

**DEPARTMENT OF CHAMORU AFFAIRS
REGULAR BOARD OF TRUSTEES MEETING MINUTES
THURSDAY/FEBRUARY 4, 2021 10:00am
GUAM MUSEUM CONF. RM & VIA ZOOM CONFERENCE**

I. Call to Order

There being a quorum, the meeting of the Board of Trustees was called to order at 10:02am, Thursday, February 4, 2021, by President Melvin Won Pat-Borja.

II. Roll Call

Members Present in Person:

Vicente Meno
Leonard Iriarte

Members Present Via Zoom:

Linda Taitano Reyes
Mary Michelle Gibson
Darlene Taitano
Maria Vilante
Catherine Flores

DCA Staffs in Attendance:

Melvin Won Pat-Borja
Patti Portodo-Hernandez
Marilyn Reyes
Leona Young

III. Approval of Minutes

Move to approve BOT minutes on January 7, 2021, by Vicente Meno, seconded by Catherine Flores, minutes approve.

IV. President's Report

1. Treasurer's Report:

Vicente Meno, asked if any of the money is owed to Galaide? Per Marilyn Reyes, as of today still pending from Galaide other contract of who paid, DCA did reimbursed some customers last year, request is coming thru Galaide. Vicente Meno, asked for full report on next meeting. Marilyn Reyes, did requested from Galaide, waiting for their response. Chair Linda Taitano Reyes, asked what is the issue with Galaide? Marilyn Reyes, requested a calendar of events from Galaide, not sure if there are still any events that still needs to be reimbursed only because these customers are reaching out to Galaide. President Melvin Won Pat-Borja, the contract is set to expired in March, still trying to get Museum employees in place, still waiting for curator. In order to properly transition we need people in place. Vicente Meno, question the contract of Galaide during the Pandemic. President Melvin Won Pat-Borja, as per the former president, the Guam Museum, will not pay for services not rendered. A decision was made to pay out a portion of the contract, what was paid out was only for services rendered, like Security contract which continue to run even during lockdown. Marilyn Reyes, services where cut down and not need during the pandemic, limited to Security and maintenance, from \$110k a month it drop down to \$31,500.00 a month just to cover Security and Maintenance, every month until the end of March this year.

March 2020, was the last month Galaide was paid \$110K. Catherine Flores, question the amount, does not include February? Marilyn Reyes, the balance sheet which is the Non-Appropriated fund showing, does not pay for Galaide, the appropriated fund pays for Galaide, is being manage thru DOA. The balance sheet in front of you is the revenue derived from the events, admission, Café and gift shop. Catherine Flores, asked what the balance on the appropriated fund. Marilyn Reyes, enough until March 31, to cover the contract.

2. FY 2019 Audit Complete:

President Melvin Won Pat-Borja, happy to announce a clean audit from OPA. They did discovered some material deficiencies, all items in question have been discuss between DCA, and OPA, that we have a corrective action plan, being approved by OPA. Vicente Meno, question what corrective action plan, what are you going to do? President Melvin Won Pat-Borja, OPA recommended that we have a dedicated accountant to handle the Non-Appropriated fund. Second, we need to clean up our procedures and policies when it comes to conflict of interest.

3. Guam Cultural Repository:

President Melvin Won Pat-Borja, negotiation are under way, not much has change, UOG still want control of the operations; we won't agree to it. We, submitted a revised version of the MOU that they created that stands our commitment and mandate, feel confident, we coordinated with SHPO. Big issue, there is no operating fund. Vicente Meno, questioned what is the issue for wanting to get control of that? President Melvin Won Pat-Borja, part of it is that the repository is at UOG, having the resources is beneficial, having the full control over the repository is a full asset to us. Will share the MOU subject to change and keep you update. There is no way that we will ever abandon our responsibilities to our mandate, which is to defend and to protect the interest of the CHamoru people. When it comes to these, most sacred artifacts, and human remains it's absolutely imperative that DCA maintain an active role of the repository, we will by no means sign off and hand it over to UOG.

4. Hiring of New Staff:

President Melvin Won Pat-Borja, we just push thru the hiring of an AO, in the process now. The museum assistance, should be starting soon, great help for us. We need to get the museum assistant train, plan transition in correspond with Galaide. On the AO side, Marilyn Reyes, is actually our PCIII, she's keeping us a float in serving as AO capacity we need to train up our AO and transition out Marilyn Reyes into the PCIII role. There's really a lot for our AO to get up to speed on, we have a good eternal plan, lots to process thru then we are ready to move.

5. Museum Curator:

President Melvin Won Pat-Borja, still waiting for a certified list from DOA HR, a big challenge for us, difficult to find a qualified curator, in the pass curator have had certain skills that are appropriate for a curator but lack other skills that you would want in a curator. Vicente Meno, is there any applicants now? President Melvin Won Pat-Borja, yes we are just waiting for a list from DOA, so when DOA provide us with a list then we start coordinating interviews. Curator role is very critical, and it's not just for the museum, having a curator in place ahead of the launching of the repository also straightens our position at DCA. The repository will need this skill set as well. We, are pushing to make this happen. Vicente Meno, what is the salary for this position? Marilyn Reyes, salary is \$60k a year not including benefits. Vicente Meno, versus the US. Marilyn Reyes, we have a gap, based on actual salary, if it's hard to recruit this position the only thing we can do in the government is do above

step if it's hard to recruit the position, up to step 10 depending on the person's experience and qualification and the recommendation can come from DCA and DOA, HR will make the determination. Vicente Meno, depending if he or she accepted it. Catherine Flores, is the position for the curator, continues? (The opening). Marilyn Reyes, it had an end date for people to submit their application. Catherine Flores, which was what? Marilyn Reyes, I believe it was November 30. Catherine Flores, of last year, just so I understand if the people that applied did not meet the qualifications what was the term you said step up! Marilyn Reyes, if the position is hard to fill the only thing they can do is the above step recruitment. Catherine Flores, which is what? Marilyn Reyes, the above step recruitment, if the person is qualify they can move the step from step 1 up to step 10 depending on the qualification. Catherine Flores, if none of those people meets the minimum qualification for the museum curator that we're looking for and somebody else comes forward who is qualified, what happen. Marilyn Reyes, it depends if they are top 5 that DOA, HR going to give us, we don't know how many candidates are qualified yet until we get the packet. If we don't choose anybody in the top 5, we can request for a supplemental list, now if we are not satisfied with the supplemental list then we re-announce the position.

(President Melvin Won Pat-Borja request to switch #6 and #7)

6. CHamoru Village Water Meter/Painting:

President Melvin Won Pat-Borja, we were contacted by GWA informing us that our water balance is due, because the loss of revenue from COVID we don't have it. We are able to enter into a payment plan and are willing to help because of our situation, there is a possibility that we have to take action by canceling our restroom contract which will fall under our maintenance team, we lost our maintenance lead Chris, is detail to assist with the vaccination traffic control so we are down to two maintenance employees at CV. Our balance is \$49,029.34. Our arrangement with GWA for the village is we have everything under one account and have sub meters for every tenant, so we pay GWA then the tenant pays us. So some tenant are behind on rent are behind on utilities. Vicente Meno, are the tenant presently now still paying 4% water under the contract. Marilyn Reyes, when the sub meter where install, CHamoru Village will pay for the bill then Chamoru Village we bill the tenant, based on the formula on the GWA billing, then tenant reimburse CHamoru Village. President Melvin won Pat-Borja, we have a list of all the tenants that have arrears, how long there outstanding, which tenant are still at the village and which have vacated. Part of the challenge is that the Administration advise us not to evict tenants. Our policy is we give you three notices on the third one we give you notice of eviction. We discuss a payment plan, some kind of agreement to show good faith to pay off these balances due to Covid. Working with the LT. GOV. to figure out a way to give rental assistance to our tenants. Our tenant didn't qualify for this last round of assistance, as per GEDA the money can't be use for asset recovery and because GOVGUAM is consider the landlord at CV. The Administration got so frustrated that they said why, can we just recreate a separate consideration for these tenants. GEDA is aware of our challenges we face and our tenants need help. Chair Linda Taitano Reyes, appreciate your staffs work. Vicente Meno, what is your plan to move the activity at the CHamoru Village, I went there this morning and it's very dead. President Melvin Won Pat-Borja, yes, we do actually the GEHA organization is gonna happen, it's in process, working with Legal on the Executive Order. Very mature on the re-organization is the future of DCA and Kumision CHamoru, is not, as mature is the future of CV and Museum, the Governor wants the Museum to move into public management, that doesn't mean it 100% government run, possibility in the future but not on short term, some contracting, but more autonomy on the government side in the future, but for CV, the Governor wants CHamoru Village to be a standalone entity. The proposal for GEHA and

DCA does not include the CHamoru Village. It basically mean the Chamoru Village will be its own entity, its own budget. Vicente Meno, you need to bring up to the GOV. & LT. GOV, the island in front of the CHamoru Village needs to be remove, people would have to drive up and make a u turn. President Melvin Won Pat-Borja, will look into it.

7. CHamoru Village Tenants (New/Old):

Action Item- (2) former CV Tenants. President Melvin Won Pat-Borja, the two parties in question are Infinite Atelier which is own by Lasia Casil and Hurao Academy. Both have rental arrears that are being contested, but for different reason.

Hurao, the auditor's team determine that there was impropriety, the rent for Hurao Academy, was waive for a certain period of time and that was instructed by a former Executive who had invested interest in the organization. The bigger problem is there was no written agreement. It's the President's discretion to determine whether an in-kind exchange is appropriate. Because, there was no written agreement between Hurao and DCA or CHamoru Village we are force to piece this together, Hurao is contesting this charge, DCA on the past attempt to collect. FOIA was served to DCA by Hurao attorney to produce minutes on waiving the rent, we search thru the minutes from January thru September of last year. Was only able to fine Hurao in a January 30, 2019 minutes. At the time Chairman McDonald stated that Hurao was not on the AGENDA so it wasn't discuss further. Later in September 17, 2019, it was briefly mention but no action taken. My understanding was the original agreement was to exchange the rental units that Hurao was occupying for the storage of DCA's inventory that was remove from the Terlaje building. DCA moved out of the Terlaje building, there was inventory that belongs to DCA that ended up being stored at the Hurao own container. If we decide to hold Hurao accountable for this rent, then they will turn around and charge us for the storage, so that was the exchange. I have not spoken yet to Legal about this but I did ask an attorney friend some friendly advice and they suggest that if we are able to resolve this with the Board and Tenant the biggest question is the end of pursue. Vicente Meno, how much money are we talking about? President Melvin Won Pat-Borja, the record shows \$4k a little bit over, however OPA cited \$2k. I'm incline to go with the OPA figure, I believe we should use the OPA figure because they have access to all the books, this is what they do. Vicente Meno, I was a BOT during those time and the former President's never brought up that information to the board, the board should know. I was there with McDonald, Mr. Sablan, and Joe Cameron, up to this time, am still a board nothing was never brought up to the board. President Melvin Won Pat-Borja, it was mention in the board meeting in January, but wasn't on the agenda, so it was not discuss. We have to make a discussion on what were able to do and what we want to do. Darlene Taitano, so Melvin, there's no agreement at all. President Melvin Won Pat-Borja, No. Darlene Taitano, that there were supposed to be there at all, so it's almost like they weren't supposed to be there at all, is that correct. President Melvin Won Pat-Borja, correct, I have not been able to fine a record of a written agreement designating the exchange of rent to storage. Only found correspondence between Hurao and DCA after the issue was raise. Correspondence from Hurao sighting not only the containers storage but also the planning labor and equipment, it's a full container, and stuffs so they are saying they value the storage at \$400.00 dollars a month, 24 months you notice the \$12,600.00 is well above of what we are asserting is owed to us, our inventory is still in the container til this day. Leonard Iriarte, did you say a full 40 foot container? President Melvin Won Pat-Borja, yes or actually a 20 foot container. Darlene Taitano, did we rent the container from them? President Melvin Won Pat-Borja, we were supposed to trade the rental of that container for the rental of the unit. Darlene Taitano, and there's no agreement. President Melvin Won Pat-Borja, only a verbal agreement. Darlene

Taitano, so with the consideration, be not to pay for something not documented and not agreed upon. Vicente Meno, what is your opinion on this matter, there's no legal document, I made a motion to dissolve that and forgive so we can do our normal business no agreement no nothing. President Melvin Won Pat-Borja, with no written agreement, either way if we win or lose, it doesn't really give us a great benefit, my issue is that whether we are talking \$2k or \$4k dollars it's a small claim issue nobody goes to jail over this, we might wind up paying more in court fees, I just don't know if it's worth it for us to continue down this path and the thing that kind of gets me is that, I just feel *mamahlao* that our stuffs are still in storage. We, are still fighting over this and yet our stuffs is still sitting in there. For example, if we were to settle just for the sake of argument, if DCA say don't want to fight over this, we just want to wipe it and forget about it the smartest thing to do at that stage is after we agree, DCA and Hurao we are just gonna honor this agreement, verbal agreement and just move forward we would have to do is work on drafting a settlement agreement some kind of document that's gonna give us assurances that DCA or Hurao is not gonna turn around and say you know what of we change our mind and we want to charge you for this work that we did and whatever. So, the settlement document will give us assurance that the issue is done, and that's it and if we go that route then it does end, but we still need to clear our storage in the container. Vicente Meno, we will follow your opinion. President Melvin Won Pat-Borja, there are some comments, and Vice Chair mention that it would have been cheaper for us to purchase the container. Catherine Flores, earlier you have mention that on the OPA report there's a \$2k dollars figure, did I understand that correctly. President Melvin Won Pat-Borja, yes, you understand that correctly, OPA is sighting \$2K, when I first discover this issue it was \$4K, no sure why it's down to \$2K. That's the number that OPA gave, it was EY and OPA. Catherine Flores, how did they come up with that amount if there's no agreement, I was following the conversation, there was no lease agreement, leasing the container to store our items, is that correct. President Melvin Won Pat-Borja, no, you are correct there was no written agreement for the exchange to exchange rent for storage. Catherine Flores, so the \$2k listed in the report came about if we don't have an agreement? President Melvin Won Pat-Borja, correct. Darlene Taitano, was there's any statement in regards to procurement, not following any procurement policy or procedures, so there's no sighting on that with OPA. President Melvin Won Pat-Borja, no, OPA did say that we definitely need to work on the way we handle and used the Non-Appropriately fund, but that was associated with the absence of an accountant, that was part of the recommendation the accountant with help clean up that process. I wanted to acknowledge a question by the Vice Chair, was the carabao return? What about the gate structure, more important demanding the former bookkeeper to void the invoices, if there was a legitimate agreement why void the invoices and not treat as in-kind as Hurao asserts. As far as the carabao and the gate structure our concern, I didn't raise these cause there different, they are related issue but the way they are handle, ultimately have to be different. Everybody has their own version of this. What is in question is how Hurao got in possession of these items. Hurao asserts that those where junk, they were informed by former Manager that they are being dispose of , Hurao ended up refurbishing it instead of throwing it away. DCA asserts that, that's not what happen. DCA asserts that those are property of DCA and that they were taken inappropriately. What we were trying to do is get record from GSA to see if those things were detagged, the problem was the carabao, and the carabao was donated, it wouldn't have GSA record and I believe the gate may have been purchase with non-appropriated funds, not sure I hit a dead end on. Chair Linda Taitano Reyes, we authorize you to negotiate in behalf of the Department of Chamoru Affairs. Catherine Flores, I agree and seconded it. President Melvin Won Pat-Borja, a motion by Chairwoman to authorizing me to negotiate in behalf of DCA and resolved the issue with Hurao, seconded by Catherine Flores, are they any objection? No objection, motion carries. Thank You Board Members. My approach will include the settlement document at the end.

Need to remove items out of the container. Marilyn Reyes, items in the container where supposed to be taken down to GSA, at the time GSA wasn't ready for us, I reached out to GSA they are now ready, will keep you guys updated as to what GSA have to say. President Melvin Won Pat-Borja, Vice Chair Mary Gibson, will find another available container to store. Thank You, Vice Chair.

V. Old Business

President Melvin Won Pat-Borja, our goal is to get rid of old business.

VI. New Business

1. Guam Museum Capacity per DPHSS

President Melvin Won-Pat Borja, the Museum currently is still close, we don't know how to apply Public Health guidelines, we can rent space which we have done, but has to be done within the guidelines which again change, and we can't rent two spaces simultaneously. We can't rent the Multipurpose Room and the Theater at the same time and it includes our staff. We have the general guidelines. We continue to take reservation like what we have done it previously. Is it appropriate for us to maintain the rate/fees at a limited capacity? If you can't have your whole party do you still want to pay the full price? Leona Young, we measured everything in the museum, we know what the capacity is in each area including the lobby. Were in a gray area there's two different things that were dealing with, exhibition which is an absolute no, we can't open for tours. The Guam Museum offers more than the exhibition and tour we have such a grand space to use for events and some function. The Executive order is now 25 people in gatherings and social gatherings, we are looking at 25 people for the entire building that includes the staff and security. I don't have any input as far as the rates are concern the rates are already low as it is and still going thru the AAL process. Chairwoman Linda Taitano Reyes, we still have to do what we think is best, and you guys are the frontline you know what's happening day by day. President Melvin Won Pat-Borja, just gonna be up front with you folks, my team is still in this building, we want to follow guidelines, and I always have to think safety and health of my employees. I want to make sure everything is in line with Public Health, there's a kind of confusion about square footage, and capacity limits, verses percentages these are just things we want to clarify officially with Public Health. We will update you as soon as we know and once we get that guidance will developed our proposal and SOP. Currently they are no events held at the museum, but there have been request for bookings, yes, they are still bookings being made. Chairwoman Linda Taitano Reyes, we are gonna have to allow you to make recommendation.

2. Transfer Non-Appropriated accounts to one (1) Banking Institution:

President Melvin Won Pat-Borja, we wanted to vote on this, but we no longer have a quorum. Action on this may have to wait we are short one. The most important thing for us is to have it all in one institution so it will smooth out the way we do deposit, withdrawals what not.

VII. Other Announcement


President Melvin Won Pat-Borja, there's a report in PDN that the Magellan is being cancel, according to Joe Quinata it's a miss print, they are still in place it will happen without fail. The

Cathedral exhibit, the challenge right now is Cathedral pulled back and the reason is that Cathedral wants some kind of reassurance that their exhibit or part of their exhibit will be a permanent display, they are willing to have at different parts of the museum, like in the Café, wherever it doesn't have to be in the exhibit space, they want reassurance that after it won't get boxed away. This is something we can't guarantee, there's a process for this. We will still like to move on it. Chairwoman Linda Taitano Reyes, we appreciate what you are doing. President Melvin Won Pat-Borja, will continue to push and follow up with the Cathedral and Vangie.

VIII. Adjournment

President Melvin won Pat-Borja, there's a motion to adjourn from the Chairwoman Linda Taitano Reyes. Seconded from Darlene Taitano, no objections, the motion carries. Meeting is now adjourn it is 11:38am. Next meeting will be on March 4th at 10:00am.


APPROVED BY:



Linda Taitano Reyes, Chair
Board of Trustees
Department of CHamoru Affairs


3/16/21
Date

ATTESTED TO BE TRUE AND CORRECT:



Melvin Won Pat-Borja, President
Department of CHamoru Affairs

2/24/21
Date



Patti Portodo-Hernandez, Secretary
Department of CHamoru Affairs

3/16/21
Date