clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Monday, January 4, 2021 8:18 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Close Out Letter on the progress of the Hagatna Restoration and Redevelopment Authority
Attachments: HRRA Close Out Letter_SenKMT_210103.pdf; Committee Oversight Findings re HRRA__01_05_2020.pdf

01/03/21	6:39 PM	01/03/21	Close Out Letter on the progress of the Hagatna Restoration and Redevelopment Authority.*	Office of Senator Kelly Marsh (Taitano), PhD.	35GL-20-2580

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Office of Senator Kelly Marsh (Taitano), PhD.** <office.senatorkelly@guamlegislature.org>
Date: Sun, Jan 3, 2021 at 6:39 PM
Subject: Close Out Letter on the progress of the Hagatna Restoration and Redevelopment Authority
To: Speaker's Office <speaker@guamlegislature.org>

Cc: CHRISTINE WOLKE <cwolke@rimarchitects.com>, DR. CARLOS MADRD ALVAREZ- PINAR <madridc@triton.uog.edu>, EDUARDO 'JAKE' CALVO <jugbandguam@gmail.com>, GREG PEREZ <gperez@pacificunlimitedguam.com>, Maria LeonGuerrero <maria.leonguerrero@bankofguam.com>, MAYOR JOHN CRUZ <hagatnamayor@hotmail.com>, NANIK KESWANI <nkeswani@att.net>, PATRICIA 'PATTY' ADA <adastrust@guam.net>, Office of Senator Kelly Marsh (Taitano), PhD. <office.senatorkelly@guamlegislature.org>

Hafa Adai Speaker,

Pls see attached files.

si Sinadora Kelly Marsh (Taitano)

Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products, Hagåtna Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtna, Guam 96910
Telephone: (671) 989-5681/2

Ufisinan i Sinadora Kelly Marsh (Taitano)
I Mina'trentai Singko Na Liheslaturan Guåhan
Gé'helo', Kumitehan Irensia yan i Atte siha, Plasét siha, Fina'tinas Guåhan,
Finamta' Hagåtña, Dinitetminan Maisa, yan Asunton Rihinåt Siha

January 03, 2021

To: Speaker Tina Muña Barnes
163 Chalan Santo Papa Street
Hagåtña, 96910, Guam

Subject: Close Out Letter regarding the progress of the Hagåtña Restoration and Redevelopment Authority

Håfa Adai Speaker Muña Barnes,

Un dångkolo' na si Yu'os ma'åse for serving as Vice-Chair of the Committee on Heritage and the Arts, Parks, Guam Products, Hagåtña Revitalization, Self-Determination, and Regional Affairs including your support of the Hagåtña Restoration and Redevelopment Authority (HRRA) throughout this 35th Legislative term. I have very much appreciated your shared deep commitment to the success of the HRRA, your appointment of a valuable member of the Board of Commissioners, and the many hours you have spent during the 35th Legislative term to providing oversight and support to the HRRA.

As Committee Chair, I am pleased to note that there has been substantive progress by the HRRA to address the findings of the oversight hearings held earlier this term (see attached; a CD of documents submitted by HRRA in response to the subpoena and oversight hearings has been provided to your office as well). Additionally, with support by *I Maga'håga Guåhan*, HRRA Commission members have diligently continued to improve the work of the Authority and, alongside the Executive Director and staff, rebuild an office that was in many ways dormant for numerous years. For example, at the December Board meeting, the Board of Commissioners adopted their office SOPs as well as reviewed and discussed the FY2021 budget and the work of the upcoming calendar year, which includes continued progress on finalizing the Master Plan and associated materials.

On behalf of the Committee, and I am sure as Vice-Chair you share the same sentiments, I wish the HRRA continued success in planning for a Hagåtña that lives up to the vision of Public Law 32-039 and serves all of the people of Guam well.

Senseramente,

Senator Kelly Marsh (Taitano)
Assistant Majority Leader

cc: Board of Commission Members

Senator Kelly Marsh (Taitano), PhD.

Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products, Hagatna Revitalization, Self-Determination, and Regional Affairs

I Mina'trentai Singko Na Liheslaturan Guåhan

Committee Membership

Overall Vice-Chair:
Speaker Tina Muña Barnes

Heritage and the Arts Vice-Chair:
Senator Amanda L. Shelton

Self-Determination Vice-Chair:
Senator Jose "Pedo" Terlaje

Regional Affairs Vice-Chair:
Senator Clynt E. Ridgell

Senator Régine Biscoe Lee

Senator Joe S. San Agustin

Senator Therese M. Terlaje

Contact Details

989-5681

office.senatorkelly@guamlegislature.org

Guam Congress Building
163 Chalan Santo Papa
Hagåtña, GU 96910

February 5, 2020

Subject: Committee Findings for Oversight Hearings held on January 21 and continued on January 23, 2020 on the Hagåtña Restoration and Redevelopment Authority (HRRA)

COMMITTEE FINDINGS

- The Committee on Heritage and the Arts, Parks, Guam Products, Hagåtña Revitalization, Self-Determination, and Regional Affairs (hereafter, the Committee) greatly appreciated the cooperation of the Board of Commissioners of the Hagåtña Restoration and Redevelopment Authority (HRRA) in their commitment to the compliance of outstanding or otherwise incomplete Freedom of Information Act (FOIA) requests.
- As a result of the communications over 2019 and the January 2020 oversight hearings, the Committee had findings of several specific issues. The findings are:
    - HRRA experiences material weaknesses challenges and has failed to implement adequate record-keeping controls which have affected the safeguarding of nearly a million dollars' worth of contractual deliverables causing the Authority's failure to fully comply with the Legislative Committee subpoena. The documents submitted on January 21, 2020, in response to the Committee's subpoena were not the final, fully paid for deliverables requested. The submission of the final versions of the deliverables requested was fulfilled by HRRA working with the contractor. On January 21, 2020, the following documents that were identified as not the final, fully paid for versions of the deliverables were:
        - A draft digital version of the Market Study Memorandum watermarked as "Draft".
        - The Zoning Code was not provided as a single deliverable file as is the professional standard. Instead, the code was provided in 15 distinct files consisting of seven disparate chapters (two versions per chapter, each version of which bearing different titles), and appendices as a separate file. Missing were the front and back covers, among perhaps other elements.
        - An outdated November 2017 digital version of the Design Guideline. The Design Guideline requested is August 2018.

Senator Kelly Marsh (Taitano), PhD.

Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products, Hagatna Revitalization, Self-Determination, and Regional Affairs

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- HRRA management had provided current reviewers of the master plan and the Board members themselves, the outdated November 2017 digital version of the Design Guideline instead of the most recent version of the Design Guideline. This may impact the quality of the reviews submitted as of the oversight hearings and those still in process.
- As stated in the oversight hearing, approximately a week before the Oversight Hearing of January 21, 2020, the HRRA management had provided an incorrect assessment to the Board Chair that HRRA was 100% in compliance with the FOIA requests. At least two of the three FOIAs were in non-compliance at the time:
    - Non-compliance of First FOIA request: No date or signature existed on the memorandum that evaluated the work and the deliverables submitted by Matrix in regards to Matrix invoice #25064. This memorandum was reported to have been the justification for the Executive Director's request for payment of $196,297.20 to be issued to the contractor for work completed and deliverables submitted.
    - Non-compliance of Second FOIA request:
        - Dec. 5, 2020: The Committee sent a FOIA request for all communications related to HRRA master plan review. By law, documents FOIAs are to completed within 4 to 10 days.
        - HRRA sent the Committee notice of an extension of time to comply with the FOIA to Dec. 22, 2020.
        - Dec. 27, 2020: (Friday) HRRA sent the Committee a letter stating partial compliance with the FOIA. The letter stated that not all materials had yet been identified. Submitted as partial compliance were links to the HRRA Executive Director's Outlook email account which was not accessible to the Committee. HRRA stated that the Authority would "try" to complete the FOIA request by January 3, 2020.
        - Dec. 30, 2020: (the Monday after the 27th) The Committee sent HRRA a letter stating that the materials submitted were inaccessible Outlook links and needed to be sent as PDFs as is standard. No reply was provided by HRRA management.
        - January 6-19, 2020: HRRA Executive Director was off-island while in known non-compliance of the second FOIA.
        - January 28, 2020: The Committee sent a follow up letter to HRRA for submission of the PDFs. No reply was provided by HRRA management.

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- January 27, 2020: No materials beyond the initial partial submission of Outlook links have yet been provided to the Committee.

- HRRA management had not submitted any minutes of its Board meetings. While the Board had been meeting for some six months, and while audio files have been submitted to the Office of the Public Auditor (OPA), as of January 23, 2020, several searches of the records of the Legislature indicate that HRRA had not submitted any minutes as is required by §8113.1 of Chapter 8, 5GCA, and thus has not met the Open Government Law. The provision stipulates that within fifteen (15) days, copies of the minutes must be submitted to I Maga'hågan Guåhan and the Speaker of I Liheslaturan Guåhan and posted within HRRA's website. Additionally, the provision also provides that the Office of Public Accountability must receive audio recordings within seven (7) days.
- HRRA management has demonstrated a pattern of not providing information requested at meetings, by email, and by letter. The FOIA requests and subpoena were last resorts after nearly a year of asking for information that assist Legislative Committees in understanding the work of the agency, such as: a budget, a timeline of HRRA milestones, a plan of action, meeting minutes, copies of HRRA master plan reviews, and other such materials.

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