



**UNIVERSITY OF GUAM  
UNIBETSEDAT GUAHAN**

**Board of Regents**

UOG Station, Mangilao, Guam 96923  
Telephone: (671) 735-2995 Fax: (671) 734-2296

**Regular Meeting Minutes**

**April 26, 2018**

**1.0 CALL TO ORDER**

The Regular Meeting of the Board of Regents (BOR) was called to order by BOR Chairperson Elizabeth Gayle on April 26, 2018 at 5:40 p.m., in AV Room #1, University of Guam RFK Library, Tan Siu Lin Building. Notice of such meeting have been duly and regularly provided by the BOR. Chairperson Gayle noted that Regents Felix, Ji and Terlaje are excused from attending the meeting.

**QUORUM:**

<b>Elizabeth Gayle</b>	<b>Chairperson</b>
<b>Jillette Leon Guerrero</b>	<b>Vice Chairperson</b>
<b>Elvin Chiang</b>	<b>Treasurer</b>
<b>Mariflor Herrero</b>	<b>Member</b>
<b>Jerold Filush</b>	<b>Member</b>
<b>Liza Provido</b>	<b>Member</b>

**ALSO PRESENT:**

<b>Robert A. Underwood</b>	<b>Executive Secretary</b>
<b>Christine Mababayag</b>	<b>Recording Secretary</b>
<b>Victorina Y. Renacia</b>	<b>Legal Counsel</b>
<b>David S. Okada</b>	<b>Chief Planning Officer</b>

**2.0 MEETING MINUTES**

**2.1 Regular Meeting Minutes of March 29, 2018**

Chairperson Gayle asked if any corrections or discussion regarding the meeting minutes as presented. There being none, the minutes was accepted as submitted in the packet. She noted the verbiage change was provided by the Legal Counsel.

**3.0 CHAIRPERSON'S REMARKS**

Chairperson Gayle thanked Dr. Underwood for re-starting the Triton Awards Program to recognize UOG employees that demonstrated exemplary work, make significant contributions, and/or demonstrated outstanding service to his/her division at the University. She stated that she was ill and was not able to attend. She understands the employees appreciated the recognition as well as the heavy lunch that was provided. There was an award for Triton of the Year, Faculty of the Year, and Triton Team of the Year. Also

## **Board of Regents Regular Meeting Minutes of April 26, 2018**

recognized were retirees and employees who reached their 10, 20, 30, and 40 year mark of employment at UOG. Great job well done.

She reported on the upcoming events.

Cultural Repository Site Dedication Ceremony: Monday, April 30, 2018, 2 p.m., 10-acre lot area across the street from the Science building. The facility to be built is funded through the Office of Economic Adjustment (OEA). Governor's Office is the Grantee; UOG is the sub-grantee. All are invited to attend.

Presidential Lecture Series: Featuring Dr. Craig Perez on Wednesday, May 9, 2018, 5:30 p.m., CLASS Lecture Hall. Dr. Perez is an Associate Professor, English Department, and Affiliate Faculty of the Center for Pacific Islands Studies & Indigenous Politics Program, University of Hawaii – Manoa. He is a poet. All are invited to attend.

UOG Commencement: Sunday, May 20, 2018, 2:00 p.m., UOG Calvo Field House.

### Possible Special BOR Meeting:

AP&T – June 13, 2018, Wednesday, 1:30 p.m.-3:30 p.m.

BOR Working Session - June 21, 2018, Thursday, 4:30 p.m.

BOR Meeting – June 21, 2018, Thursday, 5:30 p.m.

She requested a moment of silence to express condolences for the loss of a family member of our UOG Community since the last meeting. Concepcion Charfauros Quenga passed away April 8, 2018. She is the grandmother of Jesse Quenga, Assistant Director, Regional Center for Public Policy, SBPA, and Anthony Quenga, SBPA Adjunct Faculty and former Student Regent.

She then asked President Underwood to proceed with his report.

## **4.0 PRESIDENT'S REPORT**

President Underwood reported that for the upcoming commencement we have 333 graduates, which is reportedly the largest graduation. He also reported that on May 8<sup>th</sup> at the Calvo Field House, there will be a student sponsored debate amongst 5 gubernatorial candidates relative to self-determination. He noted that the past month has been very eventful with so many activities scheduled.

He stated that there will be a Board of Regents/Faculty Union negotiations training session tomorrow and he urged BOR members to attend if they can.

He briefly reported on the process being done to review the Rules, Regulations and Procedures Manual (RRPM). He said the administrative team has been engaged in the process more diligently the past couple of weeks.

## **5.0 REPORTS FROM STANDING COMMITTEES**

**5.1 Academic, Personnel, and Tenure Committee**

**5.1.1 Resolution No. 18-12, Relative to Updating the University of Guam's Intellectual Property Policy**

Regent Leon Guerrero introduced Resolution No. 18-12, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.1.2 Resolution No. 18.13, Relative to Revising the List of Administrative Position and Salary Schedule**

Regent Leon Guerrero introduced Resolution No. 18-13, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.1.3 Resolution No. 18-14, Relative to Changing the Title of Director of Learning Resources and Revising the List of Administrative Positions and the Administrative Salary Schedule to Include the Dean of University Libraries**

Regent Leon Guerrero introduced Resolution No. 18-14, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.2 Student Affairs, Scholarship, Alumni Relations and Honorary Degree Committee**

**5.2.1 Resolution No. 18-15, Relative to Approving the Fañomnåkan 2018 Commencement Graduate Listing**

Regent Herrero introduced Resolution No. 18-15, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.2.2 Resolution No. 18-16, Relative to Approving the Amended Rules and Regulations for the Research/Teaching Assistantship Program Under the Student Financial Assistance Programs**

Regent Herrero introduced Resolution No. 18-16, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.2.3 Resolution No. 18-17, Relative to Approving the Rules and Regulations for the Fine'nana Award Program Under the Student Financial Assistance Program**

Regent Herrero introduced Resolution No. 18-17, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.2.4 Resolution No. 18-18, Relative to Approving the Process for Establishing the Career Priority Listing for the Jesus U. Torres Professional/Technical Award**

Regent Herrero introduced Resolution No. 18-18, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.2.5 Resolution No. 18-19, Relative to Awarding the Honorary Degree of Doctor of Humane Letters to Mr. Hidenobu "George" Takagi**

Regent Herrero introduced Resolution No. 18-19, which was duly seconded. She read the resolution and briefly reported on the purpose of the resolution. President Underwood stated that the Faculty Senate approved both Honorary Degree recommendations presented. He noted that Mr. Takagi is a premier figure in the local Japanese community, and as a result of all his work, he was honored by the Emperor of Japan with the Order of the Rising Sun Gold and Silver Rays. The motion carried.

**5.2.6 Resolution No. 18-20, Relative to Awarding the Honorary Degree of Doctor of Laws to the Honorable Amua Amata Coleman Radewagen**

Regent Herrero introduced Resolution No. 18-20, which was duly seconded. She read a portion of the resolution and briefly reported on the purpose of the resolution. The motion carried.

**5.3 Budget, Finance, Investments and Audit Committee**

**5.3.1 Financial Update**

Regent Chiang reported on the BFIA committee meetings. On the investment, market has been very volatile and is expected to continue for a while even though the fundamentals of the economy and various industries have not changed much. Value of the endowment fund at March 31, 2018 was \$23.5M, roughly the same as the beginning of the fiscal year. Then on April 18, 2018, it went up to \$24.6M, increasing by approximately \$1.1M in a relatively short period. During this week, the market tumbled again. Therefore, we should stick to our investment policy to observe the longer-term return instead of momentary ups and downs. The investment committee members will revisit the Investment Policy Statement in our next committee meeting to determine whether the current allocations of investments, which are still within the respective allocation ranges, require any change or not.

Five Student Investment Club members and Dr. Kabigting were present for their investment results. Their beginning corpus was \$50K. The balance on April 18 was

## **Board of Regents Regular Meeting Minutes of April 26, 2018**

\$53,700; the portfolio consists of 10 stocks and funds. The Club members have yet to, but will, shift some of the investments from technology to other sectors.

On April 9, 2018, of the \$22.6M allotments requested, \$12.8M were collected. Unpaid amounts were \$9.8M, of which \$7.6M were from DOA, \$2M from Special Appropriations and \$200K from Agency Funds. As such, financial management plan is still in effect and vendor payables are maintained at 30 to 40 days.

The legislature has yet to meet to hear the proposed \$32.4M general operations budgets for FY2019-2020, and that it could happen in late May or June.

### **5.3.2 Collections Report**

Regent Chiang noted collections of student loans were \$345K at March 31, 2018, 86% of the forecast.

### **5.3.3 Procurement Transactions and Contract Report**

Regent Chiang reported that there were no purchase orders and 2 contracts issued in February 2018. The first contract is for \$204K with Guam Department of Agriculture and UOG CNAS for the development of skilled workforce for orchid nurseries on Guam, and the second is for \$12M with the Office of the Governor of Guam for building the Guam Cultural Repository in connection with the relocation of U.S. Marine Corps from Okinawa to Guam.

### **5.3.4 Resolution No. 18-21, Relative to Accepting the Results of the Deloitte and Touche LLP Financial Statements Audit and Compliance Audit for the Fiscal Year Ended 30 September 2017**

Regent Chiang introduced Resolution No. 18-21, which was duly seconded. He stated that Mr. Dan Fitzgerald of D&T presented the draft audited financial statements, internal controls and compliance report for the fiscal year, ended September 30, 2017. The audit received an unqualified opinion, i.e. a clean opinion and, also maintain the status of low risk auditee. The net position of the university was decreased by approximately \$3.4 million for the fiscal year, of which, \$2.4M was attributed to a non-cash pension liability adjustment mandated by a new governmental accounting standard. This adjustment is for COLA and supplementary annuity. In fact, the total impact of this accounting standard is approximately \$16.3M, aside from the \$2.4M adjustment in the current year audit, prior periods financial statements also have a \$13.9M restatement. On the internal control and compliance report, there was no reportable condition; one significant deficiency which is expected will go away in this year.

For the aforementioned good audit results, he took the opportunity to thank VP Randy Wiegand, Controller Zeny Nace and their entire staff for their dedicated hard work throughout the audit. The motion carried.

## **5.4 Physical Facilities Committee**

### **5.4.1 Plant and Facilities Update**

## **Board of Regents Regular Meeting Minutes of April 26, 2018**

Regent Provide reported she presided as acting Chair for the Physical Facilities Committee Meeting as Regent Felix was off-island. She then reported on the custodial services for Student Housing that the bid to exclude supplies and labor only is being rebid and that we are waiting on the revised bid scope, but in the meantime, Maintenance is providing custodial services. The SBPA air conditioning system replacement will be re-advertised in two or three weeks and that the air conditioning crews are monitoring the system.

The Marine Lab boat house classroom renovation project is anticipating completion by the end of April and that the remaining work includes lab caseworks installation.

The Pre-disaster mitigation grant project hardening of Annex A and B warehouse contract was awarded to Bascon Corp. for \$479K and that the notice to proceed was issued and site preparation work has begun on Annex A, which will be given to Bascon on April 23<sup>rd</sup> and Annex B on May 22<sup>nd</sup>. The OIT UPS project was awarded to ComPacific and the UPS was delivered on-site and that the electrical work will be completed on April 27<sup>th</sup>. A voltage regulator is tentatively scheduled to arrive 2<sup>nd</sup> to 3<sup>rd</sup> week of May.

She provided an update on the Student Success Center and Engineering Annex noting that there was a ground breaking ceremony for the Engineering Annex held last month. She stated that UOG and the Endowment Foundation are working together with USDA to meet the contract signing requirements. For the Student Success Center, she stated that VPAF Wiegand reported that we are in negotiations with the next qualified proposer, however, we have encountered some administrative issues with regards to the design. She further stated that the RFP will be rebid and re-advertised.

She further reported on the Storm Water Outfall Project stating that the pre-bid conference was held on April 19 with three vendors attending and that the bid will close on May 2<sup>nd</sup>. The outfall project is only intended to be used as an infrastructure for the Triton Engagement Center and the Engineering Annex for the storm water drainage needs.

The new student PIP dorm resolution that was submitted to the Legislature for the determination of need for exceptional term contract has obtained default approval. She stated that the RFP will be written as a public private partnership for design, build and operate to maintain a 300-bed facility for the campus. She further stated that the VPAF Wiegand and CPFO Perez are considering hiring a consultant to assist with assembling the RFP.

She reported that the Triton Engagement Center, Fine Performing Arts projects application deadline to submit to USDA is April 30<sup>th</sup>. She added that USDA will be hosting a regional conference on Guam from May 14-15 at GCC, and that a meeting is tentatively scheduled with UOG and USDA regional officials to present projects.

She also reported that Gary Kuwabara of the Office of Economic Adjustment (OEA) will be on island to meet with UOG and the Cultural Repository team, and that a site dedication ceremony will be held at the 10 - acre lot on April 30<sup>th</sup> at 2pm. She stated that RFP will be released to the public to contract a Project Manager to prepare the design build procurement documents for the Repository facility and that the bid will close on May 4<sup>th</sup>.

President Underwood provided clarification on the two (2) exceptional term contracts that were submitted to the Legislature. He stated that we were operating under the assumption that after 60 days it will be approved by default and has yet to be tested. He added that we need to be prepared for conversation and to also monitor the Legislature's action in terms of changing the law.

**6.0 AD HOC REPORT: ENDOWMENT FOUNDATION UPDATE**

There was no update by the UOG Endowment Foundation (UOGEF).

**7.0 NEW BUSINESS**

**7.1 Election of Officers**

Chairperson Gayle opened the floor to nominations for the BOR officer positions.

**7.1.1 Election of Chairperson**

Regent Chiang nominated Regents Elizabeth Gayle and Jillette Leon Guerrero to serve as the Chairperson and Vice Chairperson, respectively. There being no further nominations, the Chairperson closed the floor for nominations.

**7.1.2 Election of Vice Chairperson**

Refer to 7.1.1

**7.1.3 Election of Treasurer**

Regent Leon Guerrero nominated Regent Elvin Chiang to serve as Treasurer. There being no further nominations, the Chairperson closed the floor for nominations.

Regent Herrero moved to approve the slate of officers. The motion was duly seconded and carried.

**7.2 Election of Board of Regents Representative to the Regent Nominating Council**

Vice Chairperson Leon Guerrero moved to nominate Regent Mari Flor Herrero to serve as the BOR representative to the Regent Nominating Council. There being no further nominations, the Chairperson closed the floor for nominations. The motion was duly seconded and carried.

**7.3 Resolution No. 18-22, Relative to Expressing Appreciation to Austin R. Terlaje for his Service as a Member of the Board of Regents**

Regent Chiang introduced Resolution No. 18-22, which was duly seconded. He read portions of the resolution to highlight Regent Terlaje' service to the Board of Regents. The motion carried.

**7.4 Resolution No. 18-24, Relative to Expressing Appreciation to Dr. Robert Anacletus Underwood for his Dedicated and Outstanding Service to the University of Guam as the 10<sup>th</sup> President**

Regent Leon Guerero introduced Resolution No. 18-24, which was duly seconded. The BOR members read for the record the entire resolution that highlights President Underwood's service to the University of Guam. The motion carried.

Regent Leon Guerrero stated that it has been honor serving on the board in a dynamic era of the University during the tenure of President Underwood.

President Underwood thanked the BOR for all their efforts and that it was a privilege and honor to work with the current and previous Board.

**7.5 Proposed BOR 2018-2019 Calendar (meetings)**

Chairperson Gayle noted that the calendar is for information purposes only.

**8.0 OPEN PRESENTATION (3 Minute Limit per Person)**

Chairperson Gayle opened the floor for open presentations.

Dr. Gerhard Schwab, Professor of Social Work, who has been employed with the University since 1996, and a student of the Chamorro Studies program. He stated he requested to graduate last December but was denied and that he will try again next month. He completed all the required courses in the Chamorro Studies program and is requesting that the courses he taught at UOG over the last 22 years be credited toward his academic record. Chairperson Gayle thanked Dr. Schwab and stated that the BOR will discuss the issue with the UOG administration.

President Underwood added that Dr. Schwab's passion is evident and very strong and that his request will be taken into consideration.

**9.0 EXECUTIVE SESSION**

**9.1 Tenure Recommendation from the Academic, Personnel and Tenure Committee for Dr. George Curt Fiedler, Professor Biology**

**9.2 Resolution No. 18-23, Relative to the President's Term of Office and Appointment as Interim President**

**10.0 VOTING FILE**

**10.1 Tenure Application for Dr. George Curt Fiedler, Professor of Biology**

Regent Leon Guerero moved to approve the tenure application of Dr. George Curt Fiedler, which was duly seconded. The motion carried.




**10.2 Resolution No. 18-23, Relative to the President's Term of Office and Appointment as Interim President**


Regent Leon Guerrero introduced Resolution No. 18-23, which was duly seconded. She briefly reported on the purpose of the resolution. The motion carried.

**11.0 ADJOURNMENT**

Regent Leon Guerrero moved that the meeting be adjourned, which was duly seconded and passed. Chairperson Gayle adjourned the meeting at 7:34 p.m., Chamorro Standard Time.

  
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Elizabeth C. Gayle, Chairperson

**ATTESTED:**

  
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Thomas W. Krise, Ph.D., Executive Secretary