



**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
August 16, 2018
3pm
Guam Solid Waste Authority Conference Room**

I. Call to Order

The Guam Solid Waste Authority Board of Directors' meeting was called to order by Vice Chairman, Jonathan Denight, at 3:15 pm.

II. Roll Call

Board Members:

Andrew Gayle	Chairman (via phone)
Jonathan Denight	Vice Chairman
Minakshi Hemlani	Board Secretary

Management & Staff:

Chace Anderson	Receiver Operations Manager
Jennifer Hernandez	GSWA Staff
Breann Pocaigue	GSWA Staff
Amannie Pangelinan	GSWA Staff

Guests:

Vanessa Williams	GSWA Legal Counsel
Karri Perez	Allied Business Consultants
Vivian Leon	PHRS
Jennifer Dulla	Office of Senator Nelson
George Castro	Court Reporter
Jerick Sablan	Pacific Daily News

III. Approval of Minutes

Board members reviewed the July 31, 2018 draft minutes. Secretary Minakshi Hemlani, made a motion to approve the minutes. The motion was seconded by Chairman Andrew Gayle. The motion passed unanimously.

IV. Reports

a. Management/Receiver's Report

i. Operating Budget

Receiver Operations Manager, Chace Anderson, informed the Board that Mr. Manning will provide the report when he returns.

ii. Cash Collections and Billing

Receiver Operations Manager, Chace Anderson, informed the Board that Mr. Manning will provide the report when he returns.

iii. Tonnage

Receiver Operations Manager, Chace Anderson, explained the tonnage to the Board stated that there is an increase in the commercial tonnage, residential trash, and in the Navy.



b. Committee Reports

i. Personnel Transition

a. Government Classification and Compensation Plan Update

Receiver Chace Anderson reported that there was one desk audit interview pending and one desk audit that needed to be redone. Both should be completed by next week. There are 38 total desk audits. Mr. Anderson informed the Board that the personnel rules and regulations have a committee that is made up of PHR employees, GSWA employees, GSWA Legal Counsel, and Allied Business. He explained to the Board that there have been significant changes so it is undergoing major revamping from the original Port document that was provided. He informed the Board that Keilani Mesa had training done with Allied Business for Human Resources and had received certification and membership of the Society of Human Resource Management (SHRM). Mr. Anderson also informed the Board that DOA will be reviewing GSWA's final draft and then provide their input.

ii. Management Team Search

Mr. Anderson informed the Board that there are announcements out for both the Comptroller and General Manager positions. He informed the Board that one application was submitted for the Comptroller position. Vice Chairman Denight stated that the applicant is a very good candidate and has worked directly with GSWA. Chairman Gayle stated that the Board can begin the interview process with the applicant but should leave the position open for another week or two in case other candidates submit their applications. GSWA staff will set up the interview.

V. Unfinished Business

a. Latest Court Order Action Items

i. Report to the Court

Secretary Hemlani stated report is due by August 31, 2018.

ii. Resolution of Personnel Issue

Board members discussed the misconduct allegation and whether the investigation should continue considering management's recent resignation. The Board discussed potential EEO concerns and future issues that may arise. Secretary Hemlani made a motion to continue with the investigation. Chairman Gayle seconded the motion. The motion was passed unanimously.

Chairman Gayle reported that Attorney General Elizabeth Barrett-Anderson believe the Governor had the organic authority to appoint an interim GM to the GSWA. Vice Chairman Denight stated that an interim GM should be selected while recruitment continued for a permanent GM, and that appointment would assist with timely transition. The Board asked if the Receiver would support an interim appointment. Mr. Anderson stated he would inform Mr. Manning of the request and get back to the Board. Vice Chairman Denight asked for a timeline and Mr. Anderson said he will try to get a response by the following week.

VI. New Business

a. GSWA Board Legal Counsel

Chairman Gayle reported that the Board's legal counsel is unable to continue providing legal services. Their contract was suspended by the Attorney General's office due to budgetary cuts. Chairman Gayle sent an email to Mr. Manning requesting payment of the legal fees by GSWA as a legitimate agency expense; however, Mr. Manning suggested the request be made to the District Court since even the Receiver's legal fees needed court approval before payment. The AG's office (who will serve as the Board's legal counsel in the interim) will prepare a request to the Court for payment of legal fee for the Board's legal counsel. As interim Board counsel, the AG's staff attorneys will not attend Board meetings but will be otherwise available to the Board.



VII. Open Discussion

Mr. Anderson introduced Dr. Karri Perez of Allied Business Consultants to the board. Dr. Perez gave a brief summary of her professional background.

GSWA Legal Counsel, Vanessa Williams, stated that a personnel issue was discussed during a previous Board meeting, and it was noted amongst the board that the Receiver was not paying the employee retroactive pay. She clarified that the CSC's judgment for this Adverse Action appeal did not indicate retroactive pay. She informed the Board that the CSC was proposed orders that included back pay, but the CSC did not sign those orders, and only signed a reinstatement. She stated that it is up to the CSC to amend its order if it so wishes.

Attorney Williams also reported that one of the issues brought up during the personnel rules and regulations committee meeting was what kind of latitude the Board has with the rules and regulations to include the classification and compensation plan. Although GSWA Attorney Williams was not able to get a consensus from Attorney Concepcion, she provided a legal opinion that PL 34-58 allows the Board to establish the agency's compensation and classification plan.

VIII. Public Forum

None.

IX. Next Meeting

The Board scheduled its next meeting for Friday, August 31, 2018, at 11am at the Guam Solid Waste Authority Conference Room.

X. Executive Session

None.

XI. Adjournment

Board Secretary moved to adjourn the meeting at 3:49 p.m. The motion was seconded by Chairman Gayle and passed unanimously.