



**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS' MEETING
July 27, 2018
11am-12:00pm
Guam Solid Waste Authority
DOA Training 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 11:25 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:

Terrance Brooks	Board Legal Counsel
Viivian Leon	PHRS Inc.

III. Recess

Because a court reporter was not present, the meeting was recessed at 11:30 a.m. and scheduled to reconvene on Tuesday, July 31, 2018 at 11 a.m. A written notice with information on when the Board meeting would reconvene was posted to the DOA Training Room doors.

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

**July 31, 2018
11am-12:00pm
Guam Solid Waste Authority
DOA Training Room, ITC Bldg., Tamuning**

IV. Roll Call

All persons present at the Board meeting originally called to order on Friday, July 27, 2018 were present. In addition, the following persons were also present:

Guests:

Parmilla Sullivan	Court Reporter
Grace Donaldson	PHRS Inc.

V. Approval of Minutes

Board members reviewed the July 13, 2018 draft minutes. Board Secretary Minakshi Hemlani made a motion to approve the minutes which was seconded by Vice Chairman Jonathan Denight. The motion passed.



VI. Reports

a. Management/Receiver's Report

i. Operating Budget

Receiver Representative David Manning emailed the June 2018 Operating Budget and Revenue Report to Board Members on Saturday, July 28, 2018. The reports were circulated for discussion. With regards to the Operating Budget, Chairman Andrew Gayle noted an increase an 11.7% increase under the category Non-Personnel Expenses: Other, yet under Personnel Expenses: Contract Employees there was a 78.2% decrease. Chairman Gayle questioned whether the decrease was due to a shift in transferring contract employees to Gov Guam. Comptroller Enrique Vinas noted that the decrease was equivalent to almost \$800k but the increase to regular salaries was only \$200k, and that the numbers did not balance. Also, under page 4 of the Revenue Report, Comptroller Vinas questioned the Cash Collections increase of 26.7%. While the Cash Collections increase was in line with the Billings Net of Discounts at 26.2%, Chairman Gayle noted that the numbers did not match Operating Budget presented. It was agreed that Chairman Gayle would email questions regarding the reports provided to Mr. Manning.

ii. General Manager's Report

General Manager, Greg Martin, reported that 90% drawings for the Cell 3 design were complete and would be submitted to EPA for approval. Chairman Gayle asked whether the 50% drawings were approved by the EPA. Mr. Martin explained that approval/sign-off was not required at 50%, but the drawings were submitted for review and the comments were incorporated into the 90% drawings. Because of the conflict of interest regarding their consultant, Guam EPA provided the 50% drawings to the U.S. Army Corp of Engineers who gave feedback that was incorporated into the 90% drawings.

b. Committee Reports

i. Personnel Transition

Vivian Leon reported that desk audits interviews were almost complete.

a. Government Classification and Compensation Plan Update

Ms. Leon presented a written progress report as of July 25, 2018, that was circulated to the Board for review. She reported that the committee continued to meet on a weekly basis and was has completed review of Chapters 1, 2, 3, 6, and 8. The draft Personnel Rules and Regulations had a total of 13 chapters. Ms. Leon reported discussions with GHURA regarding their compensation plan. She is scheduled to meet with GHURA again to discuss implementation and slotting. Chairman Gayle asked what would be considered "pay for performance" for Gov Guam employees. Ms. Leon explained that a satisfactory evaluation could result in an increase of 3 to 5 steps vs. the usual one-step increment per year regardless of performance. In addition to "pay for performance," GHURA's compensation plan included "seniority" that is not considered under the Hay Plan. Chairman Gayle asked if GSWA would be able to pay under the Competitive Wage Age. Ms. Leon saw some compression of steps – for example, Equipment Operators 1 through 3 would have the same salary.

Ms. Leon reported that of the 6 employees who first refused to allow a review of their DOA jackets, 4 came back with authorization, so she will arrange to review their jackets. She also reported that she asked GSWA for employee histories for 3 employees who were seeking reallocation; they were originally misallocated. Ms. Leon states that of 20 employees who were misallocated, 19 meet the minimum requirements for reallocation and the remaining 1 employee will meet the minimum after August i.e., will have enough minimum experience at that time.



Board Secretary Hemlani expressed concern about the reallocations and questioned violations to the merit system. Ms. Leon agreed that Board adopted the DOA rules and regulations in November of 2017, but the Receiver was not following them. She confirmed with DOA that they did not receive job announcements for postings to all Gov Guam agencies. In fact, DOA HR had noted remarks on certain GSWA employee personnel actions that stated, in part, "...This action is being processed based on information provided by Guam Solid Waste Authority (GSWA). Classification and recruitment procedures were conducted solely by the GSWA. The information contained in this Notification of Personnel Action has not been validated and being processed for payroll purposes only." Chairman Gayle said that the Board could not give approval for the reallocation. Board Secretary Hemlani agreed and said that the Board should request the Civil Service Commission (CSC) post-audit discussed at the last meeting. Chairman Gayle questioned the scope of a CSC post-audit. Ms. Leon said the Board could request an audit of the recruitment and promotional process, and general HR process including termination. Board Secretary Hemlani asked if the audit could go further back than November 2017, when the Board adopted the DOA rules and regulations. Ms. Leon said the CSC could go further back and that in speaking with some GSWA employees she believes that the adverse action procedures were not followed. Ms. Leon said that the Receiver refused to pay back wages to Joseph Acfalle, an employee who was reinstated by the CSC, because the decision did not explicitly state back wages must be paid – even though Guam statute requires back wages to be paid. The Board sympathized with the financial hardship Mr. Acfalle was experiencing but said that it was up to his GFT representative to move the CSC to enforce back wages.

Lastly, Ms. Leon reported that efforts to prepare a draft organizational chart and functional statement for the agency were ongoing, and that she will circulate the drafts proposed by the Receiver.

VII. Unfinished Business

a. Latest Court Order Action items

Legal Counsel Terrance Brooks reported that he spoke with Lorraine Okada and that she was investigating the personnel matter and would have her report completed by August 20th.

b. Transition Plan led by GSWA Management Team

General Manager Martin and Comptroller Vinas submitted written strategy options including management options, a proposed transition plan, and future programs for GSWA.

VIII. New Business

Chairman Gayle circulated the July 27, 2018 letter from the Attorney General's office ending the contract for Board legal counsel due to the budgetary shortfall. The Board discussed options and agreed that payment for Board legal counsel services was a legitimate agency expense. It was also discussed that because the contract was in place and only suspended due to funding, new procurement should not be required – just a funding source. Board Secretary Hemlani made a motion for Chairman Gayle to request the Receiver fund Board's legal counsel going forward. Vice Chairman Denight seconded. The motion passed.

Board Secretary Hemlani made a motion for the Board to request the Civil Service Commission to conduct a post-audit on GSWA's recruitment and promotional process, and general HR process including termination. Chairman Denight seconded the motion. The motion passed.

IX. Open Discussion

None



- X. **Public Forum**
None.
- XI. **Next Meeting**
The Board scheduled its next meeting for Thursday, August 16, 2018, at 11am.
- XII. **Executive Session**
Board Secretary Hemlani moved to enter into executive session, and Vice Chairman Denight seconded. The motion passed, and the Board entered executive session at 12:29 p.m. to discuss personnel matters.

Board Secretary Hemlani moved to adjourn executive session, and Vice Chairman Denight seconded. The motion passed, and executive session was adjourned at 12:40 a.m.
- XIII. **Regular Session**
Vice Chairman Denight made motion for Chairman Gayle to communicate to Management that the Board declines to terminate their employment without cause, and to request their honor their commitment to GSWA. Board Secretary Hemlani second. The motion passed.
- XIV. **Adjournment**
Vice Chairman Denight moved to adjourn the meeting at 12:41 p.m. The motion was seconded by Board Secretary Hemlani and passed.