



BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M. Friday, April 14, 2017
GHURA's Main Office
1st floor, Conference Room, Sinajana
AGENDA

I. ROLL CALL

II. APPROVAL OF PREVIOUS BOARD MINUTES – March 31, 2017

Page(s)

III. CORRESPONDENCE AND REPORTS

| | |
|---|-----|
| 1. Division Quarterly Reports (FY2017, 2 nd Quarter) | |
| a. HR | 1-2 |
| b. A&E | 3-5 |
| c. CPD | 6 |

IV. OLD BUSINESS

V. NEW BUSINESS

VI. GENERAL DISCUSSION / ANNOUNCEMENTS

1. Next proposed scheduled Board meeting - April 21st

VII. ADJOURNMENT

BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 p.m., April 14, 2017

GHURA Main Office, 1st floor conference room
Sinajana, Guam

MINUTES

After notice was duly and timely given pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regular scheduled meeting of **April 14, 2017** at 12:00 p.m. at the GHURA Sinajana Main Office, 1st Floor Conference Room was conducted.

I. ATTENDANCE, QUORUM, AND CALL TO ORDER

COMMISSIONERS PRESENT: George A. Santos, Chairman
 Thomas E. B. Borja, Vice Chairman
 Annabelle M. Dancel, Member
 Carl V. Dominguez, Member
 Joseph M. Leon Guerrero, Resident Commissioner

COMMISSIONERS ABSENT: Eliza U. Paulino, Member (excused)

BOC LEGAL COUNSEL: Anthony Perez

MANAGEMENT & STAFF: Michael J. Duenas, Executive Director
 Pedro A. Leon Guerrero, Deputy Director
 Millie Taitano, Special Assistant
 Katherine Taitano, Chief Planner
 Kimberly Bersamin, HR Administrator

PUBLIC: George Pereda

Meeting was called to Order at 12:00p.m. by Chairman Santos who acknowledged the presence of the above attendees. The Chairman then indicated that the minimum number of Commissioners required for a quorum was present and that the meeting could proceed.

| | | | |
|-------------------|-----------------|---|--------------------------|
| | | <p><i>Chairman Santos requested to make some adjustments to the Agenda. He requested to postpone A&E division report under Correspondence and Reports to the next board meeting due to Mr. Albert Santos being out sick. He also requested to add an item under New Business regarding the Release of Legal Opinions. All were in favor to do so and no objections were made.</i></p> | |
| Minute No. | Ref. No. | Approval of Previous Board Meeting | Action By: |
| 125/17 | | The Chairman called for a motion to be made on the approval of the Minutes for the previous Board Meeting on March 31, 2017. | |
| 126/17 | | After review and further discussion by the Board Members, a motion was made by Commissioner Dominguez and seconded by Commissioner Dancel to approve the Board Minutes of March 31, 2017 as submitted. | |
| Minute No. | Ref. No. | Correspondence and Reports | Action By |
| 127/17 | | <p>HR Division Quarterly Report (FY2017, 2nd Quarter)</p> <p>Ms. Kimberly Bersamin stated this is the HR status report for January, February, and March. It shows the different activities under HR Administration, Recruitment and Staffing, Employee Management Relations, Compensation, Training, Benefits, and other job responsibilities such as serving as the Alternate Hearing Officer.</p> | Kimberly Bersamin |

| Minute No. | Ref. No. | Correspondence and Reports | Action By |
|--------------------------|---------------------|---|----------------------|
| 127/17 (continuation) | | <p>Ms. Bersamin stated she would like to add under Benefits that we did the Governor's Worksite Wellness. GHURA took the lead and 70 employees participated.</p> <p>Vice Chairman Borja inquired about the separation / exits whether it was voluntary or involuntary. Ms. Bersamin stated that it was a combination of both and that there were two employees who completed their limited term appointment and were not extended due to performance issues.</p> <p>Commissioner Dominguez stated that performance evaluations were an issue last time and inquired on how we are doing this time around. Ms. Bersamin stated that we are doing better, letters don't need to be issued and managers are moving faster to complete them. The numbers are decreasing, now leaving only 11 evaluations overdue. Vice Chairman Borja stated that his concern is with those performance evaluations that are under Fiscal Year 2015 and 2016. Director Duenas stated that two of them are under the FISCAL division and that their busy schedule made it quite difficult for their evaluations to get done and with one of them, Deputy Director Leon Guerrero is currently working it out and it was only put on hold to due to the manager being on maternity leave. Director Duenas stated their goal is to get those evaluations under Fiscal Year 2015 and 2016 completed by the next quarter division report.</p> | |

| Minute No. | Ref. No. | Correspondence and Reports | Action By |
|-------------------|-----------------|--|--------------------------|
| 128/17 | | <p data-bbox="675 285 1252 352">CPD Division Quarterly Report (FY2017, 2nd Quarter)</p> <p data-bbox="675 394 1252 1041">Ms. Katherine Taitano stated this is their quarterly report, showing several important elements. The table on top reflects how they are spending their time with housing, housing developments, or rent to own projects. She stated they are working on completing the 13 Sagan Bonita units and following through with the 5 Astumbo Units for home ownership. They are currently working with MCDC on the Sagan Bonita project in executing the contract. They have chosen their 13 self-help families and are now going through the process with the title company and waiting on the funding from USDA. Director Duenas will be signing the first four soon. The Astumbo 5 units are moving along smoothly and rather quickly than expected.</p> <p data-bbox="675 1083 1252 1367">Ms. K. Taitano stated that with the acquisition for rehab, they go out in the community in search of parcels or houses to buy. They have seen 26 properties since the start of January, 18 are houses and 8 are parcels for new construction. Acquiring them is tough because of their high prices due to their location.</p> <p data-bbox="675 1409 1252 1766">On the rental side, the renovations on 5 homes in Yigo are finished and are part of a subrecipient agreement with WestCare Pacific to be used as permanent rental housing for veterans. The 5 units in Dededo will be part of a subrecipient agreement with Catholic Social Services to be used as a step down housing for promising families giving them more time to stabilize before moving out on their own.</p> | Katherine Taitano |

| Minute No. | Ref. No. | Correspondence and Reports | Action By |
|--------------------------|-----------------|---|------------------|
| 128/17 (continuation) | | <p>The renovations of 5 units in Malesso are done and 3 have already been occupied. One unit in Talofoto is occupied as well.</p> <p>The tax credits have been assigned to the two awardees and they are moving forward with their projects. Ms. K. Taitano stated that they are currently working on the QAP for the 2018 cycle.</p> <p>Ms. K. Taitano stated that the CDBG Section 108 program extended deadline with HUD is May 2017. They are currently in search of a new project and they have meetings set up with GEDA to discuss potential projects.</p> <p>The agreements for the Macheche Community Neighborhood Facility are being reviewed. It should be settled in the upcoming weeks.</p> <p>The construction on the Astumbo Gym has started and they are coordinating well with the Mayor.</p> <p>The contractor is working on the building permits for the Central Police Precinct. There is a setback with the Guam Fire Department which is insisting on extending the fire sprinkler system to cover the entire facility, not just the holding cells.</p> <p>With the Umatac Baseball Field, Mr. Albert Santos met with the Umatac Mayor regarding his wish list and to let him know that there are limitations due to money, size of the property, and location of field but it is moving forward.</p> | |

| Minute No. | Ref. No. | Correspondence and Reports | Action By |
|--------------------------|---------------------|--|----------------------|
| 128/17 (continuation) | | <p>With the Sinajana Recreational Facility, the lights on the baseball field is the only thing left to do.</p> <p>Ms. K. Taitano stated that they have finished their grant application process for this year which is the public search for the new projects. The organizations who are interested had until March 30th to submit their application for funding new projects. They are currently reviewing the applications. Ms. K. Taitano stated that they have received \$13 million in requested projects but only have \$2.1 million available. They will have to look into the projects and see what fits best with their time lines, reporting requirements, use of available funds, and what's best for the needs of the community. The grant application has to be submitted in July.</p> <p>Ms. K. Taitano stated that they are also working on the reprogramming of funds and assisting Public Housing with their 5 year plan as well as dealing with the new system stuff with HUD who are now requiring everything to be inputted on system, no more paperwork. She has also been assigned to speak at the realtors event regarding Fair Housing next week.</p> | |

| Minute No. | Ref. No. | New Business | Action By |
|-----------------------|---------------------|---|----------------------|
| 129/17 | | <p data-bbox="672 289 1255 359">RELEASE OF LEGAL OPINIONS (OIG HUD Subpoena)</p> <p data-bbox="672 405 1255 1031">Director Duenas stated that they received a subpoena last week Friday before the board meeting. The OIG are requesting for copies of legal opinions written by the Law Firm of Cabot Mantanona. Our conflict counsel, Attorney Ecube, has been reviewing all our subpoenas and is recommending that we do not submit any legal opinions that may be prepared by Cabot Mantanona. If we are not going to provide the legal opinions, we have to give the log of opinions prepared by Cabot Mantonona and state that we don't want to release these things and then have our lawyers do the rest. All we can do is say that we are reluctant to release these materials because they are related to attorney-client privilege.</p> <p data-bbox="672 1077 1255 1331">Director Duenas stated the Cabot Manatanona acted as our Special Assistant Attorney General and reviewed our procurement activities that are over \$500,000. Although we are continuing to search, we don't believe they did any other reviews.</p> <p data-bbox="672 1377 1255 1709">Director Duenas stated that the previous Board took a position that if an opinion had been discussed in a board meeting, it has become a public document and that we should go ahead and release it in response to a subpoena. Attorney Ecube stated that releasing legal opinions is a decision the Board has to make, however, she is highly against the release of any opinions.</p> | |

| Minute No. | Ref. No. | New Business | Action By |
|--------------------------|-----------------|--|------------------|
| 129/17 (continuation) | | <p>Chairman Santos inquired our legal counsel's Attorney Anthony Perez take on this.</p> <p>Attorney Perez stated that he was off island for personal issues when these subpoenas started coming in so it was handed over to Attorney Ecube and left it with her when he returned. He does know of it and has seen and spoken with Director Duenas in regards to it on occasions.</p> <p>Attorney Perez stated that it is pretty clear regarding the attorney-client privileges. As long as the attorney writes an opinion at the request of the Board or the Authority and it stays within the confines of the Board and the Authority then it remains a privilege matter. If an opinion is made strictly in-house with GHURA and its attorney then that is respected but the moment it gets outside the confines of the attorney-client relationship and goes to a third party, then that privilege is broken and gone. If Cabot Mantanona wrote an opinion on behalf of GHURA and remained in-house then it's a privilege and not required to be produce. The mechanism to deal with it is to turn over a privilege log which identifies the date of the opinion, who wrote the opinion, and the subject of the opinion which is sufficient under the rules to not violate the attorney-client privilege but to also let the person who issued the subpoena know what was done generally.</p> <p>Director Duenas stated Cabot Mantanona served as general counsel from 1999 to 2002 and served as conflict counsel from 2003 to 2012. The subpoena is only requesting for legal opinions issued from 2010 to present.</p> | |

| Minute No. | Ref. No. | New Business | Action By |
|--------------------------|-----------------|--|------------------|
| 129/17 (continuation) | | <p>This discussion is basically the Director asking the Board whether or not they want to release these documents that's deemed privileged by Attorney Ecube. No documents will be released just a privilege log listing subjects. Director Duenas states that at the end the court makes the final decision whether or not we need to comply. If the court decides that we will need to turn over an opinion because it's not deemed privilege, the Board will not be held responsible for not complying earlier. Attorney Perez states that no one will release a privilege document, it's unconventional.</p> <p>Director Duenas stated that all the documents prepared by Cabot Mantanona are procurement related opinions and none were Section 8 related. He suggests releasing the information.</p> | |
| 130/17 | | <p>Commissioner Dominguez made a motion and seconded by Chairman Santos to authorize the Executive Director to release legal opinions prepared by The Law Firm of Cabot Mantanona from January 1, 2010 to present in response to the subpoena. Without further discussion, the motion was passed by 4 to 1.</p> <p>AYES: George Santos, Annabelle Dancel, Carl Dominguez, and Joseph Leon Guerrero.</p> <p>NAYES: Thomas Borja</p> | |

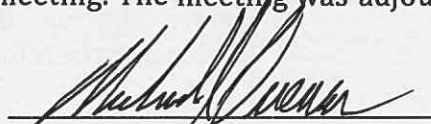
| Minute No. | Ref. No. | General Discussion / Announcements | Action By |
|-------------------|-----------------|---|------------------|
| 131/17 | | <p>Next Proposed Scheduled Meetings - April 21st</p> <p><i>Commissioner Dominguez announced that he will not be in attendance in the upcoming meeting due to being off-island.</i></p> | |

132/17

ADJOURNMENT

There being no further business before the Board, a motion was made by **Commissioner Dominguez** and Seconded by **Vice Chairman Borja**, which was unanimously agreed upon, to adjourn the meeting. The meeting was adjourned at 1:24 p.m.

(SEAL)



MICHAEL J. DUENAS

Board Secretary/Executive Director

Human Resources Division
STATUS REPORT – Highlights
2nd Quarter FY2017
(January-February-March 2017)

| Section | Activity | Status |
|-------------------------------|--|--|
| HR Administration | <p><u>Guam Legislature Report</u></p> <p><u>Staffing Report</u></p> | <p>Prepared Staffing Report for 1st Quarter FY2017. Posted on website.</p> <p>Maintain/Reconcile Monthly Staffing and Vacancy Reports</p> <p>Processed <u>19</u> Personnel Actions</p> |
| Recruitment and Staffing | <p><u>Manpower Assessment</u></p> <p><u>Recruitment</u></p> | <p>• <u>97</u> Full-Time Employees month ending -March 31, 2017: * <u>73</u>-Classified * <u>3</u>-Unclassified * <u>21</u>-Temporary (S8-6; AMP#1-2; AMP#2-1; AMP#3-5; AMP #4-4; ADMIN-2; CD-1)</p> <p><u>Interviews:</u> (5 positions) Housing Specialist (Sec8/AMP4); Maintenance Worker (AMP2/4); Program Coordinator III Sec8; Admin Assistant (AMP2/3)</p> <p>Temporary Appointments – Rated 2 positons Planner IV and Maintenance Worker (AMP2). Withdrawal (2)</p> <p>In-Processed <u>5</u> new employees;</p> <p>Separations/Exits: <u>3</u>; Retirements: 0</p> |
| Employee Management Relations | <p><u>OSHA Report</u></p> <p><u>HUD Review</u></p> <p><u>Drug Testing – Random (includes case management)</u></p> | <p>Completed OSHA Report</p> <p>Prepared items for upcoming April 2017 HUD Review – History of Procurement Training</p> <p>1st Quarter-Completed. Tested <u>14</u> employees. Includes coordinating with MIS, letters, laboratory confirmation and issue notice to employees for 1st Quarter Random.</p> |

| Section | Activity | Status |
|---|---|---|
| | <u>Workers Compensation</u> | Case managed –1 new case; and 1 existing. |
| | <u>Verification of Employment(VOE)</u> | Processed <u>18</u> VOE's |
| Compensation | <u>Salary Increments</u> | Processed – 40 Increments. (Includes reviewing personnel file, generating PA, route for signature and file with Payroll). Update staffing and file in personnel file. |
| | <u>Performance Evaluation Reports</u> | <p>1) Overdue evals from Division Managers:</p> <p><u>Fiscal Yr-2015</u>- Fiscal Division (1)</p> <p><u>Fiscal Yr-2016</u> –Fiscal Division (1)</p> <p style="padding-left: 40px;">- Deputy Director / Asset Manager (1)</p> <p><u>Fiscal Yr -2017-</u></p> <p style="padding-left: 20px;">1st Qtr –RPE (1)</p> <p style="padding-left: 20px;">2nd Qtr –Fiscal (2)</p> <p style="padding-left: 40px;">MIS (1)</p> <p style="padding-left: 40px;">AMP 1(3)</p> <p style="padding-left: 40px;">A/E (3)</p> <p style="padding-left: 40px;">Deputy Director/ Asset Manager (1)</p> <p>Total Overdue: (<u>16</u>)</p> |
| Training | <u>1.GCC Apprentice Cohort2 registered for Spring 2016</u> | <u>Verified Apprentice Completions for Spring Commencement 2017</u> (1 Maintenance – AMP3) |
| | <u>Board Ethics Training</u> | Coordinated with UOG – Completed 2/23/17. |
| | <u>Wage/Hour</u> | Coordinated with DOL Scheduled for 5/2/17, 5/10/17 and 5/31/17 |
| | <u>PH-Technical Training</u> | Working with Procurement for on-island Technical Training |
| | <u>GCC Procurement Module 1</u> | Registered 7 participants for Module 1 (Deputy Director, PSM's, Housing Specialist Supervisor and Controller). |
| Benefits | <u>Life Insurance Open Enrollment</u> | Processed 5 staff eligible |
| OTHER: ALTERNATE HEARING OFFICER | <u>Informal Hearing Officer</u> | Assigned (2) cases - AMP1 / Section 8. Scheduled for early April 2017. |

A/E Division
Project Activities
 [March 2017]

| Project | Contractor | Contract Amount | NTP | CCD | Status | Program/Grant | Remarks |
|--|---|--|--------------------|----------------------|--------------------------|---------------|--|
| 1. Sinajana Lots No. 70, 71, & 76 | | | | | | Yona Reserve | Lot 70 owner has accepted offer, lot 71 owner rejected our offer and has submitted an counter boundary realignment which will impact lot 70. Lot 71 owner is requesting to meet with board. |
| 2. Mosquito Lab | Rex Intentional | \$2,178,200.00 CO#1- \$321,890.81 CO#2 \$98,797.36 | 11/21/13 | Sept 29, 2016 | 100% | DOI | Lab area A/C system, contractor reworking lab area a/c system somehow not functioning to its' full capacity. Contractor continues to pay for power until resolve, heat coils are currently being fab to resolve both RH and coldness |
| 3. Modification to Northern Region Health Center | P & E Construction | \$277,802.91 | 6/16/15 | 3/30/16 | 99% | SAMSA | GFD will not sign off on the occupancy until DPHSS corrects the fail fire inspection for the main facility which is not part of GHURA's contract. |
| 5. Up-grade of Astumbo Gym | Architect Laguana P & E Construction | \$78,335.84 \$710,014.33 | 7/19/16 2/14/17 | 11/30/16 10/16/17 | 100% Work has started | CDBG CDBG | Design completed, Building permit issued |

| Project | Contractor | Contract Amount | NTP | CCD | Status | Program/Grant | Remarks |
|--|--|---|--------------------|---------------------|---------------|----------------------|--|
| 6. Central Police Precinct | Taniguchi Ruth Makio Architects REX INT. | \$121,000.00 \$2,937,300.00 Due to funding Initial award \$1,950,216.05 Upon reprogramming of funds, \$987,083.95 | 8/21/16 3/27/17 | 11/21/16 2/12/18 | 100% | CDBG CDBG | Drawings submitted for permitting |
| 7. Modernization of Units at various amps | | | | | | Cap Funds | Working with the various AMPs to qualify vacant units for MOD |
| 8. Astumbo Affordable Homes 5 homes | P & E Construction | \$680,125.00 | 9/28/16 | 6/18/17 | 35% | HOME | Delay in release of permitting, contractor has completed all foundation and walls are at 50% completed |
| 9. Repair of 15 homes, Talofoto, Merizo and Yigo | Genesis Tech Base Bid 2 AM Manabat Base Bid 3 | \$95,300.00 \$111,800.00 | 11/10/16 | 1/30/17 | 100% | G500 | Closeout documents submitted |
| 10. surveillance camera and equipment at DPHSS Lab in Dededo, | Pacific Data Systems | \$24,500.00 | 11/10/16 | 12/30/16 | 95% | DOI | Delay due to DPHSS changing location for monitors hand over schedule for 1/6/17 |

| Project | Contractor | Contract Amount | NTP | CCD | Status | Program/Grant | Remarks |
|--|-------------------|-----------------------------|------------|------------|---------------|----------------------|--|
| 11. Change out of Elderly Windows at all AMPs | P&E Construction | \$336,200.00 | 11/22/16 | 5/2/17 | 20% | Cap Funds | Delay in materials from off island, contractor working to make up time |
| 12. Modernization of 12 Units at AMP 4 | Asian Pacific | \$151,128.00 Base bid #1 | 2/27/17 | 4/27/17 | 75% | Cap Funds | |
| | Gensis Tech | \$116,000.00 Base bid 2 | 2/27/17 | 4/27/17 | 85% | Cap funds | |
| 13. Umatac Baseball Field up-grade | | | | | | CDBG | FONSI advertised |

DIVISION REPORT

Divisions: RPE (Research, Planning and Evaluation Division) & CD (Community Development Division)

Manager: Chief Planner

Date: 10 April 2017

HOUSING

| # | Activity | PROJECT | | UNITS | | | | | | |
|---|-----------|--------------------------------|---|-------|------|---------------|-------------|--------|-----------------------------|----------------------------|
| | | Type | Name | Total | Sold | Leased/Rented | Special Use | Vacant | Construction/Rehab Underway | Construction/Rehab Pending |
| 1 | Homebuyer | New Construction | Sagan Bonita Phase I (43) Sagan Bonita Phase, II (13) w/ USDA Self Help | 56 | 43 | - | - | - | 13 | - |
| | | Renewal Homes | Machanao/Machananao (10) Astumbo (5) | 19 | 17 | 2 | - | - | 5 | - |
| | | Acquisition for Rehabilitation | GHURA Acquisition and Rehabilitation | 8 | - | - | - | - | 8 | - |
| 2 | Renter | Rehabilitation | Renaissance Affordable Rentals Dededo (5) Special Use Malessso (5) Talofofo (5) Yigo (5)* | 20 | - | 4 | 10* | 2 | - | 4 |

* Five Yigo units in final process for low income housing targeting veterans.

PROJECT / PROGRAM ACTIVITY (HIGHLIGHTS)

LIHTC (Low Income Housing Tax Credit Program)

Contract signing with 2016 Awardees, February 2017

Preparations for fourth quarter compliance monitorings

2016 LIHTC Application Cycle - Complete

Two Awards: (1) Summer Town Estates III, and (2) Villa Del Mar

Contract Signing with Awardees, January 2017

CDBG Section 108 Loan Guarantee Program

HUD deadline extended through May 2017

New Project Search, underway

Macheche Community Neighborhood Facility, compliance

Transfer of Ownership, April 2017 (revised)

Physical assessment/walkthrough, April 2017

Subrecipient/MOA, draft

PROJECT / PROGRAM ACTIVITY (HIGHLIGHTS)

Major Construction Projects Underway (various stages)

(HOME) Astumbo 5 Homes

~~(CDBG) Renaissance Dededo - Rental Reconstruction, 5 units~~

(CDBG) Astumbo Gym - Tier 2 Emergency Shelter Rehab

(CDBG) Central Police Precinct

(CDBG) Umatac Baseball Field

(CDBG) Sinajana Recreational Facility

GRANTS ADMINISTRATION

Grant Application Process/Annual Action Plan

PY2017 (FY2018) Grant Applications for CDBG, HOME, and ESG (Closed Mar. 30, 2017)

Evaluations Ongoing

Annual Action Plans

FY2017 Grant Agreements, in process

Consolidated Plan/Action Plan Substantial Amendment

CDBG Section 108

HOME & CDBG Reprogramming of Funds

HOME (Home Investment Partnership Grant Program)

Reprogramming of funds - New Home Construction

Public Housing

5-Year Plan, Public Review

GRANTS ADMINISTRATION

Capital Fund Program

New HUD Systems - EPIC (Energy and Performance Information Center)

2017 Projects - Planning, consultations with PSMs

GHURA Legacy

Asan Redevelopment Plan - Expiring November 2017

FHEO (Fair Housing and Equal Opportunity)

Guam Association of Realtors Event/Panel Discussion GovGuam Day with the Realtors

Miscellaneous, Administrative

New Staff, Planner IV (Monday, April 24)