



CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

SPECIAL BOARD MEETING CCU Board Room, Gloria B. Nelson Public Service Building 8:30 a.m., Friday, September 1, 2023

MINUTES

1. CALL TO ORDER

Chairman Duenas opens CCU Special Board Meeting, September 1, 2023 at 8:41 a.m., the purpose of the meeting is to conduct interviews for legal counsel for the Guam Power Authority. Present in the meeting, Chairman Duenas, Commissioners Limtiaco, Santos, and Martinez. Commissioner Sanchez is absent.

Commissioners:

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|---------------------|-------------------|
| Joseph T. Duenas | CCU Chairman |
| Francis E. Santos | CCU Vice-Chairman |
| Pedro Roy Martinez | CCU Secretary |
| Michael T. Limtiaco | Commissioner |
| Simon Sanchez | Absent - Excused |

GWS Executive Mgmt.:

| | |
|----------------|---|
| John Benavente | GPA GM |
| Therese Rojas | GWA Legal Counsel / GPA Interim Legal Counsel |

Management & Staff:

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|------------------|-------------------------|
| Jon-Rey Aguigui | GPA HR |
| Vien Wong | GPA IT |
| Vladimir Navasca | GPA IT |
| Lourissa Gilman | Utility Board Secretary |

Chairman Duenas entertains a motion to go into Executive Session; Comm. Santos moved and Comm. Limtiaco second.

Chairman Duenas calls for a vote to go into Executive Session; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

2. NEW BUSINESS

2.1 EXECUTIVE SESSION

2.1.1 Personnel Matter: GPA Staff Attorney Interview-Recruitment

3. OPEN SESSION

Back in open session, Chairman Duenas entertains a motion to recess. Comm. Martinez moves to recess and Chairman states meeting recessed to Wednesday, September 6, 2023 at 4:00 p.m.; Comm. Limtiaco second.

Chairman Duenas calls for a vote to recess; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

4. Meeting recessed at 10:12 a.m.

**SPECIAL BOARD MEETING
CCU Board Room, Gloria B. Nelson Public Service Building
4:00 p.m., Wednesday, September 6, 2023
Recessed from September 1, 2023**

MINUTES

1. CALL TO ORDER

Chairman Duenas opens CCU Special Board Meeting, September 6, 2023 at 4:15 p.m., this is a continuation of the meeting recessed from Sept. 1 to conduct interviews for legal counsel for the Guam Power Authority. Present in the meeting, Chairman Duenas, Commissioners Limtiaco, Sanchez, and Martinez. Commissioner Santos is absent.

Commissioners:

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|---------------------|------------------|
| Joseph T. Duenas | CCU Chairman |
| Francis E. Santos | Absent - Excused |
| Pedro Roy Martinez | CCU Secretary |
| Michael T. Limtiaco | Commissioner |
| Simon Sanchez | Commissioner |

GWS Executive Mgmt.:

| | |
|----------------|---|
| John Benavente | GPA GM |
| Therese Rojas | GWA Legal Counsel / GPA Interim Legal Counsel |

Management & Staff:

| | |
|------------------|-------------------------|
| Jon-Rey Aguigui | GPA HR |
| Vien Wong | GPA IT |
| Vladimir Navasca | GPA IT |
| Lourissa Gilman | Utility Board Secretary |

Chairman Duenas entertains a motion to go into Executive Session; Comm. Limtiaco motions to go into Executive Session and Comm. Martinez second.

Chairman Duenas calls for a vote to go into Executive Session; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

2. EXECUTIVE SESSION

2.1 Personnel Matter: GPA Staff Attorney Interview-Recruitment

3. OPEN SESSION

Back in open session, Chairman Duenas entertains a motion to recess. Comm. Limtiaco motions to recess to Monday, September 11, 2023 at 4:00 p.m.; Comm. Martinez second.

Chairman Duenas calls for a vote to recess; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

4. Meeting recessed at 5:19 p.m.

SPECIAL BOARD MEETING
CCU Board Room, Gloria B. Nelson Public Service Building
4:00 p.m., Monday, September 11, 2023
Recessed from September 6, 2023

MINUTES

1. CALL TO ORDER

Chairman Duenas opens CCU Special Board Meeting, September 11, 2023 at 4:44 p.m., this is a continuation of the meeting recessed from Sept. 6 to conduct interviews for legal counsel for the Guam Power Authority. Present in the meeting, Chairman Duenas, Commissioners Limtiaco, Sanchez, and Martinez. Commissioner Santos is absent.

Commissioners:

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|---------------------|------------------|
| Joseph T. Duenas | CCU Chairman |
| Francis E. Santos | Absent - Excused |
| Pedro Roy Martinez | CCU Secretary |
| Michael T. Limtiaco | Commissioner |
| Simon Sanchez | Commissioner |

GWS Executive Mgmt.:

| | |
|---------------|---|
| Therese Rojas | GWA Legal Counsel / GPA Interim Legal Counsel |
|---------------|---|

Management & Staff:

| | |
|-----------------|-------------------------|
| Jon-Rey Aguigui | GPA HR |
| Vien Wong | GPA IT |
| Richard Peredo | GPA IT |
| Lourissa Gilman | Utility Board Secretary |

Chairman Duenas entertains a motion to go into Executive Session; Comm. Limtiaco motions to go into Executive Session and Comm. Martinez second.

Chairman Duenas calls for a vote to go into Executive Session; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

2. EXECUTIVE SESSION

2.1 Personnel Matter: GPA Staff Attorney Interview-Recruitment

3. OPEN SESSION

Back in open session, Chairman Duenas recaps, candidates have been interviewed and ask if Commissioners want to finish the process or extend the process and interview more candidates. What is the wish of the Commission? Comm. Limtiaco thinks that they must do their due diligence and suggest it is best they interview as many candidates that have shown an interest and have applied for the position. Comm. Limtiaco understands that the job posting has expired but doesn't see any harm in interviewing to make sure they have the right candidates. Chairman Duenas ask administration if the position is open again, what length of time would it be opened? Personnel Services Administrator Jon-Rey Aguigui states, the dates the position was published had a specified period. It can be re-announced, Continuous Until Filled. PSA Aguigui wanted to remind the board this is an unclassified position and serves at the pleasure of the Board. So, the Board may entertain any application that does come in. Comm. Limtiaco is not suggesting the position open back up because it has been posted and advertised, but if there is a late applicant... Chairman Duenas asks how would a late applicant be dealt with? Aguigui states, he is not in receipt of any late applicants. Chairman Duenas asks how would Human Resources deal with a late applicant so the Board can follow the HR rules. Aguigui replies, if he were to be in receipt of a late application, he would bring it to the attention to the Board for review and decision. If the Board agrees, then proceeds with setting an interview. Comm. Sanchez states if the Board wishes to entertain more applicants, it would be beholden on us to add another month or whatever timeline is needed. Or, given the candidates interviewed before the Board, is the Board comfortable to say there is a candidate the Board would consider. Since Comm. Sanchez has not been in every interview, he defers to the Board who have been at every interview. Do they feel they have enough of every applicant? Chairman ask Commissioners Limtiaco and Martinez their response. Comm. Limtiaco states he has the impression there have been some applicants come in so he is not in favor of extending the process. There is a need to get a GPA legal counsel on as soon as possible and he is not suggesting to extend this any longer. He was under the impression there might have been other applications that may have been received that should be considered. If that's not the case, then a selection should be made with the applicants that were submitted. Comm. Martinez clarifies with Aguigui that he has not received any additional applications up until this meeting. Aguigui replies, yes, that is correct, no additional applications have been received. Comm. Martinez asks, so, then everybody is aware the position is closed? With Aguigui's yes response, Comm. Martinez is fine with moving forward. Chairman Duenas states his position, the Board has interviewed good quality candidates and thinks the Board needs to move in getting a legal counsel for GPA. He is particularly concerned because there are bids opening for solar projects and the Board needs to get somebody to come in to get up to speed with that. That would be a reason to consider the applicants that have been interviewed.

Comm. Limtiaco motions to go back into Executive Session to make a decision on the candidate. Comm. Martinez second.

Chairman Duenas calls for a vote to go back into Executive Session; motion passes with four Ayes.
[Aye = 4, Nay = 0, Absent=1]

4. EXECUTIVE SESSION

4.1 Personnel Matter: GPA Staff Attorney Interview-Recruitment

5. OPEN SESSION

Back in open session, Comm. Sanchez announces they have a candidate for which the Board can make an offer. Now that the Board is in open session, they can discuss potential pay and authorizing the Chairman to make the candidate an offer and what salary would be appropriate. Chairman Duenas ask the Board if they would like to hear from PSA Aguigui what the pay scales are? Since the pay scale is not updated, Chairman asks Aguigui if he will refer to the 2017 market. Aguigui states, yes, GPA is currently in the 25th market percentile of the 2017 market data. The position for the staff attorney starts at \$124,009.00; that's \$59.62/hour. Chairman Duenas asks if the General Managers are above the 25th percentile and Aguigui confirms, yes. Chairman asks, as well as the CFOs; are they above the 25th percentile? Aguigui states he is not sure about GWA, but with GPA is in and around, but needs to confirm that question for the CFO's pay rate. As a whole, GPA is at the 25th market percentile. Chairman Duenas states, he is going down the list, GMs, CFOs, and then the attorneys. He asks what is the Board paying the two CFOs? Aguigui asks if he can get back to the Chairman on that amount. Comm. Sanchez asks if Aguigui can look up with the percentile what would be for the average pay of \$120K? Aguigui states with the 25th market percentile, the position starts at \$124K. Comm. Sanchez asks if the number is below \$124K would that be slightly below the 25th percentile? Aguigui replies, yes. Chairman asks if both GPA and GWA are at the 25th market percentile; Aguigui replies, GPA is at the 25th and is not too sure about GWA. Chairman Duenas states, okay, well, we are talking about GPA.

Comm. Sanchez motions he is willing to offer the Candidate A \$120K a year. Chairman asks if there is a second. Discussion ensues as Comm. Limtiaco comments the job announcement states the position is starting at \$124K. The candidate has applied with that assumption so the Board shouldn't offer anything less than that amount; Chairman agrees. Comm. Sanchez's concern is the pay of the current GWA legal counsel. He is concern about paying someone more than the current counsel. Chairman states he doesn't know what current counsel is paid, but Comm. Sanchez states he knows and that is why he suggests paying GPA legal counsel \$120K. GWA legal counsel, Theresa Rojas, states the rate for her position is listed in the staffing pattern which is about \$127K. Comm. Sanchez states the starting pay is so close to the Board's existing counsel. One who has been with the Board and has demonstrated her experience. He is hesitant to pay that rate to new counsel higher than the current counsel. Comm. Limtiaco explains, if he were a candidate who applied for the stated starting range, he would assume that at a minimum he would start at that range. Comm. Sanchez asks, so \$124K is a minimum? PSA Aguigui clarifies the pay is \$124,009.00. Comm. Sanchez states he is willing to amend his motion; Comm. Limtiaco second that motion. As the Board reaffirms they are in discussion, Aguigui repeats, its one hundred twenty-four thousands and nine dollars (\$124, 009.00) which is \$59.62/hour. Chairman Duenas confirms he is fine with the \$124,009.00. Chairman also reconfirms the motion of Comm. Sanchez. Comm. Sanchez states the question the Board is debating is whether its \$124,009.00 or \$125,000.00 Comm. Sanchez explains he misheard and thought the amount was \$124,900 that is why he stated \$125K. He is very comfortable if the consensus is to make the offer \$124,009.00. Comm. Sanchez confirms the amended motion of \$124,009.00 to be offered to the candidate; the motion is for the Chairman Duenas to offer the candidate the position at that salary.

With no further discussion, Chairman Duenas calls for a vote to offer Candidate A \$124,009.00; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

6. ADJOURNMENT

Chairman Duenas mentions for the next CCU meeting on Sept. 27, he will report back to the Board his discussion with Candidate A and the offer. Comm. Limtiaco motions to adjourn; Comm. Martinez second.

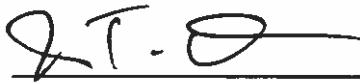
Chairman Duenas calls for a vote to adjourn; motion passes with four Ayes. [Aye = 4, Nay = 0, Absent=1]

Meeting is adjourned at 6:54 p.m.

//s/

Lourissa Gilman

Attested



JOSEPH T. DUENAS, Chairman



PEDRO ROY MARTINEZ, Secretary

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