



**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
June 28, 2018
11am-12:00pm
Guam Solid Waste Authority
DOA Director's Conference Room, ITC Bldg., Tamuning**

I. Call to Order

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Chairman, Andrew Gayle, at 11:19 am.

II. Roll Call

Board Members:

Andrew Gayle	Chairman
Jonathan Denight	Vice Chairman
Minakshi Hemlani	Board Secretary

Management & Staff:

Greg Martin	GSWA General Manager
Enrique Vinas	GSWA Comptroller

Guests:

George Castro	Court Reporter
Georgette Concepcion	Board Legal Counsel
Grace Donaldson	PHRS Inc.
Jennifer Dulla	Senator Telena Nelson's Office

III. Approval of Minutes

Board members reviewed the June 8, 2018 draft minutes. Board Secretary, Minakshi Hemlani, made a motion to approve the minutes as revised. The motion was seconded by Vice Chairman, Jonathan Denight. The motion passed unanimously.

IV. Reports

a. Management/Receiver's Report

i. Operating Budget

An updated Operating Budget was not available for review and discussion; the Receiver and Receiver Operations Manager did not attend the meeting,

ii. General Manager's Report

General Manager, Greg Martin, reported that he personally contacted all contract and purchase order vendors to ensure continuation of contracts post-receivership. Some of the larger contracts included Green Group Holdings, GHD, Mr. Rubbishman, and Alpine; all vendors confirmed their willingness to continue contracts and assign them to GSWA if required.

Mr. Martin reported that he met with GHD several times; the 50% Cell 3 design was submitted to the US and Guam EPA for review. Because of the delay in review, the cell design will be close to 90% next week. Mr. Martin reported that this was not an issue because US and Guam EPA sign-off was not required at 50%, just their review and feedback if any. Signoff would be required at 90%.



Mr. Martin presented a copy of the GSWA FY2019 Budget Request that was presented to the Guam Legislature. He attended the public hearing on June 20, 2018, and reported that the hearing was short, comments were read into the record, and no major questions were raised. Mr. Martin also reported that Chace Anderson, Receiver Operations Manager, was on leave for 30 days and Alicia Fejeran was left in charge.

b. Committee Reports

i. Personnel Transition

Grace Donaldson reported that on June 21, 2018, Mr. Anderson, PHRS, and some GSWA employees attended a meeting to review the draft GSWA personnel rules and regulations. She presented a Progress Report on GSWA Classification and Compensation Plan, updated as of June 24, 2018, which provided details on task status and estimated timelines.

A subsequent meeting was scheduled on the same date and time as today's Board meeting (June 28, 2018 at 11 a.m.) to discuss the actual text of the personnel rules and regulations – at least the first 4 chapters. Because of the scheduling conflict, PHRS was required to divide themselves so that Ms. Donaldson was present at the Board mtg. and Vivian Leon was attending the continued meeting with DOA and some GSWA employees.

a. Government Classification and Compensation Plan Update

Ms. Donaldson reported that PHRS had not yet received a response from DOA regarding their request to review certain personnel jackets at DOA. PHRS noted some employee job positions were misallocated during desk audit interviews. Ms. Donaldson explained, for example, that certain employees were hired as "sanitation workers" but job duties performed were for "customer service personnel." The Board asked what the reasoning or motivation might be for such misallocation. Ms. Donaldson explained that certain positions might only require internal advertising, so it appeared some employees obtained chauffeur's licenses that would qualify them to apply as "sanitation workers" and secure them as government employees – even though the actual duties performed was that of a "customer service personnel." Posting internally or only on the GSWA website prevented multiple local applications/competition for a customer service job opening.

Chairman Gayle asked was the process would be to address these misallocated positions. Ms. Donaldson said it was possible to correct the misallocations because GSWA was an autonomous agency and the goal was not to terminate the employee, but to determine their actual role and figure out correct allocations through the regulation. Chairman Gayle if a probation period would start over for employees when they were allocated to their correct job positions. Ms. Donaldson was not sure saying it was dependent on the regulations. Secretary Hemlani asked how many misallocation PHRS discovered. Ms. Donaldson approximated over 10 misallocations. Board Legal Counsel Concepcion asked if PHRS was familiar with the 2009 AG opinion by Pat Mason which states that employees were required to recompetete. Ms. Donaldson stated that they were on track to submit classifications in August 2018.

Board Legal Counsel Concepcion reported that she attended the June 21, 2018 meeting with Mr. Anderson, and PHRS, and that DOA was not invited to attend. She further reported that 3 GSWA employees were also present at the mtg. Ms. Donaldson said that employees were helpful to provide input on the draft personnel rules and regulations. It was reported that Mr. Anderson and Alicia Fejeran directed the meeting.



V. Unfinished Business

a. Updates to GSWA Rules and Regulations - Status

Jennifer Dulla from Senator Telena Nelson's office advised the Board that a Committee on Rules Mtg. was held and Call to Session scheduled for July 2, 2018 @ 9:30 a.m. regarding the GSWA Operating Rules and Regulations. Ms. Dulla reported that there were 4 bills on the agenda that day and a majority to pass was indicated on the committee reports.

b. MOU with DOA for payroll, GG1's, Increments

Completed.

c. Readiness reports – update and discussion

Reports were already provided on vendor contract assignments and the Operational Rules & Regulations. The Board questioned what would happen if an order for transition was not entered by June 30, 2018. It was discussed that a formal order to relinquish control of bank accounts, etc. would be necessary.

d. Ordot Post Closure

Chairman Gayle said that the Receiver's email did not address whether the \$800K post-closure contract included the costs of the leachate treatment approximated at \$400k and payable to GWA. It was discussed that \$25,000/month for Ordot leachate treatment was part of current operational expenses.

VI. New Business

a. Management Authority & Board Approval

Chairman Gayle requested information on what authority management had to act independently versus what required formal Board approval. It was discussed that a dollar amount could be set for contracts that required Board approval, or that certain subject matter could be required to have Board review. Board Legal Counsel Concepcion noted that the AG review was required for procurement over \$500k, but the internal Board rules could determine certain subject matter or dollar amounts. Board Legal Counsel Concepcion said that per the enabling act presented by Senator Ada, the Board and agency had to come up with its own procurement regulations. Chairman Gayle said he wanted to make clear to the Board and Management what their respective roles were, and not make it cumbersome for management to seek Board approval for a nominal purchase order, for example.

VII. Open Discussion

None.

VIII. Public Forum

None.

IX. Next Meeting

The Board scheduled its next meeting for Friday, July 13, 2018, at 11am in the DOA Director's Conference Room, ITC Bldg., Tamuning.

X. Executive Session

Vice Chairman Denight moved to enter into executive session, and Board Secretary Hemlani seconded. The motion passed, and the Board entered executive session at 12:09 p.m.

Vice Chairman Denight moved to adjourn executive session, and Board Secretary Hemlani seconded. The motion passed, and executive session was adjourned at 12:38 a.m.

XI. Adjournment

Board Secretary Hemlani moved to adjourn at 12:38 p.m. The motion was seconded by Vice Chairman Denight. The motion passed unanimously.