



GUAM WATERWORKS AUTHORITY

"Better Water. Better Lives."

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MEMORANDUM

Confidential – Personnel Matter

To: Chairman, Consolidated Commission on Utilities

From: General Manager

Date: September 25, 2018

Subject: Performance Evaluation – General Counsel

Pursuant to CCU Resolution No. 21-FY2018, and the adopted *Executive Officer Evaluation Policy*, Section 4, Paragraph (f), the following evaluation is hereby submitted for your consideration for the subject individual. I note for the record that performance criteria and form/format for the performance evaluation as indicated in Section 4, Paragraphs (d) and (e) have not been specified by the CCU to my knowledge, and therefore, my evaluation is based on my objective priorities and is provided in memo form. For the General Counsel, I have assessed performance on several criteria which I feel are critical to the success of the Authority.

1. Protecting the interests of the Authority, the CCU and the ratepayers
2. Working with Management to resolve legal, contractual and administrative matters
3. Quality of the work products developed
4. Efficiency in performance of duties and responsibilities

Protecting the interests of the Authority, the CCU and the ratepayers: The General Counsel has, over the past two years, taken a proactive approach to address several matters which have arisen affecting GWA and the CCU. This includes damage claims, procurements, contractual relationships, and land issues. He has initiated research independently, and often before the issues are brought to Management's attention, so as to provide as comprehensive factual and strategic assessment from which Management can provide direction or make decisions. I have found him to be on-point with identifying potential liabilities, weaknesses in processes/procedures and areas which have the potential to be adverse to GWA or the CCU. I have also found him to be very cost-conscious and fiscally responsible when it comes to procurement planning, contracts, and charges/costs related to the PUC.

Working with Management: Having worked with the previous Counsel for a time, I can say without reservation that the current Counsel embraces a much more cooperative and collaborative approach to carrying out the various legal tasks and resolving the issues that face GWA. Instead of raising obstacles, or complicating processes in response to perceived risk, the current General Counsel works with Management to minimize or eliminate such risks through the use of standard contract language and forms, clarity in the information provided, and simplification of the documentation and processes.

Examples of this include the development of standard engineering and construction contract documents, and the development of “special provisions” language associated with those documents.

He contributes positively to the development of solutions in response to contractual and administrative matters, while remaining fair and firm in his positions. He discusses Management’s priorities and preferences frequently with me, and consistently checks-in to make sure that nothing important slips through the cracks. This is particularly true of his efforts in addressing several complicated procurements, problems with existing contracts and in dealing with personnel issues / adverse actions.

Quality of the work products developed: Overall, the briefs, contracts, agreements and other documents prepared by the General Counsel are extremely well thought-out and very well written. With very few exceptions, all documents provided to me from Counsel, even rushed documents, are without error or inconsistency. This is a marked improvement over the work of former Counsel.

Efficiency in performance of duties and responsibilities: General Counsel has brought a ‘private practice’ approach to the performance of his duties and responsibilities at GWA, in terms of efficiency. There are no longer undue delays in the processing of procurement documents because of legal review and approval. Proactive efforts have been taken with the engineering department to streamline the process of contract document development and issuance, fostering a cooperative and collaborative working relationship with that Division. This work ethic and attitude are also evident in Counsel’s work with other divisions which require his involvement, such as Human Resources, and Customer Service.

The above summarizes my evaluation of his performance on the basis of the criteria listed. In terms of his Key Personal Competencies, my brief evaluation of these are as follows:

- *Strategic perspective:* Counsel exhibits excellent strategic thinking, and includes consideration of diverse viewpoints in his analysis of issues and problems
- *Team building:* Counsel is easy to work with, forthright and direct, and has good working relationship with all program managers
- *Communication:* Very good communication skills, as well as interpersonal communications
- *Information gathering:* Counsel has excellent research and outreach skills; has established a good network of contacts in the industry in a short time, both locally and nationally
- *Achievement focus:* Counsel is goal oriented and always maintains a ‘big picture’ view toward his work.
- *Judgment:* Exhibits sound and clear judgment, and exceptional integrity and ethics

Overall, General Counsel has been a great benefit to the Authority, and to Management specifically. He has significantly exceeded expectations in the performance of his duties, and I recommend a commensurate adjustment to compensation should the Commission concur.

Guam Waterworks Authority Executive Management Compensation Recommendations

Executive Management Position	10th Percentile	15th Percentile	20th Percentile	Current Base Salary	Requested Adjustment		Recommendation
	Base Salary	Base Salary	Base Salary		Salary	% Change	
AGM Administration & Support	136,382			131,060.80			No adjustment - just hired @ 10th percentile
Assistant General Manager Compliance & Safety	100,709	103,760	106,904	124,113.60			No adjustment - 10th percentile structural adjustment completed via Res. 02-FY2018
Assistant Chief Financial Officer	103,760	106,904	110,144	111,238.40			No adjustment - 10th percentile structural adjustment completed via Res. 02-FY2018
Chief Financial Officer (GWA)	135,031			147,950.40			N/A - CCU has already acted on this position
Staff Attorney	113,387	117,990	121,566	115,003.20	140,000	22%	Evaluation/Recommendation provided by Memo dated 9.25.2018