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BENJAMIN CRUZ <speaker@senatorbjcruz.com>

MC Fwd: GSWA Minutes - November 14, 2017

BENJAMIN CRUZ <speaker@senatorbjcruz.com> Mon, Dec 4, 2017 at 8:15 AM
To: 34th Guam Legislature Clerks <clerks@guamlegislature.org>
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12/04/17	12/04/17	Guam Solid Waste Authority	GSWA Minutes - November 14, 2017*	34-17-1285

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From: **Alicia Fejeran** <alicia.gswa@gmail.com>
Date: Fri, Dec 1, 2017 at 1:39 PM
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GL# 34-17-1285
Speaker Benjamin J.F. Cruz

DEC 04 2017
Time: 8:15 [ ] AM [ ] PM File No. ____
Received By

Hafa adai,

Please find approved minutes attached from GSWA Board meeting.

Thank you,

Alicia Fejeran, Waste Management Services Supervisor

Guam Solid Waste Authority
542 N. Marine Corps Dr. Tumon, GU 96913
Customer Service: 671-646-3111
Direct Line: 671-647-4312
Fax: 671-649-3777

www.guamsolidwasteauthority.com

2017 DEC -4 AM 8:31

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OFFICE OF SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication

I Mindbentai Kuattro na Liheslaturan Guahan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910

T: (671) 477-2520/1 | F: (671) 477-2522 | www.senatorbjcruz.com

2017-11-14 Approved GSWA Board Meeting Minutes.pdf
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GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
November 14, 2017 @ 11 a.m.
Guam Solid Waste Authority
GSWA Conference Room, Tamuning

I. Call to Order

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Chairman, Andrew Gayle, at 11:06 am.

II. Roll Call

Board Members:

Andrew Gayle	Chairman
Jonathan Denight	Vice Chairman
Minakshi Hemlani	Secretary
Alexandra Taitano	Board Member (via telephone)

Management & Staff:

David Manning	Receiver Representative (via telephone)
Chace Anderson	Receiver Operations Manager
Greg Martin	GSWA General Manager
Alicia Fejeran	GSWA Board Clerk
Keilani Mesa	GSWA Customer Service
Roman Perez	GSWA Operations

Guests:

Georgette Concepcion	Board Legal Counsel
George Castro	Court Reporter

III. Approval of Minutes

Board Members reviewed draft minutes from the October 11, 2017 Board Meeting. Board Secretary, Minakshi Hemlani, moved to approve the minutes. Board Vice Chairman, Jonathan Denight, seconded the motion. The motion passed unanimously.

IV. Reports

a. Management/Receiver's Report

i. Monthly Tonnages and Collections

Receiver Operations Manager, Chace Anderson, reported that Layon had a 1.18% increase in tonnage from the previous fiscal year. Mr. Anderson also reported that there was a 22% decrease in bio solids that come from the Guam Water Authority, and a decrease at the Malojloj Transfer Station which he believes is a result of the construction. Mr. Anderson pointed out that there has also been a decrease of about 21% with the Southern Mayors' disposal directly to Layon.

ii. Operating Budget

Receiver Representative, David Manning, reported that the Department of Administration had not furnished him with a current expense report to use to update the budget. The Vice Chairman asked about the drop in payments coming from Pacific Waste Systems (PWS). Mr. Manning explained that PWS entered into a promissory agreement due to an outstanding unpaid balance they had prior to the Receivership; PWS had officially paid off that debt in October and are now only paying the regular billing.

b. Remaining Court Ordered Tasks

i. Residential Transfer Station Upgrades

Mr. Anderson informed the Board that the Agat transfer station which was previously behind schedule is now expected to be finished, along with Maloloj, in December.

ii. Environmental Closure of Dededo Transfer Station

Mr. Manning, reported that the closure has been completed.

iii. Ordot Post-Closure Operator

Mr. Manning reported that the negotiating process is still ongoing. He hopes that a contract award can be made within next month.

iv. Independent Engineer for Ordot Post-Closure Maintenance

Chairman Andrew Gayle reminded the members of the Board that at the last Court Hearing there was a discussion regarding an issue at the Ordot Dump with the migration of methane gas. There were no further updates on the issue.

v. Trustee

Mr. Manning informed the Board that the procurement will not be released until the court addresses the issue raised by the Government of Guam which has delayed the procurement process. He also informed the Board that the independent engineer will be addressed at the same time as the trustee.

c. Committee Reports

i. Management Team Search

a. Controller

General Manager Greg Martin reported to the Board that for the position on Controller, a panel of three (3) individuals interviewed a total of five (5) candidates; four candidates were local and one was from off island. Mr. Martin reported that Mr. Vinas, the off-island candidate, was the best qualified and Mr. Vinas' references provided positive reviews of him. Mr. Martin contacted the Department of Administration (DOA) for guidance on the procedure for a criminal and credit background check and was advised by DOA's HR division to request a police and court clearance from Mr. Vinas' state of residence. Mr. Anderson informed the Board that the Receiver will handle the background and credit check. Mr. Martin stated that Mr. Vinas would be able to begin work between December 4th and 11th.

A draft employment agreement for the position of Controller was circulated to the Board for review and approval. Board Legal Counsel Georgette Concepcion and Mr. Martin prepared the draft agreement. Attorney Concepcion reported that the Controller will be considered an Assistant General Manager, appointed by the General Manager with approval of the Board. She also informed the Board that the agreement indicates that GSWA will pay for a certain amount in shipping costs directly to the shipping company instead of reimbursing the candidate. The Board discussed the salary, vehicle allowance, and the one-time housing allowance that will be provided. Attorney Concepcion also informed the Board that the airfare must be economy and not economy plus. Vice Chairman Jon Denight requested that the employment agreement be updated and circulated to the Board. Attorney Concepcion reminded the Board that the employment agreement for the Controller does not need to be signed by the Attorney General. Mr. Manning informed the Board that he requires that the Attorney General's Office confirm that the agreement is in conformance with Guam Laws and Regulations before he will sign and certify funding for the agreement. He informed the Board that an email from the Attorney General's office will suffice.

Secretary Hemlani made a motion to offer the employment agreement to Enrique Vinas subject to the changes discussed, with a starting salary of $110,000.00, and a monthly vehicle allowance of $450.00, provided that the background check, credit check, drug testing, and all

other requirements are met. The motion was seconded by Vice Chairman Denight. The motion passed.

b. GM Perquisites

Mr. Martin informed the Board that all of his personal financial issues were taken care of by the Board at its last meeting.

ii. Personnel Transition

a. Status of Proposed Legislation

Chairman Gayle reported that Bill 200 was passed and signed by the Governor. All contracts will be extended for three (3) years after the transition.

b. Transition of Current Gov. Guam workers and contract workers

Mr. Anderson informed the Board that the GG1s were currently at the Bureau of Budget and Management Research (BBMR). Attorney Concepcion informed the Board that Judge Tydingco-Gatewood has not yet issued a Court Order regarding the transitioning of the contract workers under Pacific Human Resources Services, Inc. (PHRS).

c. Recommendation from AG to novate PHRS agreement

Attorney Concepcion stated that the District Court will be issuing an Order that will determine the novation of the PHRS agreement.

V. Unfinished Business

a. Updates to GSWA Rules

Mr. Manning, is currently reviewing the GSWA Rules and Regulations. He informed the Board that he will provide comments on the current rules and guidance concerning new rules. Attorney Concepcion informed the Board that the new Rules and Regulations would have to go through the Triple A Process. She suggested that the Board ask Senator Ada to repeal the old rules and regulations. Chairman Gayle recommended that the GM not over regulate the Rules and Regulations.

b. Rate Adoption by PUC

PUC Rate Adoption is addressed in Bill 200 which means that the current rates will be adopted by GSWA once the transition is completed and will allow time for the rates to be adopted by the Public Utilities Commission (PUC).

c. Board Member terms expiring

Chairman Gayle informed the Board that he had sent a letter to the Governor informing him of certain Board Member's expired terms. The members will remain on the Board until replaced and reappointments are made.

d. Adoption of DOA Personnel Rules and Regulations (MOU with DOA for payroll, GG1's, and increments)

Mr. Martin, reported that a draft MOU was provided to GSWA by Kathy Kakigi at DOA. Mr. Martin said he was waiting additional input from the DOA's HR division. Attorney Concepcion suggested to the Board that, although the MOU would need to be signed by the General Manager, the Board should review and approve the contents of the MOU.

e. GM Transition Plan

Mr. Greg Martin provided a verbal update regarding his meetings with PHR. Vice Chairman Denight requested that Mr. Martin create a written timeline and GM transition plan to present to the Board for its review. Chairman Gayle requested that Mr. Martin provide a written management report at the Board meetings. Mr. Martin agreed and requested that the Manager's Report be placed on the agenda for future Board meetings.

f. Legal Transition issues update

Secretary Hemlani informed that Board that a sample RFP had been received from Mr. Anderson for procurement of legal services that was discussed at the last meeting. However, the Board should first decide

whether it will solicit one (1) attorney to represent GSWA and the Board; or maintain two (2) separate attorneys. The Board currently has its own legal counsel and GSWA, as an agency, has a separate attorney representing its interests. Secretary Hemlani suggested that RFP should be issued for one counsel (and conflicts counsel) to represents the Agency and the Board since that was the typical arrangement, but the Board had time to discuss further since Bill-200 extends all existing contracts. The procurement for the legal services was tabled subject to further discussion by the Board. The Board discussed the open GSWA cases in litigation. Attorney Concepcion stated she will work with GSWA's Attorney Vanessa Williams, and provide the Board with an update on open cases.

VI. New Business

a. GSWA Finances

i. FY-2018 Budget

Attorney Concepcion reported that at the last hearing she asked Judge Tydingco-Gatewood to order the adoption of the FY2018 budget; however; the local budget law should not be ignored. Attorney Concepcion reported that Senator Tom Ada introduced a Bill that will be up for a hearing later in November which, if passed, will approve the Receiver's FY2018 budget for GSWA. Mr. Anderson informed the Board that Senator Ada would like someone from the Board and Mr. Martin to attend the hearing. Attorney Concepcion also advised the Board to adopt the Budget that the Receiver presented to the court.

Secretary Hemlani motioned to adopt the Budget prepared by the Receiver for FY2018. The motion was seconded by Vice Chairman Denight, and passed unanimously.

ii. Bank Accounts

Chairman Gayle informed the Board that there was discussion about the bank accounts at the last court hearing so he placed it on the Agenda for the Board's discussion. It is expected that Judge Tydingco-Gatewood, in her order to transition, will include the transferring of authority of the bank accounts from Receiver to GSWA.

iii. Brand New Trucks Arrived

Mr. Anderson reported that there are six new 25 cubic yard trash trucks. There will be delivery of three 10 cubic yard trucks for the baby packer routes, and three F350 Pick Up trucks that will arrive in December. He informed the Board that the arrival of the baby packer trucks will allow residents on baby packer routes to take part in recycle collection.

VII. Open Discussion

Attorney Concepcion reminded the Board of the continued status hearing in District Court on November 28, 2017 at 8:30 a.m. She will be providing the Board with updates prior to the hearing for the Chairman's review.

VIII. Public Forum

None.

IX. Next Meeting

The Board scheduled its next meeting for November 29, 2017 at 11am at the Guam Solid Waste Authority conference room.

X. Adjourn

Vice Chairman Denight moved to adjourn the meeting at 12:14 p.m. Secretary Hemlani seconded the motion, and the motion passed unanimously.