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MC Fwd: GSWA Minutes - February 8, 2018

1 message

BENJAMIN CRUZ <speaker@senatorbjcruz.com>
To: 34th Guam Legislature Clerks <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Fri, May 4, 2018 at 10:16 AM

05/04/18	05/04/18	Guam Solid Waste Authority	GSWA Minutes - February 8, 2018*	34-18-1849

---------- Forwarded message ---------
From: **Alicia Fejeran** <alicia.gswa@gmail.com>
Date: Fri, May 4, 2018 at 9:54 AM
Subject: GSWA Minutes - February 8, 2018
To: speaker@senatorbjcruz.com

GL# 34-18-1849
Speaker Benjamin J.F. Cruz

MAY 0 4 2018

Time: 10:16 AM [ ] PM File No. ____
Received By: ____

Hafa adai,

Please find approved GSWA Board meeting minutes attached.

Thank you,

Alicia Fejeran,
Waste Management Services Supervisor

Guam Solid Waste Authority
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OFFICE OF SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication

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2018 02-08 Approved GSWA Board Meeting Minutes.pdf
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GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
February 08, 2018
11am-12:08pm
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 11:10 am.

II. Roll Call

Board Members:

Andrew Gayle	Chairman
Jonathan Denight	Vice Chairman
Joseph Duenas	Board Member

Management & Staff:

David Manning	Receiver Representative (Via phone)
Greg Martin	GSWA General Manager
Enrique Vinas	GSWA Comptroller
Alicia Fejeran	GSWA Board Clerk
Keilani Mesa	GSWA Customer Service
Roman Perez	GSWA Operations

Guests:

George Castro	Court Reporter
Grace Donaldson	Pacific Human Resources Inc.
Maria Connelley	Pacific Human Resources Inc.
Georgette Concepcion	GSWA Board Attorney
	Office of Senator Telena Nelson

III. Approval of Minutes

Board Members reviewed draft minutes from the January 10, 2018 Board meeting. Board members requested for minutes to indicate who made the statement regarding what will occur with the PHRS contract after the receivership. A motion to approve the minutes pending the change was made by Board Vice Chairman, Jonathan Denight. The motion was seconded by Board member, Joseph Duenas. Motion was passed. Board member, Joseph Duenas, wanted to put on record that no Receiver Representative was present in the meeting at this time. Mr. Manning joined the meeting via telephone shortly thereafter.

IV. Reports

a. Management/Receiver's Report

i. Monthly Tonnages and Collections

General Manager Greg Martin stated there was an 85% drop in bulky waste. Board Chairman, Andrew Gayle, inquired on the popularity of the bulky waste program. Mr. Martin and Board Clerk, Alicia Fejeran, described the details of the service. Mr. Martin also reported that the transfer stations had a

small drop in revenue, and that it was possibly due to the construction that was going on throughout the previous months.

ii. Operating Budget

Receiver Representative, David Manning, informed the Board that it was too early in the month to be able to provide an operating budget but he will be able to provide an updated report within the next week or so.

iii. Update on Methane Remediation at Ordot

Board Clerk, Alicia Fejeran, informed the Board that bid packages for the Ordot Gas Mitigation Piping project will be available for pick up starting Monday February 12, 2018. The Board requested that the Receiver send an update with regard to the Trustee, Engineer, and Ordot Operator bid. Board member, Joseph Duenas, asked Mr. Martin if the Receiver involves him in these procurement processes. Mr. Martin responded that he is not excluded and he attends meetings when they are scheduled. During the latter part of the Board meeting, Chairman Gayle asked Mr. Manning about the pending procurement. Mr. Manning provided the board with an update.

iv. Update on Land Condemnation

Receiver Representative, David Manning, reported that there are ongoing issues with Lot 450. He stated that the Receiver and Legal Representative, Vanessa Williams, have been in consultation with the Attorney General's Office with regard to Lot 3434 and they are working toward a resolution.

v. General Manager's Report

a. 2019 Budget

General Manager, Greg Martin, reported that the design for the new landfill cell is about 50% complete and was submitted to Guam EPA and USEPA for their review and approval.

Mr. Martin also reported on the DEF program and stated that he is working with Bob Perron of Mr. Rubbishman on the pricing.

Mr. Martin asked Receiver Representative, David Manning, to report on the new cell for Layon. Mr. Manning reported that the new cell will provide significant additional capacity.

Mr. Martin informed the Board that he would like to attend the SWANA Expo in Las Vegas towards the end of April. He advised the Board that Mr. Manning would like the Board or the Board Chairman to provide a written approval for this trip.

Mr. Martin stated that they are also preparing for transition by looking into the contracts that will need amendments so that they come back to GSWA post receivership. He informed the Board that they have identified about twenty contracts so far.

Mr. Martin brought up that there is an audit contract from Deloitte & Touche, and that he had some concerns because he was not present for two out of the three years in question. He stated that he spoke with Board Legal counsel, Georgette Concepcion, and she stated he could go ahead and sign. He also stated he checked with DOA accounting and they also stated he could proceed to sign the audit contract.

He reported that the four employees from GSWA who attended the procurement module had all passed. He also stated that he is trying to set up a meeting with DOA and PHR to assist with the compensation and classification plan.

Comptroller, Enrique Vinas, informed the Board that he has been working with Coleen Cruz and Alicia Fejeran in his understanding and monitoring of the month end processing, but stated that he had no involvement with month-end processing. Board Clerk, Alicia Fejeran, informed the Board that she and Mr. Vinas scheduled to process the end of month procedure after the Board meeting. Ms. Fejeran also provided information on how the billing process works.

Vice Chairman, Jonathan Denight, asked Mr. Manning when Mr. Vinas would be involved in the accounting side of the business, receivables and payables. Mr. Manning stated that he does not know of any reason why Mr. Vinas is not already involved. He informed the Board that Mr. Vinas' role would be one in the same as Mr. Manning's role which is to oversee that the functions are being properly

performed and not actually performing the function. Mr. Manning stated he is open to and welcomes any input Mr. Vinas may have, and that he can raise any issues directly with him. The Board requested that Mr. Vinas be involved in the oversight of the complete accounting process.

b. Committee Reports

i. Personnel Transition

a. Government Classification and Compensation Plan

Mr. Martin reported to the Board that he is setting up a meeting with DOA and PHR to gain a better understanding of the DOA process. He stated he has made calls and left messages with them, and is waiting on a response.

Mr. Martin requested that Alicia Fejeran provide an update on current transitions as far as GG1(s). Ms. Fejeran informed the Board that there were eight new classified employees that were transitioned in. She informed the Board that seven of them were current contracted employees from PHR and one applicant was an outside applicant. Board members, Joseph Duenas and Jonathan Denight, asked why there was urgency in hiring the employees into classified positions and why they were hired. She responded that the positions were budgeted for and the employees selected met the requirements. Board Chairman Gayle asked for the ratio of PHR employees and Government of Guam employees. GSWA Administrative Assistant, Keilani Mesa, informed the Board that she believes there are 38 PHR employees and 30 Government of Guam Employees. GSWA Comptroller, Enrique Vinas, stated that there will be 38 Government of Guam employees and 31 PHR employees. Board Clerk, Alicia Fejeran, clarified that as of right now there are 30 Classified Government of Guam employees; however, she does not have the exact number of PHR employees at the moment. Mr. Manning requested that the Board allow Ms. Fejeran some time to provide the accurate numbers. Mr. Manning responded that the court is well aware of the actions they have been taking with regard to transitioning the employees. He stated that when the receiver has the opportunities to transition the employees into permanent Government of Guam positions they have done so and will continue to do so as long as the Receiver is responsible, as these actions are part of the transition.

Board Member, Joseph Duenas, stated that the decision in hiring these people has been underhanded and it was not fair to the incoming management who will have to work with the employees being transitioned. Mr. Manning stated that these actions are a part of the transition and to the best of his knowledge there has been no notice from the Board or the team they had hired, of being uninterested in keeping the current employees. Vice Chairman Denight, asked Mr. Manning why he is in a rush to transition these employees if he had stated this would increase costs by 30%. Mr. Manning responded that this is a basic situation of what transition requires, and the Receiver does not believe that the contract with PHR is transferrable after Receivership ends. Board member, Joseph Duenas, requested that this conversation be recorded in the transcription of the minutes. Mr. Duenas also stated that a lot of effort went into law so that management, whoever that is in the end, has time to work with them and hire the people who they want. Vice Chairman Denight added that it was also to allow new management to determine the best move forward when the receivership has ended. Chairman Gayle, stated that transition needs to be cooperative. Mr. Manning stated that these people that were hired are drivers, loaders, and a few clerks; a total of eight positions filled. Vice Chairman Denight stated that this was just the beginning of the Receivers move to move the employees all over. Mr. Manning responded that when the Receiver has an opportunity to transition these employees, the Receiver will do so, but he is not sure that they will be able to get it all done before Receivership ends. Chairman Gayle asked Mr. Manning if he was aware that there was a law passed recently that addressed this. Mr. Manning stated that the law that was passed is a law that said that the Board may accept the contract but the Receiver is not in a position to assign the contract and he does not believe that the contract is

assignable. Vice Chairman Denight stated that it was specific in the law that the Agency has three years to leave everything in the way the Receiver has set it up so that new management can thus decide the next course of action and the decision of hiring these employees were not the Receiver's decision to make.

Vice Chairman asked representatives from Pacific Human Resources Services (PHRS) on their take of the transition of the eight employees. President of PHRS, Maria Connelley, stated that GBB has provided them with information on the new positions and the new titles but PHRS personnel knows that new management will be stepping in soon so they have not taken any action on the request that the Receiver has submitted to them with regard to the new pay plan. She stated she is waiting on new management to step in and provide them with their organization structure so that PHRS can proceed with it. She stated that PHRS continues to provide the drivers and sanitation workers who are private employees.

She also informed the Board that she does not think that GSWA has the HR function set up to do the competitive hiring for the Government of Guam employees although GSWA does have the Authority to hire and fire employees. Vice Chairman Denight asked Ms. Connelley if she sees an issue with the transferring the current contract to the Agency post Receivership. Ms. Connelley stated the agreement with GBB has no expiration date. Mr. Manning corrected Ms. Connelley and informed her that in the contract the agreement ends when the Receivership ends. Board member, Joseph Duenas, asked Ms. Connelley if the name could just be changed to GSWA. Board Attorney, Georgette Concepcion, stated that the statute says that the agreement automatically stays. Board member, Joseph Duenas, stated that the Receiver has pointed out that contracting through PHRS has reduced cost and questioned why the Receiver is in a rush to hire three months before the end of Receivership. He stated he does not believe this is fair to new management and disagrees with the Receiver's actions. Board member, Joseph Duenas, asked Ms. Fejeran how many GG1(s) were sent to BBMR. Ms. Fejeran responded that there were 9 GG1(s) sent down but only eight positions were filled. The Board inquired about the increase of employees and Chairman Gayle stated that there was a big jump in the numbers provided to them by Keilani Mesa. Mr. Manning informed the Board there has not been a huge increase and requested that the Board give Ms. Fejeran time to provide an accurate number. Ms. Fejeran asked if she could have some time to respond to the Board via email.

V. Unfinished Business

a. Updates to GSWA Rules

Board Attorney, Georgette Conception, informed the Board that the emergency rules have been submitted to the legislation. She confirmed with Receiver Operations Manager, Chace Anderson, if the GSWA Conference room would be available on March 1, 2018 at 6p.m. to hold the public hearing. She informed the Board that she just needs the Boards approval to proceed with the hearing. The notice of the hearing will need to be published 10 days prior and that GSWA staff will take care of the publishing. After the public hearing, the rules will be sent to the AG's Office for approval, and then transmitted to the Governor's Office. She informed the Board that she is working with the AG's Office and Governor's Legal Counsel to ensure that everything is all done, and that the packet is with the Legislature by April 1, 2018 so that it allows the Board exactly 90 days from June 30, 2018. Ms. Concepcion stated that an economic impact statement (EIS) needs to be provided as well. She stated that she worked with Mr. Martin and Mr. Vinas with the numbers for the EIS. She stated that there is an economic impact but it is not a new impact and that's how she will be presenting it in her letter. A motion was made by Board member, Joseph Duenas, to give authorization to legal counsel to proceed with the necessary actions to schedule the public hearing and to approve the proposed rules and the economic impact statement. The motion was seconded by Vice Chairman, Jonathan Denight. Motion was passed unanimously.

b. Motion for Reconsideration

Chairman Gayle informed the Board that the Attorney General informed him that the AG's office was going to withdraw their motion for reconsideration and advised that the Board also reconsider withdrawing their motion for reconsideration There was a motion made by Board member, Joseph Duenas, to accept the AG's recommendation and withdraw the motion the Board had originally submitted to the court without making any concessions that there were misrepresentation in the original filing. The motion was seconded by Vice Chairman Denight. The motion was passed unanimously.

VI. New Business

Board member, Joseph Duenas, stated that management can use GSA and DOA in the interim after the Receivership has ended but if the agency wants to operate as a truly autonomous agency, these functions could be potentially contracted out and this is something the Board needs to think about.

Mr. Martin made a request to Mr. Manning that he and Mr. Vinas have a final say in any new hires because they will be the ones who will have to work with the employees. Mr. Manning stated that to his knowledge GSWA is not hiring new people but simply transitioning current employees into fulltime government positions. He stated that the Receiver is willing to consider any recommendations he may make in such matters.

Board member, Joseph Duenas, stated that new management should sit in the front and represent GSWA at the next court hearing.

VII. Open Discussion

None.

VIII. Public Forum

None.

IX. Next Meeting

The Board scheduled its next meeting for Thursday March 8, 2018, at 11am at the Guam Solid Waste Authority conference room.

X. Adjourn

Board member, Joseph Duenas, motioned to adjourn the meeting at 12:18 p.m. Board Vice Chairman, Jonathan Denight, seconded the motion, and the motion passed unanimously.