

THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY

**Board of Commissioners Meeting
Friday, March 11, 2022 at 12:00 PM.**

This meeting is open to the public via Zoom.

Topic: GHURA BOC Meeting Friday, March 11, 2022
Time: Mar 11, 2022 12:00 PM Guam, Port Moresby

Join Zoom Meeting

<https://us06web.zoom.us/j/81145127325?pwd=RXlzcjg4a3FsaFNqS0UyVkpRSXZhQT09>

Meeting ID: 811 4512 7325

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AGENDA:

- I. ROLL CALL
- II. BOARD MEETING PUBLIC ANNOUNCEMENTS
- III. APPROVAL OF PREVIOUS BOARD MINUTES – February 25, 2022
- IV. OLD BUSINESS
 1. LIHTC 2021 Application, Panel Results and Recommendation (Ongoing Discussion)
Ref: Minute No. 183/21 & 184/21
- V. CORRESPONDENCE AND REPORTS
 1. MIS Status of Agency Transparency and Open Government Law
- VI. GENERAL DISCUSSION / ANNOUNCEMENTS
 1. Next proposed scheduled Board Meeting – Friday, April 8, 2022
- VII. ADJOURNMENT

The complete Board packet may be viewed on our website at www.ghura.org.

For more information, please contact Audrey Aguon at 475-1378 and for special accommodations, please contact Chief Planner – Designated Section 504 / ADA Coordinator at 475-1322 or TTY 472-3701.

This advertisement was paid for by GHURA.



**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., March 11, 2022
GHURA's Main Office (via Zoom)
1st floor, Conference Room, Sinajana
AGENDA**

- I. ROLL CALL**
- II. BOARD MEETING PUBLIC ANNOUNCEMENTS**
1st Printing - Thursday, March 3, 2022
2nd Printing - Wednesday, March 9, 2022
- III. APPROVAL OF PREVIOUS BOARD MINUTES - February 25, 2022**
- PAGE (S)**
- IV. OLD BUSINESS**
1. LIHTC 2021 Application, Panel Results and Recommendation 1 - 2
(Ongoing Discussion) Ref: Minute No. 183/21 & 184/21
- V. CORRESPONDENCE AND REPORTS**
1. MIS Status of Agency Transparency and Open Government Law 3 - 15
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Biden: Inflation battle to be 'top priority'

WASHINGTON (The Washington Post) — President Joe Biden on Tuesday night sought to assuage Americans about the trajectory of the U.S. economy, pledging in his first-ever State of the Union address that his "top priority is getting prices under control."

Speaking from the dais of the House, Biden began by emphasizing that jobs have returned, wages have risen and the country has resumed many of its daily rhythms under his watch, roughly two years after the coronavirus pandemic touched off the worst economic crisis since the Great Depression.

But the president also acknowledged that millions of Americans still

face financial hardships, particularly as the cost of groceries, gasoline, cars and rents have skyrocketed in what has become the fastest period of inflation in four decades. On a day when geopolitical tumult threatened additional shocks, Biden promised fresh vigilance in Washington to protect families at risk of falling further behind.

"With all the bright spots in our economy, record job growth and higher wages, too many families are struggling to keep up with their bills," Biden said. "Inflation is robbing them of the gains they might otherwise feel."

"I get it," Biden continued. "That's why my top priority is getting prices under control."

Specifically, Biden called on

On a day when geopolitical tumult threatened additional shocks, Biden promised fresh vigilance in Washington to protect families at risk of falling further behind.

Congress to support a series of economic initiatives, including efforts to provide monthly tax payments for families with children, reforms

to lower prescription drug prices for seniors, and legislation to raise the minimum wage for millions of workers. The president vocalized anew his plans to address logjams in "global supply" chains that have driven up demand for some goods, like automobiles, leading to higher prices. And he promised to combat corporate conglomerates, which he said may be squeezing consumers through price gouging.

Many of Biden's ideas originated in a slew of blueprints he has unveiled since assuming the presidency, including a signature initiative known as the Build Back Better Act, which ultimately faltered last year because of divisions among Democrats.

Abbott, O'Rourke to face off in contest for Texas governor

WASHINGTON (Reuters) — Republican Texas Gov. Greg Abbott won his party's nomination on Tuesday to seek a third term in office, setting up a November contest with Democratic former Congressman Beto O'Rourke, U.S. media reported.

Abbott, who was endorsed by former President Donald Trump, easily turned back several right-wing challengers, will enter the general election as a favorite over O'Rourke, the state's most prominent Democrat, is seeking to become the first Democratic governor of Texas in nearly three decades.

Texas voters were also selecting their parties' nominees on Tuesday for the U.S. House of Representatives. The first-in-the-nation nominating contests could offer clues about the

mood of American voters ahead of the Nov. 8 elections that will determine control Congress for the rest of President Joe Biden's four-year term.

The election is also the first test of new Republican-backed voting restrictions passed in response to Trump's false claims of election fraud.

As of Tuesday evening, there were no reports of long delays or major problems at polling places, following weeks in which several counties recorded an unprecedented number of rejected mail-in ballots due to new identification requirements.

Texas Secretary of State John Scott said Harris County, the state's largest and home to one in six Texans, had informed his office that it would be unable to tally all votes within 24 hours

of the polls closing, as required by law.

The delay is due to "damaged ballot sheets" that must be copied before they can be scanned, Scott said in a statement, adding that his office would offer assistance as needed.

A Harris County election office spokeswoman declined immediate comment.


Midterm elections typically serve as a referendum on the sitting president, and Republicans are favored to win a majority in at least one of the two chambers of Congress that Democrats control by razor-thin margins. That would allow Republicans to block Biden's legislative agenda and launch investigations that could damage his administration.

Biden, whose public approval

remains at a low 43%, according to a Reuters/Ipsos poll completed on Tuesday, delivered his annual State of the Union address in the evening.


The Republican race for attorney general may provide an early measure of Trump's power among the party's faithful. Ken Paxton, the incumbent, is running for a third term with Trump's backing, despite his pending 2015 indictment for securities fraud and a separate federal investigation into allegations of bribery. Paxton has denied any wrongdoing.

He held an early lead over Land Commissioner George P. Bush, grandson of former President George H.W. Bush, firebrand U.S. Rep. Louie Gohmert and former state Supreme Court Justice Eva Guzman.



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 - Fax: (671) 300-7565 - TTY: (671) 472-3701
Website: www.ghura.org



Loures A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor of Guam

Board of Commissioners Meeting
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PORT OF GUAM
ATURIDAT I PUEJTION GUAHAN
Jose D. Leon Guerrero Commercial Port
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Website: www.portguam.com



THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:
PORT AUTHORITY OF GUAM

INVITATION FOR BID:

BID NO:	IFB-PAG-005-22
FOR:	ALL EQUIPMENT PARTS BID
PRE-BID CONFERENCE	10:00 a.m., TUESDAY, MARCH 8, 2022
BID SUBMISSION DEADLINE:	2:00 p.m., MONDAY, MARCH 21, 2022
LOCATION TO SUBMIT:	PAG PROCUREMENT OFFICE, 1 st FLOOR, ADMIN. BLDG.
BID OPENING LOCATION:	PAG, BOARD ROOM 1 st FLOOR, ADMIN.

The Port Authority of Guam (PAG) is issuing this Invitation for Bid for all equipment parts bid. A PDF copy of the bid packet is available to download at www.portofguam.com, or a hard copy can be obtained at the PAG Procurement Office located on the 1st floor of the PAG Admin Bldg. from 8:00 a.m. - 5:00 p.m., Monday through Friday, beginning Thursday, March 3rd, 2022, until Monday, March 21st, 2022.

Bidders must register their current contact information with PAG to ensure they receive any notices regarding changes or updates to the IFB. The Port will not be liable for failure to provide notice to any party who did not register current contact information.

The PAG reserves the right, in its sole and absolute discretion, to reject any and all bids, cancel in its entirety, or waive informalities and minor irregularities in the bids, which in its sole and absolute judgment, will under all circumstances best serve the Government's interests. This right to reject and/or cancel is pursuant to 2 GAR Div. 4 Procurement Regulations§ 3115 (d)(2)(A). This project is funded by the Port Authority of Guam.

/s/ RORY J. RESPICIO
General Manager

	CURRENCY EXCHANGE RATES On Mar. 8, \$1 was worth:	52.21 PHPP	115.50 JPY¥	1,237.90 KR₩₩	28.345 TWD NT\$	6.3159 CNY¥	1.3729 AUD A\$	0.9207 EUR €	
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New Harmon restaurant features roast pork, chicken



ROASTING: Edwin Flores on Tuesday assembles generous cuts of pork belly on a skewer at the Pacific Roasters restaurant in the Harmon Industrial Park. Flores, the owner of the restaurant, said the featured menu items will be roasted chicken and pork belly. The restaurant held a grand opening Tuesday. Norman M. Taruc/ The Guam Daily Post

Oil prices reach \$126

(Reuters) - Oil prices seesawed Tuesday with Brent crude reaching \$125 per barrel, around 10% below a 14-year high struck in the last session, reflecting relief that European allies were not planning to join a possible U.S. ban on Russian oil imports.

Brent crude futures were up \$2.01 at \$125 a barrel Tuesday after trading as high as \$126.35.

U.S. West Texas Intermediate crude futures were up \$1.53 at \$120 a barrel.

"Unless the war stops, (Brent) prices can go anywhere towards \$156 to \$185 a barrel, said Ajay Kedia, director at Kedia Commodi-

ties in Mumbai.

If all of Russia's oil exports were blocked from global markets, analysts have said prices could rocket to \$200 a barrel, while Russia's Deputy Prime Minister Alexander Novak said oil could soar to more than \$300.

"There is no capacity in the world in the moment that can replace 7 million barrels of exports," OPEC Secretary-General Mohammad Barkindo told reporters at an industry conference in Houston.

A year ago, U.S. oil traded for \$50 a barrel, according to the U.S. Energy Information Administration.

(Daily Post Staff contributed to this report.)



AMENDMENT NO. 1 (February 16, 2022)
* PRE-PROPOSAL CONFERENCE has been extended until
March 11, 2022 ~ 10:00 AM ~ UOG JELG-SBPA Room 261
(Site visit will follow for interested parties.)



REQUEST FOR PROPOSALS RFP No. P22-02

The University of Guam is soliciting sealed proposals for:

DESIGN-BUILD CONSTRUCTION SERVICES to implement projects approved in UOG Endowment Foundation's USDA Rural Development Community Facilities Loan Application to design and build for the University of Guam (in Mangilao, Guam) a new **School of Engineering**.

This **REQUEST FOR PROPOSAL** contains one (1) *Contract Award for the UOG School of Engineering*. This potential award is dependent on the total **Guaranteed Maximum Price(s)**. The Proposal offers will be evaluated and ranked.

Copies of instruction and information may be obtained from the University of Guam by emailing uog.bids@triton.uog.edu.

UOG Consolidated Procurement Office
Administration Annex Building
UOG Station
Mangilao, Guam 96923

Tel. No.: (671) 735-2925
Fax No.: (671) 735-3010
Alt. Fax.: (671) 734-3118
Web Site: <https://www.uog.edu/procurement/>

This RFP packet will be **ISSUED on Monday, January 31, 2022**. In Accordance with 5 G.C.A. §5220(a), a digital copy of this solicitation shall be posted on UOG's website at <https://www.uog.edu/procurement/>. No fees shall be assessed to potential Offerors or other parties for accessing or downloading a copy of this solicitation from UOG's website. Potential Offerors who access or download a copy of this solicitation from UOG's website must register their contact information with UOG to ensure that they receive any notices regarding to any changes or updates to this solicitation. In accordance with 5 G.C.A. §5220(b), UOG shall not be liable for failure to provide notice to any party who accesses or downloads a copy of this solicitation from UOG's website who fails to register their contact information with UOG as required herein. **In accordance with 5 G.C.A. §5220(c), potential Offeror's may also obtain a hard copy of this solicitation by paying a non-refundable fee of twenty-five (\$25.00) U.S. dollars for each RFP packet (hard copy of CD disc).** However, interested parties may review a copy of the RFP free-of-charge at UOG's Procurement Office prior to purchasing the RFP. All payments shall be by cash, certified check, or money order and shall be made payable to: The University of Guam. **Potential Offerors who pay the aforementioned fee shall have their contact information registered with UOG at the time they make payment and receive the RFP packet.** UOG will advertise this RFP in print media with general circulation on Guam and will circulate the notice of the RFP in industry areas pertinent to type of procurement. This notice will be posted in UOG's website and emailed to known Offerors to secure maximum competition as required by Section 3.14.5 and Section 3.9.6, UOG Procurement Regulations. University of Guam, reserves the right to reject any or all proposals, solicit new proposals, or waive minor informalities or irregularities. All questions regarding the proposal should be made in writing and directed to the Procurement Office via email at uog.bids@triton.uog.edu.

A **PRE-PROPOSAL CONFERENCE AND SITE VISIT** is scheduled for **Wednesday, February 23, 2022 at 10:00 AM** at the **UOG School of Business & Public Administration (SBPA)** building. Attendance at the Pre-Proposal Conference is NOT required for participation in this RFP.

NOTICE: The last day for UOG to accept **WRITTEN QUESTIONS** and/or **CLARIFICATIONS** is ten (10) calendar days **BEFORE** the proposal submission deadline (**Monday, April 11, 2022**). Please adjust accordingly if deadline is extended.

The **DEADLINE FOR SUBMISSION** of sealed RFP Proposals is on **Wednesday, April 20, 2022 ON OR BEFORE 4:00 PM Guam Time** to the UOG Procurement Office Share folder link to be provided to all registered offerors. One original copy of uploaded file should be dropped off to the procurement office located in the UOG Business Office Annex building.


/s/ DR. WILFRED P. LEON GUERRERO, BOARD CHAIRMAN, UOGEF /s/ DR. THOMAS W. KRISE, UOG PRESIDENT

The UOG Endowment Foundation is a collaborative non-profit organization between community members and school administrators to improve the quality of higher education in Guam by encouraging private and public support for the University of Guam.

The University of Guam is the major institution of higher education in the Western Pacific. It is a United States of America Land-Grant Institution accredited by the Western Association of Schools & Colleges. UOG's Mission: To Enlighten, To Discover, To Serve.

THE UOG ENDOWMENT FOUNDATION AND THE UNIVERSITY OF GUAM ARE BOTH EQUAL OPPORTUNITY EMPLOYER & SERVICE PROVIDERS. THIS AD WAS PAID FOR USING UNIVERSITY OF GUAM FUNDS.

USDA If you wish to file Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form. Round online at http://www.asec.usda.gov/complaint_filing.asp, visit here, or at any USDA office, or call (866) 632-6892 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.



GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

PUBLIC NOTICE - PUBLIC COMMENT

GUAM 2022 303(D) LIST OF IMPAIRED WATERS

The Clean Water Act (CWA) requires states to provide every two years an assessment of the quality of all their waters [section 305(b)] and a list of those that are impaired or threatened [section 303(d)]. The Guam Environmental Protection Agency (Guam EPA) hereby commences a thirty-day review and comment period:

FEBRUARY 11, 2022 – MARCH 14, 2022


The public and other stakeholders are invited to comment on the 2022 Guam 303(d) List of Impaired Waters. This list of water bodies and supporting documents are available at Guam EPA's Main Office, Building #17-3304, Mariner Avenue, Tiyan, between 8:30am and 4:30pm weekdays (except holidays).

DEADLINE TO SUBMIT WRITTEN COMMENTS IS 5:00 PM CHST MONDAY • MARCH 14, 2022


Written comments may be hand delivered or mailed to:
Guam EPA 17-3304, Mariner Avenue Barrigada, Guam 96913-1617. No fax submissions will be accepted. The final decision to accept this list or make any changes will be decided after all comments have been considered. Please bring this information to the attention of all persons who may be interested in this matter.
For more information, please contact Margaret Aguilar via email: margaret.aguilar@epa.guam.gov.

/s/ WALTER S. LEON GUERRERO, Administrator
(THIS AD PAID FOR WITH LOCAL FUNDS)

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
TODU Y NIALAY Y TANO MAN UNO • ALL LIVING THINGS ARE ONE
 Like and follow guamepa



GHURA
Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 • Fax: (671) 300-7565 • TTY: (671) 472-3701
Website: www.ghura.org



Equal Housing Opportunity
Joshua F. Tenorio
Lieutenant Governor of Guam

Board of Commissioners Meeting

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**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., March 11, 2022
GHURA's Main Office (via Zoom)
1st floor, Conference Room, Sinajana
AGENDA**

I. ROLL CALL

After notice was duly given, pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regularly scheduled board meeting was called to order at **12:00 P.M. Friday, March 11, 2022** at the GHURA Sinajana Main Office, 1st floor Conference room, by Chairman Rivera. He indicated that **6** members of the Board of Commissioners were present, representing a quorum and that the meeting would proceed as scheduled.

Before roll call, Chairman Rivera expressed his sincere gratitude to the GHURA family for the care that it had taken to show their respect and to honor the former Director Topasna. He added that there were still other celebrations of Mr. Topasna's life that are forthcoming. He thanked the Acting Director Liz Napoli, Acting Deputy Director Audrey Aguon, the GHURA management, and staff for supporting the Topasna family in their time of need. He stated that on behalf of the GHURA Board of Commissioners, he offered their support to the GHURA management and staff for anything they may need moving forward.

<p>PRESENT: (via Zoom video conference)</p> <p>Dr. John Rivera, Chairman (In person) Monica Guzman, Vice Chairwoman Frank Ishizaki, Commissioner Nate Sanchez, Commissioner Emilia Rice, Commissioner Karl Corpus, Resident Commissioner</p> <p>ABSENT: Anisia Delia, Commissioner</p> <p>LEGAL COUNSEL: Anthony Perez, Esq. (Absent)</p>	<p>MANAGEMENT & STAFF:</p> <p>Elizabeth Napoli, Executive Director (Acting) Audrey Aguon, Deputy Director (Acting) Julie Lujan, MIS Administrator Katherine Taitano, Chief Planner</p> <p>PUBLIC: (VIA ZOOM VIDEO CONFERENCE)</p> <p>Chit Bathan Ho Sang Eun, Core Tech Jackson Stephens (PDN) Tony (unidentified participant) Jesse Wu, HUD Representative Rebecca Borja, HUD Representative</p>
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II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Thursday, March 3, 2022

2nd Printing – Wednesday, March 9, 2022

ACKNOWLEDGED by the GHURA BOC

III. APPROVAL OF PREVIOUS BOARD MINUTES

[018/22] Commissioner Ishizaki moved to adopt the meeting minutes of February 25, 2022, as corrected. The motion was seconded by Vice Chairwoman Guzman. There were no objections by the other board members. The motion carried.

IV. OLD BUSINESS

1. [019/22] LIHTC 2021 Application, Panel Results and Recommendation (Ongoing Discussion) Ref: Minute No. 183/32 & 184/21

Acting Executive Director Napoli deferred to Ms. Katherine Taitano, GHURA Chief Planner. Ms. Taitano stated the following:

- Back in November, two projects were brought before the BOC, Summer Breeze and Summer Vista.
- Both projects met the minimum requirements for approval.
- There was not enough funding for both projects to receive full credits, as requested.
- The panel review favored the smaller project, Summer Breeze.
- Additional credits were awarded to an ongoing project, Villa Del Mar. This was also approved.
- Balance from the funding remained available.
- It was at the request of Commissioner Ishizaki and the board to explore the opportunity to pursue funding to Summer Vista as the project also met the minimum requirement.
- Ms. Taitano's team had explored various ways to maximize the balance of the Qualified Allocation Plan (QAP).
- The Summer Vista project, if amended, could bring in 96 units of 128 units, which was Summer Vista's original proposal.
- Additional funding to complete the original proposal of 128 units may come from the Build Back Better initiative which requires congressional approval.
- GHURA has received the revised amended packet from Summer Vista which includes the scaled down proposal of 96 units.
- None of the provisions that were subject to the approval process for the selection criteria were changed.

Commissioner Ishizaki requested that Ms. Taitano provide the board with the balance of the remaining funds. Ms. Taitano stated that in 2021 QAP, the LIHTC Allocation Competition there was \$6.6 million available. GHURA awarded Villa Del Mar II \$336,000 of additional credits and \$3.6 million to Summer Breeze for 64 units. What remained was \$2.4 million of the 2021 and \$2.9 million of the 2022 QAP, LIHTC Allocation Competition. A total of \$5.4 million that is available, is sufficient for the 96 units.

Vice Chairwoman Guzman asked that although Summer Vista agreed to build 96 units for \$5.8 million, could they build 128 units. Ms. Taitano stated that Summer Vista could not build more than the 96 units at that price. However, Summer Vista had expressed their willingness to finish building the original proposed 128 units should more funding become available. Ms. Taitano added that awarding to Summer Vista would be acknowledging the reality of the challenges of finding units sufficient for the market that is needed. While also acknowledging the escalations in rent that are displacing families. Ms. Taitano added that Summer Breeze would be building 64 units and Summer Vista would be building 96 units.

Vice Chair Guzman asked that Ms. Taitano explain the additional points that were awarded to Summer Breeze. Ms. Taitano stated that they try to encourage developers to build in areas other than the Northern areas. Clients of affordable housing face the challenges of job availability found mostly in the Northern and central areas. She added that her team looked to other areas as much as they could. It was an opportunity to build in Barrigada.

Chairman Rivera inquired about the anticipated timeline of when these units would become available to the market. Ms. Taitano stated that the units should be available within two years. She added that the developers face very strict deadlines because the tax credit aspect is managed extremely well.

Vice Chair Guzman asked when the 2023 allocation would be awarded. Ms. Taitano indicated that she and her team should know towards the end of 2022. Vice Chair Guzman indicated that construction of Summer Vista would be into about one year of construction. Ms. Taitano confirmed this and clarified that she and her team are hoping for the additional allocation out of cycle of the Biden Administration's Build Back Better Initiative. Ms. Taitano stated that there may still be an opportunity for the initiative to make its way back into legislation in some smaller form and maybe a more targeted form, just for tax credits. Should that be the case, GHURA may use those additional funds to pursue with the developer to complete the 128 units. Currently, GHURA is not looking at forward allocations of 2023. Vice Chair Guzman stated that perhaps additional funding may be found elsewhere. Ms. Taitano added that it may be possible and stated that her team was looking into all sorts of ability opportunity to use the Home American Rescue Plan allocated funding for the island for a project that involved the tax credits. There were lots of examples of using HOME funds with a tax credit project. Home Program allocations are on the smaller side, far smaller. \$3.8 million is available to GHURA under a Home American Rescue Plan allocation, but Home has many requirements, and this is new territory for them. Ms. Taitano stated that for the VISTA project, it was something that she was uncomfortable at this time to pursue. However, they do have another cycle coming up and

the timing might be better for that sort of thing. She added that they would find something to use the Home AARP monies on.

Vice Chair Guzman inquired about whether legal counsel had reviewed the document. Ms. Taitano stated that legal counsel had not reviewed the revised application. She stated that she and her team looked at it against the original selection criteria and that the points adhered to all the same requests and requirements. They stayed to the line.

Chairman Rivera inquired about whether the initial approval process done in 2021 was still legitimate since this was a new cycle and additional funding source was from a different year. Ms. Taitano stated that there was nothing to preclude the board from utilizing available 2022 funds to further projects which were awarded in 2021. They would carry on into 2022. Chairman Rivera stated that for clarification purposes that project one of two was already funded and that this would be project two of two. Ms. Taitano confirmed this and added that GHURA chose not to wait another year before going out for applications while a perfectly viable project was available. And it was at the request of the board to go back and see what could be done to make things move.

Commissioner Corpus asked if there was a deadline to vote on this item and added that he would feel more comfortable if legal counsel would review it and the board vote on it at the next scheduled meeting. Ms. Taitano stated that if it was the board's wish to have counsel review the document, then her team will provide it for counsel's review. She added that counsel does review all documents for execution of agreements with the developers selected. Ms. Taitano stated that there was no deadline to meet, but that any delay would have impacts on projects started.

Commissioner Sanchez inquired about whether there were other developers aside from CoreTech and Ironwood that applied and met the criteria. Ms. Taitano stated that there were only two applications and that both were under the Summer umbrella projects. She added that Ironwood was a previously approved project and needed additional funding. Ms. Taitano indicated that she recently received an email from a new developer.

Chairman Rivera stated that there were two options before the board, a request for approval to proceed; or have legal review and push for a vote at the next scheduled board meeting. He added that based on his understanding that even if the board approved the item, it would still need to be reviewed by legal counsel with those developers. Ms. Taitano stated that legal counsel would have to review anything that requires the signature of the executives. She also stated that it would only be the board's approval that would get the projects started and should legal counsel find any issues, the board will be notified.

There were no further discussions.

[020/22] Commissioner Sanchez moved to have legal counsel review the document and allow board members to reiterate what was discussed today and reach a consensus before finalizing. Vice Chair Guzman seconded the motion. There were no objections by the other board members. Motion passed.

V. CORRESPONDENCE AND REPORTS

1. [021/22] MIS Status of Agency Transparency and Open Government Law

Mrs. Julie Lujan, MIS Manager, stated the following:

- Open Government Law information packet was received by GHURA from the Attorney General's Office (AG's Office)
- Notes provided pertained to the interactions that the MIS division deals with.
- Other items that pertain to reporting and compliance are taken care of on the Executive/ Admin. side.
- The purpose of the Open Government Law is to ensure that all government agencies are compliant as far as disclosing information to the public.
- The document provided came out in December 2021.
- Document states that the board may participate in the use of video teleconferencing at meetings. GHURA has the Zoom video teleconferencing platform in place.
- GHURA has made it possible for the Public to participate in the video teleconferencing.
- Agency Homepage- For accountability and tracking, GHURA has had an agency homepage for 10+ years. Board announcements, board agendas, and GHURA events are available for review as far back as January 2017.
- Video Live Streaming at meetings- this is now mandatory. GHURA has its channel available on YouTube. Meetings can be streamed live. Once meeting ends, recording is placed for historical purposes on the GHURA channel.
- Public Notices- another area that GHURA must report to. A website was created by OTECH. After several earlier attempts at developing a relationship with OTECH, GHURA was finally able to have OTECH post on the Guam Public Notices Portal its upcoming events and information regarding BOC meetings.
- Compliance with Americans with Disabilities Act- GHURA has always abided by the Title 2 of the ADA. GHURA's website is ADA compliant as well as Web Content Accessibility Guidelines compliant. TTY number is advertised as well as the ADA Coordinator.
- Source of payment for advertisements- paid for by GHURA funds
- Post meeting requirements- audio provided to OPA; final board packages are sent to the Speaker of the Legislature, to the Governor of Guam, and to the Guam Legislature Messages and Communications. GHURA is compliant with all 3 requirements.
- Video teleconference or face to face attendance- to be included in the board packet.

- All email communications or text messages are subject to FOIA requests.

Chairman Rivera thanked the MIS division for being proactive and keeping the board informed. He added that the process is ongoing and evolving and adapting to the way the laws and policies are shifting.

Vice Chair Guzman asked what type of committee the Vigilance Committee was. Mrs. Lujan stated that the committee was with Mr. Lee Webber and Senator Klitzky and believed that it was more of a political watchdog group to keep the government agencies transparent.

Commissioner Ishizaki indicated that Mrs. Lujan mentioned email, personal email, and text messages may be subject to FOIA requests. He presumed that Whatsapp text messaging was included. Mrs. Lujan confirmed this. Commissioner Ishizaki suggested the idea of possibly using official phones. Acting Executive Director Napoli indicated that she had requested that Mrs. Lujan seek legal counsel regarding the issue of using personal devices for official business and will update the board with information later.

Chairman Rivera stated that those forums are used for informational settings only, such as sending out announcements or reminders. It should not be used for deliberations of any kind or to garner any sentiment about decisions. Chairman Rivera stated that the board chat has only been used for informational purposes and announcements and recommended that the board continue to use the chat in this way. He agreed with Acting Director Napoli that consulting with legal counsel about this issue would be in the best interest of GHURA and of the board of commissioners.

Vice Chair Guzman asked Mrs. Lujan if GHURA has its own servers. Mrs. Lujan stated that GHURA has 10 servers and is not connected to the GovGuam Wide Area Network but continues to remain compliant.

There were no further discussions.

VI. GENERAL DISCUSSION / ANNOUNCEMENTS

1. **[022/22] Next proposed scheduled Board Meeting: Friday, April 8th, 2022 @ 12:00 p.m.**

Chairman Rivera requested that the board members mark their calendars for the next scheduled board meeting.

[023/22] Acting Executive Director Napoli stated that there were two tributes scheduled for the late Director Topasna. The first one is scheduled on Monday, March 14 at 5:30PM at the Adelup Stage. The second tribute will be a GHURA tribute on Wednesday, March 16th at 10AM at the St. Jude Church. She invited the board members.

VII. ADJOURNMENT

[024/22] Commissioner Ishizaki moved to adjourn the meeting. Commissioner Corpus seconded the motion. There were no objections by the other board members. Chairman Rivera called the meeting at 1:03PM.



A handwritten signature in black ink, appearing to read "E. Napoli", written over a horizontal line.

ELIZABETH F. NAPOLI

Board Secretary / Acting Executive Director



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
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Website: www.ghura.org



Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lt. Governor of Guam

John J. Rivera
Chairman

Monica O. Guzman
Vice Chairwoman

Anisia S. Delia
Commissioner

Frank T. Ishizaki
Commissioner

Emilia F. Rice
Commissioner

Nathanael P. Sanchez
Commissioner


Karl E. Corpus
Resident Commissioner

Elizabeth F. Napoli
Executive Director, Acting

Audrey A. Aguon
Deputy Director, Acting

MEMORANDUM

TO: ACTING EXECUTIVE DIRECTOR NAPOLI
BOARD OF COMMISSIONERS

FR: CHIEF PLANNER 

DATE: MARCH 11, 2022

SUBJECT: LIHTC 2022 Tax Credit Allocation to Summer Vista I

Hafa A dai Director Napoli and Commissioners,

At the regular meeting of GHURA's BoC on November 26, 2021, a motion was made by Commissioner Pereda and seconded by Commissioner Delia to approve the award of additional LIHTC Credits in the amount of \$197,832 for the Villa Del Mar II, LLC¹ project and the new award of \$3,663,526 to Summer Breeze I, LLC².

The Board further directed management to examine the possibility of awarding the balance of the available tax credits to support bringing additional affordable units online soonest, acknowledging the earnestly increasing need for affordable units. Commissioner Ishizaki recommended to continue negotiations with Summer Vista I developer Core Tech Development to see if it is viable to continue the project with the amount of credits available.

The breakdown of credits available from 2021 and now also 2022 are listed below.

Credits Available LIHTC 2021	\$ 6,660,957
LIHTC 2019 (National Pool) Returned	\$ (197,832)
LIHTC 2021 Additional Credits (VDMII)	\$ (336,200)
LIHTC 2021 Award (Summer Breeze)	<u>\$ (3,663,526)</u>
LIHTC 2021 Allocation Remaining	\$ 2,463,399
LIHTC 2022 Allocation	<u>\$ 2,975,000</u>
Credits Available LIHTC 2022	\$ 5,438,399

Presently, the amount of tax credits available to be allocated by the GHURA Board of Commissioners for LIHTC proposed projects is \$5,438,399.

GHURA met with Summer Vista, LLC representatives on two occasions.

¹ Villa Del Mar II, LLC project, 88 units in Toto, Guam

² Summer Breeze, LLC project, 64 units in Barrigada, Guam



- On January 13, 2022, Core Tech Development³ met with GHURA staff to consider options for the award of available tax credits, possibly to include HOME American Rescue Plan funds. Four ways were contemplated:
 1. HOME funds as a market-rate loan direct to the project
 2. HOME funds as a below market-rate loan with 9% credits utilizing the 40/50 rule and no basis boost for QCT/DDAs
 3. As a below market-rate loan with 4% credits (require use of tax exempt bonds which GHURA does not administer or acquisition projects)
 4. As a Grant from GHURA
 - Direct Grant to the Owner/Developer
 - While HOME funds can be awarded as a grant, this would likely result in a reduction of the project's Eligible Basis under LIHTC. Grants are almost always treated as taxable income opening the possibility of significant tax consequences from the LIHTC perspective.
 - Direct Grant to Guam Facilities Foundation, Inc. (non-profit entity providing property management services to CTD-constructed LIHTC properties) for the purpose of lending the grant money to the development.
 - A grant to GFFI may address the issue of a reduced Eligible Basis and is unlikely to incur negative tax consequences. However, the requirements of HOME as financial investment in a LIHTC project is unknown. GHURA's due diligence to ensure HOME program regulations are met could impact the development schedule.

- On February 17, 2022, Summer Vista, LLC representatives and GHURA staff, after evaluating options concluded the following:
 - A LIHTC/HOME mixed financing structure may not be achievable given the timeline expectations of the LIHTC component at this time.
 - A LIHTC-only financing for the Vista project to utilize 2021/2022 tax credits could develop 96 of the 128 units originally proposed.

As of March 07, 2022, Summer Vista I submitted an amended/updated application to reflect the reduction of units from 128 to 96. The updated application represents a scaled down proposal with no changes to any of the previously reviewed selection criteria elements. The Summer Vista I updated application requests to utilize the full amount of \$5,438,399. Should the IRS increase the allocation to LIHTC jurisdictions at some later time in 2022, Summer Vista I may request an allocation of additional credits for the purpose of completing 128 total units.

Approval by the GHURA Board of Commissioners is required at this time to award LIHTC program tax credits to Summer Vista, LLC in amount of \$5,438,399 for the development of 96 affordable housing units as proposed in their amended/updated application.

At the Regular Board Meeting of March 11, 2022, a motion was made by Commissioner Sanchez and seconded by Vice Chairwoman Guzman to approve the award of LIHTC program tax credits to Summer Vista, LLC in the amount of \$5,438,399 for the development of 96 affordable housing units as proposed in the amended / update application under the notion that Legal gets final review and the Board reach a consensus. Without any further discussion and objection, the motion was approved.

³ Core Tech Development is the owner/developer of both the Summer Vista project and the Summer Breeze project.

Management Information Systems (MIS) Report – 03/08/2022

“OPEN GOVERNMENT LAW IN GUAM”

1. Purpose of Open Government is to ensure all government agencies are compliant with disclosure laws. Its efforts are to confirm each entity is transparent in reporting and allowing the public accessibility to agency information.
2. The Vigilance Committee (President Lee Webber) goal is to provide “the people’s right to know the process of governmental decision-making and to review the documents and statistics leading to these determinations”. It is “key to holding public officials and government representative accountable”.
3. Attorney General (Leevin Camacho) Open Government Law was issued December, 2021 to all Gov Guam agencies to ensure reporting requirements are met. In part the policy includes, “the people insist on remaining informed so that they may retain control over the instruments they have created”.

For MIS, these requirements included video teleconferencing, agency home page, video live stream applications, Government of Guam Public Notices Portal, compliance with Americans with Disabilities Act (ADA), website message regarding government funds, audio to Office of Public Accountability, and finally, email communications subject to FOIA (informational only).

4. Prior to Open Government Law issued by the Attorney General, and relating to the Vigilance Committee requirements, GHURA had been in full and confirmed compliance. Post Open Government Law GHURA had two outstanding requirements to fulfill, 1) to make available all notices to the Government of Guam Public Notices Portal, and 2) video live stream applications. To date, these two requirements as well as all others are being met that require MIS interactions.
5. The included attachments are twelve (12) pages of information relating to Open Government Law as it relates to the MIS division.

Everything You Need to Know About the Open Government Law in Guam

For Government of Guam Departments and Agencies Directors
and Employees; Elected and Appointed Boards and Commissions
Members and Staff



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THE OPEN GOVERNMENT LAW – POLICY

The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to the public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

5 GCA § 8102. Added by P.L. 13-35 (June 26, 1975)

Use of Video Teleconferencing at Meetings

(a) Board and commission members may participate in regular and special meetings via video teleconferencing. The board or commission member shall submit a written request to participate in regular and special meetings via video teleconferencing to the Chairperson. Such request shall be attached to the minutes of said meeting.

(b) Participation via video teleconferencing shall meet the requirements for a quorum.

* * *

(d) Executive sessions and due process hearings shall not be conducted via video teleconferencing.

5 GCA § 43121. Added by P.L. 34-133 (Oct. 17, 2018).

AGENCY HOME PAGE

5 GCA § 10305. Home Page for Each Department or Agency of Government.

(a) Every department or agency of the Executive Branch of the government of Guam, inclusive of all autonomous agencies...shall develop and post on the Internet a home page or website.

Added by P.L. 24-301 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057 (June 30, 2005); amended by P.L. 29-19:IV:88 (Sept. 29, 2007)

5 GCA § 10306. Information Required.

The following information must be posted, at a minimum, on each official website or homepage required pursuant to Section 10305 above.

(a) Notice of all meetings, hearings and public events as required by public law and for such duration as required by public law and containing such information as is required by public law.

Added by P.L. 24-301 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057 (June 30, 2005); amended by P.L. 29-19:IV:88 (Sept. 29, 2007)

USE OF VIDEO LIVE STREAMING AT MEETINGS – NOW MANDATORY

(a) Boards and commissions shall broadcast regular and special meetings via video live streaming applications.

** *

(c) Boards and commissions shall provide instructions on how the public can access these video live streams on their meeting notices.

5 GCA § 43122. Added by P.L. 34-133 (Oct. 17, 2018). Amended by P.L. 36-34 (June 11, 2021), effective 30 days after enactment.

PUBLIC NOTICE DETAILS – GENERAL

(A) *Public Notice*, as used in this Chapter, means a publication by newspaper of general circulation or by radio or television which is reasonably calculated to provide notice of the facts it announces to the public at large, and by electronic publication on the [Guam Public Notice Website](#).*

(B) As used in this item, *newspaper of general circulation* means a newspaper which is printed and distributed not less than once a week, at regular intervals, throughout the territory of Guam, which has a paid circulation and holds a valid second class mailing permit from the United States Post Office, and which contains news, articles of opinion, features, and other matters of current interest published for public dissemination.

5 GCA § 8104(a)(5). Added by P.L. 13-35 (June 26, 1975); amended by P.L. 24-109 (Oct. 24, 1997); subpart (a)(5)(A) amended by P.L. 32-37 (June 7, 2013).

* [Government of Guam Public Notices Portal](https://notices.guam.gov/) – <https://notices.guam.gov/>



Guam Public Notice Website Now Available

by Office of the Governor | Jun 15, 2021 | Press Releases



Hagåtña, Guam – The Office of Technology (OTECH), in partnership with the Office of the Governor of Guam, is proud to announce the launch of the Guam Public Notice website, available at notices.guam.gov. This portal provides a platform for public information regarding news, events, press releases, notifications, alerts, and announcements from Government of Guam agencies and boards, pursuant to Guam Public Law 32–037, and codified under 5 GCA §8107.1

Compliance with the Americans with Disabilities Act

The public agency must comply with the Title II of the Americans with Disabilities Act ('ADA') requirements for effective communication for people with disabilities and include information in the notice that individuals requiring special accommodations, auxiliary aids or services shall contact and submit their request to the designated agency or department representative or ADA Coordinator. The public agency shall make available the name, office address and telephone number, including Telecommunications Device for the Deaf ('TDD'), of the designated ADA Coordinator.

5 GCA § 8107(a) (Notice of Regular Meetings); 5 GCA § 8107(b) (Special Meetings).

SOURCE OF PAYMENT FOR GOVERNMENT NOTICES / WEBSITE REQUIRED.

(a) Any website, public notice, advertisement or message issued or published by an agency, or agencies, and paid for, partially or fully, using government funds *shall* include a disclosure statement that the public notice, advertisement or message is paid for by government funds, and the name of the agency or agencies paying for the notice.

(b) As used in this Section, *Agency* means any authority of the government, and includes a department, institution, board, bureau, commission, council, committee of Guam government, branch, autonomous instrumentality *or* other public entity of the government of Guam, whether or not it is within or subject to review by another agency.

(c) *Public notice, advertisement or message* as used in this Section means all media including print, radio, television or the internet.

5 GCA § 22430(a). Added by P.L. 26-12 (May 18, 2001); subsection (c) added by P.L. 30-119 (Apr. 1, 2010).

POST-MEETING REPORTING REQUIREMENTS

The governing Boards and Commissions of all agencies, public corporations, and departments of the government of Guam shall provide electronic copies of the monthly Board and Commission **meeting** agendas, approved minutes, and other attachments and addendums as discussed in each monthly meeting, to *I Maga'lahen Guåhan* and the *Speaker of I Liheslaturan Guåhan* no later than fifteen (15) days after the end of said meeting and post the same on its website of the agency, public corporation, or department to which it governs. **The audio recording of each meeting shall be provided to the Office of Public Accountability within seven (7) calendar days** after the meeting. The Office of Public Accountability shall post these audio files on its website upon receipt of audio files.

WHERE THE PROOF IS POSTED

GUAM LEGISLATURE MESSAGES AND COMMUNICATIONS

<https://guamlegislature.com/index/messages-and-communications/>

OFFICE OF PUBLIC ACCOUNTABILITY – AUDIO RECORDINGS

<https://www.opaguam.org/reports-audits/board-and-commission-meetings>

Recommendation. Post EVERYTHING on your Web Page:

EMAIL COMMUNICATIONS ARE SUBJECT TO FOIA

Legal Memorandum

Honorable Rory J. Respicio

Re: Applicability of Open Government (Sunshine) Law to Subcommittees

Ref: LEG 14-0413

Page 4 of 4

Finally, we observe from a practical standpoint that substantive communications between members of a public agency conducted by electronic means, e.g., electronic mail or text messaging are presumed to be subject to Freedom of Information Act requests. *See, generally*, 5 GCA § 10101 *et seq.*; *see esp.*, 5 GCA § 10103(a) (“Every person has the right to inspect and take a copy of any public document on Guam, except as otherwise expressly prohibited in law, and except as provided in § 10108 of this Chapter.”); and § 10103(d) (“Public records includes *any writing containing information relating to the conduct of the public’s business* prepared, owned, used, or retained by any state or local agency in any format, including an electronic format.”) (emphasis added). Therefore, members of public agencies, boards, commissions and advisory councils who communicate electronically should take care to remember that their communications are presumed to be public and are subject to Sunshine Act requests.