



GUAM SOLID WASTE AUTHORITY  
BOARD OF DIRECTORS' MEETING  
October 28, 2015  
11am – 12pm  
Ricardo J. Bordallo Governor's Complex, Adelup  
Large Conference Room  
Minutes

**I. Call to Order**

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Chairman, Andrew Gayle, at 11:07am.

**II. Roll Call**

Board Members:

Andrew Gayle	Chairman
Jonathan Denight	Vice Chairman
Elyze Iriarte	Secretary
Joseph Duenas	Board Member
Alexandra Taitano	Board Member

Management & Staff:

Alicia Fejeran	GSWA Customer Service Supervisor
Keilani Mesa	GSWA Customer Service

Guests:

Georgette Concepcion	GSWA Board Legal Counsel
Sandra Miller	Office of the Governor
Lorrie Crisostomo	Office of the Governor
Ken Orcutt	Office of the Attorney General
George Castro	Court Reporter

**III. Approval of Minutes**

The Board reviewed the draft minutes from September 16, 2015. The Board requested that the minutes indicate that the Members' terms commenced on September 16, 2015. Motion to approve September 16, 2015 minutes subject to the change was made by Board member, Joseph Duenas. Motion was seconded by Vice Chairman, Jonathan Denight. Motion was carried, and minutes were approved subject to changes.

**IV. Reports**

**a. Management / Receiver Report**



**i. Monthly Tonnages and Collections**

Tonnage and collections report was provided to the Board. Report reflected information through the end of September 2015.

**ii. Operating Budget**

Chairman, Andrew Gayle, reminded the Board that Receiver Representative, David Manning, would email the report.

**b. Remaining Court Ordered Tasks**

Chairman, Andrew Gayle, encouraged the Board to review the Court Report regarding the Remaining Court Ordered Tasks.

**i. Residential Transfer Station Permits**

No discussion.

**ii. Environmental Closure of Dededo Transfer Station**

No discussion.

**iii. Dero Road remediation**

No discussion.

**iv. Post Closure costs for Ordot**

No discussion.

**V. Unfinished Business**

**a. Sub-Committee Reports**

**i. GSWA General Manager Search**

All work is done and ready but is currently on hold.

**ii. GSWA CFO/Controller Search**

No discussion

**iii. Letter to Court**

The Board's letter to the court was previously drafted, and it was reviewed by the Attorney General. Chairman, Andrew Gayle, apologized to the Board for not submitting the letter. He suggested that the letter be tabled as things in the letter will be in the responses to the Receiver's Status Report. The Chairman also stated that the Board's concern regarding the rates being ratified is not an urgent matter. The Board discussed the need to have a management team such as a GM and Controller in place to run GSWA operations sooner than the proposed timeline. The management team would handle the transitioning of the agency's current staff into Government of Guam employees and getting the agency to be more autonomous instead of running off of Department of Administration like a line agency. Based on the Court Order, the Government of Guam has until November 12, 2015 to submit its response to the financial plan. The US and Receiver then have until December 1, 2015 to respond. The Government of Guam would have a chance to respond by December 9, 2015.

The order also gives the Government of Guam until December 21, 2015 to respond to the transition timeline. The Receiver would be able to respond by December 29, 2015. The Government of Guam may respond by January 5, 2016.



VI. **New Business**

The Board discussed the Receiver's proposed financial plan. The proposed financial plan was to continue to hold the funds that were to reimburse the Government of Guam for a portion of the debt service. All funds would then be managed by a Post-Receiver Trustee. Board Secretary, Elyze Iriarte, stated that the trustee would take away a lot of the Board's tasks. The Board and Governor's Legal Counsel, Sandra Miller, discussed repaying the debt service with the agency's profit. The Chairman stated he would like to know if there is an enforcement mechanism or requirement to repay the debt service. Board member, Alexandra Taitano, also suggested refinancing.

Board Secretary, Elyze Iriarte, made a motion to form a subcommittee to work with the AG's Office, Governor's Office, and Legal Counsel to work on the responses to the timeline and financial plan. Motion was seconded by Joseph Duenas. Motion was passed. Joseph Duenas, Jonathan Denight, and Alexandra Taitano will be on the subcommittee.

Board's Legal Counsel, Georgette Concepcion, distributed copies of the October 22, 2015 Order. She explained that the Order states that the AG would have to confer with the Receiver's counsel regarding Ms. Concepcion's scope of work. Ms. Concepcion stated that Receiver's argument is that her scope is limited to assisting the Board with the Rules, but her scope of work may be altered to represent the Board in litigation matters. Should her scope be expanded, it would have to be approved by the Receiver and by the Board.

VII. **Open Discussion**

None.

VIII. **Public Forum**

None.

IX. **Next Meeting**

The next meeting will be held on November 17, 2015 at 11am in the conference room in Adelup. The Board will go into executive session after the meeting.

X. **Adjourn**

Motion to adjourn meeting at 12:11pm was made by Joseph Duenas. Motion was seconded by Jonathan Denight. Motion passed.