

GUAM CONSOLIDATED COMMISSION ON UTILITIES RESOLUTION NO. 29-FY2016

RELATIVE TO APPROVING PROPOSED LEGISLATION FOR ACQUISITION OF CERTAIN CHAMORRO LAND TRUST COMMISSION PROPERTIES

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Guam Waterworks Authority (GWA) has identified property, owned by the Chamorro Land Trust Commission (CLTC), for the purpose of rebuilding the existing water reservoir, constructing a stormwater detention basin to address United States Environmental Protection Agency (USEPA) Clean Water Act (CWA) requirements and to construct future additional reservoirs which will assist in meeting current and future growth demands for drinking water; and

WHEREAS, the Guam Waterworks Authority (GWA) has been working with the staff of the Chamorro Land Trust Commission (CLTC) to address the critical property needs to meet the 2011 Court Order deadlines; and

WHEREAS, the Chamorro Land Trust Commission, having agreed that GWA's request for additional land for required infrastructure development projects is in the public's interest and is an immediate necessity, approved resolutions to support GWA's request (Attachment A); and

WHEREAS, the Chamorro Land Trust Commission has also approved the Right of Entry as an interim measure to allow GWA to access the properties to conduct required studies, surveys and necessary actions to begin the design of the required requirement for the water reservoirs (Attachment B); and

WHEREAS, GWA and CLTC have developed draft legislation to acquire the properties to meet the needs of GWA. Upon passage of the law, GWA and CLTC will develop a reasonable compensation package for the acquired properties. Due to the time constraints imposed by the Court Order to complete the project, GWA and CLTC have agreed on the basic terms of the transfer to meet the needs and mandates of both parties, and have committed to finalize the terms of compensation to the Chamorro Land Trust within one hundred eighty (180) days of the enactment of the proposed legislation.

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve and authorize the following:

Section 1. The foregoing recitals hereto are hereby ratified, confirmed, and incorporated herein by reference.

Section 2. The Consolidated Commission on Utilities approves the following attached draft bills:

a) AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY AND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REPLACING THE EXISTING WATER RESERVIOR (TANK) AND CONSTRUCTING AN ADDITIONAL

WATER RESERVIOR TO COMPLY WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER. (Attachment C)

- b) AN ACT TO TRANSFER A PORTION OF LOT NO. 470-R3,
 MUNICIPALITY OF SANTA RITA WITH AN AREA OF 2855±
 SQUARE METERS FROM THE CHAMORRO LAND TRUST
 INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR
 THE PURPOSE OF CONSTRUCTING A STORM WATER
 RETENTION BASIN AND RECONSTRUCTING A WATER
 RESERVOIR TO COMPLY WITH THE UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER.
 (Attachment D)
- c) AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1,
 MUNICIPALITY OF DEDEDO WITH AN AREA OF 1852± SQUARE
 METERS FROM THE CHAMORRO LAND TRUST INVENTORY
 AND TO THE GUAM WATERWORKS AUTHORITY FOR THE
 PURPOSE OF CONSTRUCTING A FUTURE WATER RESERVIOR
 (TANK) AND RELOCATING A PUMP STATION AS PART OF THE
 COMPLIANCE ACTIONS REQUIRED TO MEET THE UNITED
 STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT
 ORDER. (Attachment E)

RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 26th day of April 2016.

Certified by:

JOSEPH T. DUENAS

Chairperson

Attested by:

GEORGE BAMBA

Secretary

I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as evidenced by my signature above do hereby certify as follows:

The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:



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