them. Ms. Leon recommended properly allocating employees now, rather than post-Receivership. She explained that the Civil Service Commission (CSC) could do a post-audit on recruitment methods taken by the Receiver. The consequences could include nullifying employment. Even if employees were qualified for a position, there may be a violation to the merit system in terms of recruitment. For example, certain jobs were not announced to all Gov Guam agencies; they were only posted on the bulletin board located in the GSWA administration building.

Board Counsel Terrance Brooks asked if there were time constraints in filing with the CSC. Ms. Leon responded that there was no statute of limitations on when a post-audit could be conducted, or how far back the CSC could check.

Ms. Leon reports that she intended to complete the allocation list by next Friday. She also reported that in reviewing updated laws she understands the Board has greater latitude in setting compensation. Ms. Leon compared to GHURA who formulated their own pay scale. She said the target date for the draft personnel rules & regulations was still August. Ms. Leon recommended finalizing the personnel rules & regulations before creating a pay grade policy. She explained that DOA must give their final blessing to the personnel rules & regulations, but the Receiver did not want DOA involved in their weekly committee meetings. Ms. Leon said this would delay the process if they transmit at the end, and it would be more efficient to engage DOA contemporaneously.



Ms. Leon reported that she was drafting an organizational and functional statement for GSWA and will present it to the Board for approval when ready. She was also working on draft policies regarding maintaining employee jackets, social media, and smoking/vaping.

V. Unfinished Business

a. Updates to GSWA Rules and Regulations - Status

See General Manager's Report above.

VI. New Business

a. Latest Court Order

i. Extension of Receivership

The Board discussed the June 28, 2018 Order from the District Court that extended Receivership for an additional 6 months.

ii. Quarterly Report

It was noted that the Court ordered the Receiver to pay for the Board to obtain an independent investigation and resolve pending personnel matters by August 31, 2018, and thereafter file a report with the Court by September 14, 2018.

iii. Complaint Investigation

Lorraine Okada presented her resume and brochure for Okada Managing Consulting Services regarding her experience. Board Secretary Hemlani explained that the Board was seeking an independent investigation of certain personnel complaints. Ms. Okada estimated the investigation would take 10 to 15 hours at the rate of \$195 / hour and would involve a review of the initial complaint only (not any of the evaluations provided by the Receiver) and interviews of the people involved. Ms. Okada agreed that the Board will have to provide prior approval for any time over 15 hours. Board Secretary Hemlani explained that Ms. Okada should report directly to the Board, not to GSWA Management or the Receiver. It was agreed that a report and recommendations could be completed by August 20, 2018.

Board Secretary Hemlani made a motion to hire Okada Managing Consulting Services. The motion was seconded by Vice Chairman Denight and passed unanimously. Chairman Gayle asked Board Secretary Hemlani to advise the Receiver of the same.

VII. Open Discussion

Comptroller Enrique Vinas asked if the Board made a decision on his request which still stands. The Board asked Mr. Vinas to wait for the independent investigation to be completed first.

Vice Chairman Denight asked Mr. Martin to prepare a written plan of action post-receivership that presents clear transition steps.

VIII. Public Forum

None.

IX. Next Meeting

The Board scheduled its next meeting for Thursday, July 26, 2018, at 11am in the DOA Training Room, ITC Bldg., Tamuning.

X. Executive Session

None.



XI. Adjournment

Vice Chairman Denight moved to adjourn the meeting at 12:04 p.m. The motion was seconded by Board Secretary Hemlani and passed unanimously.