



**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING**

September 26, 2013

9am to 11am

Ricardo J. Bordallo Governor's Complex, Adelup
Small Conference Room

Minutes

I. Call to Order

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Interim Chairman, Joseph Duenas, at 9:01 a.m.

Interim Vice Chairman, Andrew Gayle, motioned to adopt the meeting agenda, and Board member Jonathan Denight seconded. There was no discussion and motion was passed.

II. Roll Call

Board Members:

Joseph Duenas	Interim Chairman
Andrew Gayle	Interim Vice Chair
Jonathan Denight	
Elyze Iriarte	
Alexandra Taitano	

Management & Staff:

Chace Anderson	GBB Vice President/Receiver Operations Manager
David Manning	Receiver Representative (via phone)
Alicia Fejeran	Board Secretary/Customer Service Supervisor
Danny Galiza	Engineer Supervisor
Keilani Mesa	Customer Service

Guests:

Bob Shambach	EA Engineering, Science, and Technology, Inc.
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a. Approval of Minutes

Andrew Gayle motioned to approve the minutes from the 8/22/13 Board meeting, and Jonathan Denight seconded. Motion was passed.

III. Reports

a. Management Report/Receiver's Report

An updated tonnage report with the amount of tons per day included was provided along with the amount of cash collected and total amount billed. Chace Anderson and Jonathan Denight discussed the reasons for different tonnages each month.

Andrew Gayle expressed concern that the financial reports provided were inadequate for board meetings. He and Joseph Duenas requested for the Receiver to provide more detailed financial reports such as profit and loss, however, the Receiver stated that governments do not provide what the private sector calls "Profit and Loss Reports." The Receiver also stated that it has been its policy since the Court appointed the Receivership to provide financial reports to the Court before providing them to any other entity. Andrew Gayle stated that, for the record, the Receiver is not being cooperative with the Board's requests.

The Board and the Receiver discussed the option of raising the rates of tipping fees to cover the increase in debt service. Receiver Representative, David Manning, informed that board that the Receiver had personally presented, in July 2012, all the necessary information to the Governor, members of the Legislature, PUC as well as the Court regarding the option to raise rates to fully reimburse the General Fund. Joseph Duenas asked why the Receiver had increased the tipping fee a few times in the past few years but takes no position on raising rates to reimburse the General Fund. Mr. Manning explained that it was in the Receiver's authority to raise the rates to fulfill operations in the Guam Solid Waste Authority and comply with the Consent Decree. The current rate increase being discussed, Mr. Manning said, has nothing to do with the funding of operations at GSWA. The discussion of these rates is simply from where the funds for the payment of the debt come from and being as such it is a policy decision that should be made by the Governor and Legislature. The Receiver, Mr. Manning said, has no recommendation for the Government, but has simply reminded the Government of Guam that this is its decision to make and provided the necessary calculations and other information needed by the Government should it decide to increase the rates. Mr. Manning stated that every decision made to correct a horrible situation in Guam Solid Waste has been made by the Receiver and by the Court, and not a single decision has been made by the Government of Guam, and should the Government of Guam want to



raise rates further to allow it to spend on non-solid waste things is their prerogative and responsibility.

i. OPA Audit Overview

David Manning reported that he was pleased with the results of the latest audit. He mentioned that there were contractual issues in the audit finding, however, there were no significant or material findings.

IV. Unfinished Business

a. Legal Counsel – RFP Status

Board member, Elyze Iriarte, had finalized the review of the Draft RFP and its associated Contract and sent it to the Receiver. The RFP and Contract will now go to the Attorney General's office for review. Ms. Iriarte stated that the Contract should clearly state that the Board is the client and not the Receiver. She requested that the Attorney General's office share their thoughts on the clarity of who the client is when they review the RFP and Contract.

Elyze Iriarte motioned to adopt the RFP, and Jonathan Denight seconded. Motion was passed.

Elyze Iriarte motioned to adopt the Contract, and Alexandra Taitano seconded. Motion was passed.

V. New Business

a. Presentation – Water Monitoring

Bob Shambach of EA Engineering, Science, and Technology provided an overview of the different types of water monitoring that is currently taking place at the Layon Landfill.

VI. Open Discussion

Andrew Gayle requested Chace Anderson to look into information about Ordot Dump being a Superfund site, and if there are any federal funds available that can be used towards Ordot dump's closure.

VII. Public Forum

None.

VIII. Next Meeting

The next board meeting will be held on Thursday, 10/31/2013 at 9:00 a.m.

a. Upcoming Proposed Meetings

- i. Wednesday, December 11, 1pm (SWA Employees)**
- ii. Thursday, January 9th, 9am (Chris Lund)**



IX. Adjourn

Jonathan Denight motioned to adjourn meeting, Alexandra Taitano seconded. Motion was passed, and meeting was adjourned at 10:53 a.m.