

GUAM COUNCIL ON THE ARTS AND HUMANITIES AGENCY
Regular Board Meeting
February 4, 2020 – 3:00 pm
Guam Public Library, Hågatña
A G E N D A

- I. CALL TO ORDER**
- II. REVIEW AND APPROVAL OF MINUTES January 14, 2020**
- III. EXECUTIVE DIRECTOR's REPORT**
- IV. OLD BUSINESS**
 - A. Percent for the Arts**
 - 1. Update on Building Permits for % for the Arts**
 - 2. Update - % for the Arts Regulations & Guidelines Amendment - Triple "A" Process**
 - 3. Update – Current Projects**
 - a. GCEF – TASI**
 - b. GRMC**
 - c. Guam Congress Building (Legislature)**
 - d. TNN Corporation – Memorandum of Agreement**
 - e. Pending: GIAT (Airport), GCC, UOG, GHURA**
 - B. Masters Program and Policy**
 - C. FestPac 2020**
 - D. Sub-Committee updates on Gallery and Art Bank Program & Artists' Membership Program**
- V. NEW BUSINESS**
- VI. BUDGET REPORTS**
 - A. 2020 Appropriation Accounts**
 - B. CAHA Non-Appropriation / Revolving Accounts**
- VII. OTHER ANNOUNCEMENT & DISCUSSIONS**
 - A. Next Board Meeting March 3, 2020**
- VIII. ADJOURNMENT**

GUAM COUNCIL ON THE ARTS AND HUMANITIES AGENCY
Regular Board Meeting
January 14, 2020

I. CALL TO ORDER

The Guam Council on the Arts and Humanities Agency's regular board meeting was called to order at 3:07 pm by Chairman of the Board, Francis Guerrero. Board members present were Francisco Rabon, Patricia Krise, Francisco Lizama, Mayor Jesse Gogue, Donna Kloppenburg & Dr. Judy Flores. Also present were Acting Director Jacqueline Balbas, Program Coordinators Angie Taitague and Mark Duenas and Administrative Officer Sherrie Barcinas.

Chairman Guerrero welcomed new board member Mayor Jesse Gogue and team from TNN Corporation. Chairman Guerrero requested to entertain TNN Corporation under Old Business first.

II. REVIEW AND APPROVAL OF MINUTES DATED December 3, 2019

Dr. Judy Flores motion to approve the minutes of December 3, 2019. Motion seconded by Ms. Kloppenburg.

UNANIMOUSLY APPROVED

III. EXECUTIVE DIRECTOR'S REPORT

CAHA Acting Director Balbas reported that the details prepared by CAHA Staff Taitague on the FestPac items for exhibit in Hawaii were sent to the East West Center and awaits their response on which items will be chosen as part of Manny Crisostomo's exhibit from May 31 – September 13, 2020.

Public Law No. 35-61 was signed by the Governor on January 2, 2020 which enacted CAHA as the official lead agency for FestPac and established a threshold of \$350,000 from the Percent for the Arts Fund to be used for Guam's contingency to the 13th Festival of Pacific Arts in Hawaii to cover airfare costs, logistical support, etc.

A public announcement will be held on the delegation selection during the Nihl Ta FanFestPac event scheduled for February 9, 2020 at the concrete huts, Sagan Mananaita, at the Chamorro Village from 4-8:00pm. The event will showcase performances and displays from delegates selected.

The Board and the FestPac Committee has been meeting to discuss FestPac solicitations and partnership at which CAHA Staff will be sending out letters to businesses this week.

In addition to the recent appointment of Mayor Jesse Gogue to the CAHA Board, the Governor has nominated Rolly Zepeda to serve on the board and awaits date of legislative confirmation hearing. Mr. Cepeda's term has expired and had resubmitted his board packet to the Governor's Office for reappointment.

Chairman Guerrero added to say that a Solicitation Committee for FestPac was formed. The solicitation is to assist reduce costs to be utilized from Percent for the Arts funds. A list of potential sponsors have been drawn up and shall be provided to the board for any direct contact. Chairman Guerrero requested the board's assistance in reaching out to these businesses for partnership/sponsorship. The committee is still working out the logistics with Matson as being one of its sponsors. The committee hopes to announce its sponsors at the February 9, 2020 event.

CAHA Acting Director Balbas also reported CAHA's partnership with the Pacific Resources for Education and Learning (PREL) will be holding a free workshop conduct by Dr. Lori Phillips for K-12th grade teachers entitled "Kids Helping Kids: Writing and Illustrating Student Created Books" to be held at the Guam Museum on February 1, 2020. PREL had requested for lodging accommodation which has yet to be secured due to Chinese New Year hotel bookings. Because of this, a request was made for staff or board to offer their assistance in such accommodation.

The new Chairperson of the National Endowment for the Arts, Ms. Maryann Carter will be visiting Guam from February 10-12, 2020 who will be accompanied by Mr. Michael Orloff, the Director of State Regional Local Partnerships and International Activities. The visit is significant and important as it'll be the first time in which NEA has visited Guam. A tentative planned agenda on the first day will include a luncheon meeting with board and staff, press conference, courtesy visit with the Speaker, and Tony Lamorena's talk show. An evening reception will be held at Government House with invites to former Executive Directors, former Board members and our local artists for a social gathering with no formal presentation. The second day of Ms. Carter's visit will include an island tour covering Southern High School, Gef Pa'go, University of Guam Theatre, Isla Center for the Arts, Guam Museum, debriefing with Lt. Governor Tenorio with last stop at Sagan Kutturán Guahan. CAHA is seeking board's assistance in donations for the luncheon meeting and utilizing its fund account to pay for the evening reception.

Chairman Guerrero requested that a copy of the finalized itinerary for NEA visit be forwarded to board members. In addition, to provide a presentation of projects through NEA funding sometime during NEA's visit.

Mayor Gogue recommended to have the Guam Territorial Band be a part of the visit as they were one of the first projects funded by NEA which started as the Governor's Youth Band.

IV. OLD BUSINESS

A. Percent for the Arts

- 1. Update on Building Permits for % for the Arts**
- 2. Update - % for the Arts Regulations & Guidelines Amendment – Triple "A" Process**

Chairman Guerrero met with Roland Villaverde who had stated a guideline is already in existence which CAHA should pattern after. The subcommittee shall regroup to review and redraft based on what's already in existence, make changes from there and resubmit to Senator Marsh's Office for further processing. The goal is to have rules and regulations that ties into what amended the law where more disciplines were added and to utilize funds not only for grant purposes.

Upon reviewing both contracts of GRMC and TNN, Ms. Krise questioned whether there shall be discussion on having a standard contract for any future buildings under the Percent for the Arts as both contracts pay out varies from one being at two years versus the other at five years.

Chairman Guerrero agreed but felt that the portion of the contract is one that GEDA deals with as far being a Qualifying Certificate holder which CAHA is not a part of.

CAHA Staff Duenas brought the issue of penalties for delays or non-compliance of which Chairman Guerrero stated would also need to be addressed in the law along with other issues.

The board had some discussion on the account established for the Percent for the Arts and recommended that the funds be placed in an interest bearing account but to further review the law and CAHA's ability to manage the funds. Mayor Gogue stated that there is a provision in the law that unobligated funds be invested into TCDs but this rests on the

Department of Administration as they manage the Government of Guam funds. However, during an audit of the Village Mayor's funds, Public Auditor Doris Brooks stated that you must look into the law, its intent as it may provide the department the ability to manage the funds and placed in an insured account.

CAHA Staff Barcinas elaborated that the account was established based on the law stating to create an account separate and apart from government funds. In addition, the current law only allows for funds to be distributed via a grant process until such time the law is amended for inclusion of operational costs, programs, etc.

Mayor Gogue then stated that the board has the ability to adopt resolutions, the board just needs to take a look at the law. There should also be an overview of the accounts in detail by the board.

Chairman Guerrero requested that the laws pertinent to the Percent for the Arts be distributed to the board for their review.

Dr. Flores stated that the board be cognizant of the percent laws as the current amendment to the law left out restricting percent funds for only FestPac 2020. Chairman Guerrero added to say that Senator Marsh had confirmed pursuing other sources for future funding of FestPac.

Chairman Guerrero requested to look into the possibility of adding penalties into the contract since it was not included in the law. CAHA Staff Barcinas added to say that this would be something that could go through the Attorney General's Office for advisement in protecting the government. Chairman Guerrero then requested that this issue be included as part of other requests for AG's opinion.

3. Update – Current Projects

a. GCEF – TASI

CAHA Staff Taitague will be working with Museum Administrator Leona Young to ensure completion of Museum project. GEDA has since been waiting on the scope of work from DCA which never transpired. The Museum Administrator has been tasked to gather the information needed for the Request for Proposal. CAHA remains involved in its close out to ensure full compliance on remaining funds.

After some discussion, Mayor Gogue requested the scope of work not completed by TASI for review for a possible process to implement to fix the problem.

b. GRMC - Status Quo

c. Guam Congress Building (Legislature) – Status Quo; Pending expending balance of Percent funds

d. TNN Corporation

Representatives from TNN Corporation and the Guam Economic Development Authority were present for the review and discussion of the Percent for the Arts Agreement.

Mr. Milton Morinaga from TNN Corporation informed the board of its compliance to the Percent for the Arts Program and based on the building permit, the construction cost is at \$1.2 million however, should there be an error TNN would make that adjustment to the agreement. Mr. Brian Pak stated that the payments as broken down in the agreement will begin with an initial payment followed by incremental payments on a quarterly basis beginning first quarter of 2021 and ending in December 31, 2024 for up to five (5) years. Quarterly payments will be made at the

end of each quarter. TNN Corporation requires CAHA's approval for its occupancy permit. The distribution amount is also in consideration of \$100,000 that was given to FestPac in 2016 which has been credited in the agreement.

CAHA Staff Taitague is currently verifying the total construction cost with the Department of Public Works in order to proceed with the agreement. Mr. Morinaga stated that once the amount has been confirmed, an exhibit will be attached to the agreement showing the payment breakdown to include the \$100,000 credit.

CAHA Staff Taitague requested that she be included in email correspondences as well as it pertains to the % project.

Matthew Baza from the Guam Economic Development Authority informed the board that they have been working hand in hand with TNN in reaching an agreement to comply with the % law pursuant to the Qualifying Certificate. CAHA makes the final review for any changes to be made within the agreement. The approval and signature of the agreement signifies TNN's compliance to the law.

Chairman Guerrero requested that once the amount has been verified and the agreement and payment breakdown has been finalized, it shall begin its process.

Mayor Gogue recommended that a draft of the agreement be submitted to the Attorney General's Office in the interim for review on any technical terms while the amount is being verified which will reduce the potential for delay.

- e. **Pending: GIAA (Airport), GCC, UOG, DOE & GHURA – Status Quo**
 - GIAA pending AG's opinion on construction cost broken down below \$100,000
 - GCC, UOG & DOE pending collection prior to amended Public Law
 - GHURA pending AG's opinion on whether payment would be made towards the percent for the arts as project was funded with federal funds which GHURA has claimed.

B. Masters Program and Policy

Mr. Rabon reported that the law is currently being reviewed by Senator Marsh's Office to ensure its verbiage is in line in order to begin the public hearing process.

C. FestPac 2020

D. Sub-Committee updates on Gallery and Art Bank Program & Artists' Membership Program – Tabled as Vice Chair overseeing subcommittee was not present

V. NEW BUSINESS

A. Request for Extension – Cara Mays & Ian Catling

CAHA Staff Barcinas reminded the board of CAHA's grant period which ended December 31, 2019 and that the request for extension from Ms. Mays was submitted after the fact of her previous extension request that was granted. Requests would be based on board approval, however this is contingent upon final approval by the National Endowment for the Arts.

CAHA Staff Duenas reported that Ms. Mays submitted a request for extension dated December 24, 2019 and serves as her third request for extension for FY2019 grant project. CAHA Staff Taitague added that Ms. Mays' has repeatedly used the same language in her request referencing the lack of funds of which grantees are subject to provide matching funds. CAHA Staff Duenas also stated the use of seed money as noted in the budget of their application shall be utilized while awaiting the first installment payment which would have

reimbursed their expenditures. Ms. Mays is notorious for submitting request for extensions and she may not be focusing on her grant project as there may be other outside projects she's working on. The request for extension is for up until February 2020.

CAHA Acting Director Balbas reiterated that the request for extension came after the date of previous extension granted of November 15, 2019. The request should have come before the board prior to that extension date when Ms. Mays would have already known she was having issues to complete the project on time. However, it is dependent on the board's approval and contingent upon final approval from NEA. Should an extension not be granted, Ms. Mays would have to return funds previously received.

Mr. Lizama motion to disapprove Ms. Mays request for extension. Mr. Rabon seconded the motion.

During the discussion, Dr. Flores recused herself as her home was used by the grant applicant for filming. Although unable to vote, Dr. Flores suggested Ms. Mays complete the project as she provides quality work. After some discussion, the board failed previous motion and made a decision to grant Ms. Mays request for extension. Mayor Gogue requested that the letter also states it is the final extension with no further requests for extension to be made. In addition, a phone call to Ms. Mays is immediately requested informing her of the board's decision with letter to be forthcoming.

Ms. Kloppenburg motion to approve Ms. Mays request for extension thirty (30) days from today's board meeting date which would be February 14, 2020. Motion seconded by Ms. Krise.

UNANIMOUSLY APPROVED

CAHA Staff Taitague reported that Mr. Catling was awarded funds from the balance of the underserved component of NEA grant to do a project with at-risk youths on a theatre production incorporating CHamoru legends. The purchase order was processed in late September 2019 and although the project has begun, there were certain factors of the project that weren't take into consideration such as transportation for the students and rehearsal/performance space. Therefore Mr. Catling is requesting to extend the completion of the project until February 2020.

Ms. Kloppenburg motion to approve Mr. Catling's project completion date until February 28, 2020. Motion seconded by Ms. Krise.

UNANIMOUSLY APPROVED

CAHA Staff Taitague reported that Ms. Amber Sanchez submitted a request for extension on grant project due to medical reasons as she had just continued her project in December 2019 since the granting of her last extension request. The project entails producing a documentary.

Mayor Gogue motion to approve Ms. Sanchez request for extension on project grant until February 28, 2020. Motion seconded by Ms. Kloppenburg.

UNANIMOUSLY APPROVED

- B. Approval on catering for National Endowment for the Arts Visit Reception
CAHA Staff Barcinas requested board approval for expenses towards reception for NEA Visit in the amount of \$2,500. The funds to be utilized would come from monies solicited from Arts and Humanities Month.

VI. BUDGET REPORTS

Reporting on the following is CAHA Staff Barcinas.

A. 2020 Appropriation Accounts

Federal match account – current balance at \$121,878.83 however, of this amount, subgrants have yet to be encumbered, recruitment of Program Coordinator and Stage/Maintenance Technician as well as expected expenses throughout the remainder of fiscal year. In addition, the anticipated recruitment of an Executive Director.

FestPac account – \$10,000 was awarded to CAHA in addition to its current grant amount of \$294,800 which is restricted to airfare costs of delegates for FestPac

Local Overmatch account – covers salaries and benefits of one staff member and contractual services for programs/projects; current balance at \$15,804.17.

B. CAHA Non-Appropriation / Revolving Accounts

All account balances for Revolving Fund, % for the Arts and FestPac account remains status quo from last reporting.

Of the Arts & Humanities funds of approximately \$2,900, CAHA is requesting to utilize \$2,500 towards the NEA visit reception.

After some discussion on the reporting of the revolving fund account balance, Mayor Gogue moved to de-encumber 2017 & 2018 Arts & Humanities Month funds of \$2,658.37 and \$301 to be placed back into the revolving fund account balance of the non-appropriated funds and to approve a budget of \$2,500 for the catering to host the NEA visit in February 2020. Motion seconded by Ms. Kloppenburg.

UNANIMOUSLY APPROVED

VII. OTHER ANNOUNCEMENTS & DISCUSSIONS

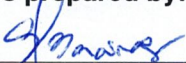
Next Board Meeting scheduled for February 4, 2020

VIII. ADJOURNMENT

With no further discussion, Dr. Flores moved to adjourn the meeting at 5:16pm. Motion seconded by Ms. Kloppenburg.

UNANIMOUSLY APPROVED

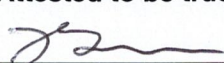
Minutes prepared by:



Sherrie A.D. Barcinas
Administrative Officer, Guam CAHA

Date: 2.4.2020

Attested to be true and correct by:



Francis Guerrero
Chairperson, Guam CAHA Board of Directors

Date: 2/4/2020

FY 2020 APPROPRIATION ACCOUNTS

FY2020 CAHA Appropriation - As of: 02.04.2020 (Local / Federal Match Account)

<u>General Fund</u>	<u>Total</u>		<u>Outstanding</u>		<u>Unalloted</u>		
	<u>Appropriation</u>	<u>Expenditures</u>	<u>Encumbrance</u>	<u>Available</u>	<u>Monthly Release</u>		
Salaries	209819	40164.08		\$ 48,605.92	+	\$ 121,049.00	= \$ 169,654.92
Benefits	85289	14029.31		\$ 22,055.69	+	\$ 49,204.00	= \$ 71,259.69
In Direct Cost							
							\$ 240,914.61
							Anticipated Salaries/Benefits Expense til end of fiscal year (FTE & Recruitment) \$ (252,509.11)
							\$ (11,594.50)
<u>Operations</u>							
Travel	0				+		= \$ -
Contractual	43740	8813.15	18369.53	\$ 16,557.32	+		= \$ 16,557.32
-Post Advertisement, PDN, Post Subscription, Website Service, Xerox, Network, etc.							
Office Space Rental	80852		72840	\$ 8,012.00			= \$ 8,012.00
Supplies	5000	1197.33	817.4	\$ 485.27	+	\$ 2,500.00	= \$ 2,985.27
-Benson							
-ERC							
-Home Center							
Equipment							= \$ -
Sub Grants	160000	72270	48090	\$ 39,640.00	+		= \$ 39,640.00
Miscellaneous							= \$ -
Telephone	4900	796.11	791	\$ 3,312.89	+		= \$ 3,312.89
	\$ 589,600.00	\$ 137,269.98	\$ 140,907.93	\$ 138,669.09		\$ 172,753.00	\$ 58,912.98
							AIE \$ (10,200.00)
							Underserved \$ (14,100.00)
							Others \$ (11,140.00)
							Supplies \$ (2,985.27)
						Tel. (\$183) DSL (\$82.37) x 9 mos	\$ (2,388.33)
							\$ 18,099.38

FY2020 CAHA Appropriation - As of: 02.04.2020 (Federal 100% Account - FestPac)

<u>General Fund</u>	<u>Total</u>		<u>Outstanding</u>		<u>Unalloted</u>		
	<u>Appropriation</u>	<u>Expenditures</u>	<u>Encumbrance</u>	<u>Available</u>	<u>Monthly Release</u>		
Travel	10000			\$ 10,000.00			= \$ 10,000.00
	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00		\$ -	\$ 10,000.00

FY2020 CAHA Appropriation - As of: 02.04.2020 (Local Overmatch Account)

<u>General Fund</u>	<u>Total</u>		<u>Outstanding</u>		<u>Unalloted</u>		
	<u>Appropriation</u>	<u>Expenditures</u>	<u>Encumbrance</u>	<u>Available</u>	<u>Monthly Release</u>		
Salaries	64350	14755.68		\$ 12,469.32	\$ 37,125.00	=	\$ 49,594.32
Benefits	22099	5165.58		\$ 4,184.42	\$ 12,749.00	=	\$ 16,933.42
							\$ 66,527.74
							Anticipated Salaries/Benefits Expense til end of fiscal year: -\$ 59,786.64
							\$ 6,741.10
Contractual	7598			\$ 7,598.00	+	\$ -	= \$ 7,598.00
	\$ 94,047.00	\$ 19,921.26	\$ -	\$ 24,251.74	\$ 49,874.00	\$	\$ 14,339.10

NON-APPROPRIATED / REVOLVING ACCOUNTS

12.04.2020

Remarks

Revolving Fund Account

Balance on Register as of 12.13.2019 \$ 5,092.88

(+)

(-)

\$ 1,200.00 50% deposit to Cali Cakery for NEA Visit

Balance to date: \$ 3,892.88

% for the Arts Account

Balance on Register as of 07.16.2019 \$ 712,886.00

Balance to date: \$ 712,886.00

\$

-

FESTPAC Account

Balance as of 10.30.2019 \$ 25.10



P.O. Box BW • Hagatna, GU 96932

Page 1 of 2
Date 12/31/19
Account # *****4902

Statement of Account

GUAM
CAHA
RECEIVED
1.17.2020

RETURN SERVICE REQUESTED

*****AUTO**SCH 5-DIGIT 96929
24232 0.5690 AV 0.383 77 1 215
GOVERNMENT OF GUAM
GUAM COUNCIL ON THE ARTS
AND HUMANITIES AGENCY
PO BOX 2950
HAGATNA GU 96932-2950

New look, same information! You will notice your statement has a new look but we haven't changed the way you view your information. As a reminder, you can opt-in to electronic statements anytime through our Online Banking Platform at bankofguam.com

*****4902 DDA - PUBLIC

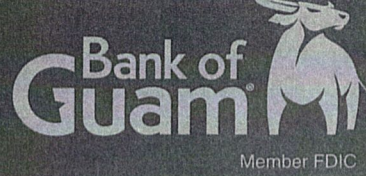
Previous Balance	11/30/19	\$6,146.88
+ Deposits/Credits	0	\$0.00
- Withdrawals/Debits	3	\$608.00
- Service Charge		\$0.00
+ Interest Paid		\$0.00
Current Balance		\$5,538.88
Days in Statement Period	31	

Account Activity

Date	Description	Debit	Credit	Balance
11/30/19	BEGINNING BALANCE			\$6,146.88
12/02/19	CHECK #1309	\$200.00		\$5,946.88
12/04/19	CHECK #1312	\$208.00		\$5,738.88
12/17/19	CHECK #1315	\$200.00		\$5,538.88

ENCLOSURES 3
END OF STATEMENT





Statement of Account

P.O. Box BW Hagåtña, GU 96932

Page 1 of 1
Date 07/31/19
Account # *****9916

*****AUTO**SCH 5-DIGIT 96929
712 0.3800 AV 0.383 2 1 311

GUAM COUNCIL ON THE ARTS AND HUMANITIES
AGENCY
PERCENT FOR THE ARTS C/O GUAM CAHA
PO BOX 2950
HAGATNA GU 96932-2950

FEES EFFECTIVE FRIDAY, SEPTEMBER 1, 2017

\$25.00 Non-Sufficient Funds Fee on Savings Accounts
\$3.00 Paper Statement fee for Non Business Accounts
For any questions, please contact us at (671) 472-5300 or visit us at any Bank of Guam Branch.

*****9916 DDA - PUBLIC

Table with 3 columns: Description, Date, Amount. Rows include Previous Balance (06/30/19, 312,886.00), Deposits/Credits (1, 400,000.00), Withdrawals/Debits (0, 0.00), Service Charge (0.00), Interest Paid (0.00), Current Balance (712,886.00), Days in Statement Period (31).

Account Activity

Table with 5 columns: Date, Description, Debit, Credit, Balance. Rows include 06/30/19 BEGINNING BALANCE (\$312,886.00) and 07/16/19 CUSTOMER DEPOSIT (\$400,000.00, \$712,886.00).

NO ENCLOSURES THIS STATEMENT
END OF STATEMENT

Statement of Account

P.O. Box BW Hagåtña, GU 96932

*****AUTO**SCH 5-DIGIT 96929
704 0.3800 AV 0.383 2 1 300

Page 1 of 1
Date 10/31/19
Account # *****0627

GUAM COUNCIL ON THE ARTS AND HUMANITIES
AGENCY FESTIVAL OF PACIFIC ARTS
C/O GUAM CAHA
PO BOX 2950
HAGATNA GU 96932-2950



**GUAM
CAHA
RECEIVED**
11/2/19 *8/3*

FEES EFFECTIVE FRIDAY, SEPTEMBER 1, 2017

\$25.00 Non-Sufficient Funds Fee on Savings Accounts
\$3.00 Paper Statement fee for Non Business Accounts
For any questions, please contact us at (671) 472-5300 or visit us at any Bank of Guam Branch.

*****0627 **DEMAND NON-PROFIT**

Previous Balance	04/30/19	25.00
+ Deposits/Credits	1	0.10
- Withdrawals/Debits	0	0.00
- Service Charge		0.00
+ Interest Paid		0.00
Current Balance		25.10
Days in Statement Period	184	

Account Activity

Date	Description	Debit	Credit	Balance
04/30/19	BEGINNING BALANCE			\$25.00
10/30/19	CUSTOMER DEPOSIT		\$0.10	\$25.10

**NO ENCLOSURES THIS STATEMENT
END OF STATEMENT**