



CONSOLIDATED COMMISSION ON UTILITIES  
Guam Power Authority | Guam Waterworks Authority  
P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

**RESOLUTION NO. 34-FY2017**

**RELATIVE TO APPROVING THE TERMS OF THE PROPOSED SETTLEMENT IN  
THE CLAIM AGAINST THE GUAM WATERWORKS AUTHORITY BY ALFRED  
JOHN D. MESA ALSO REFERENCED  
AS GWA GOVERNMENT CLAIM NO. 2017-006**

**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 Government Claims Act 5 G.C.A. §6206 requires approval of the Board for all other claims in excess of Three Thousand Dollars (\$3,000.00), excluding motor vehicle damage and personal injury claims less than \$15,000; and

**WHEREAS**, on April 15, 2017 manhole number 807 was surcharging. GWA personnel arrived at approximately noon to attempt clear the line. After failed attempts to clear the sewer line of Fats, Oil and Grease (FOG), rocks and gravel the RPM on the jetter hose was raised causing the subsequent sewer overflow into the residence of Mr. Alfred John D. Mesa (150 Redondo Catan Dededo) causing real property damage to two bathrooms and one bedroom, Exhibit “A”; and

**WHEREAS**, on April 24, 2017 Mr. Alfred John D. Mesa (“Claimant”), legal homeowner of 150 Redondo Catan Dededo, Guam filed a claim against GWA in the amount of Fourteen Thousand Dollars (\$14,000) for real property damages, Exhibit “B”; Mr. Mesa has submitted three quotes with L.G. Manlutac Construction being the lowest, Exhibit “C”; and

1           **WHEREAS**, after review of the claim, GWA has determined that GWA should  
2 compensate the Claimant for real property damages sustained totaling Thirteen Thousand Thirty  
3 Dollars (\$13,030.00) of which \$3,000.00 was issued to Claimant on May 15, 2017 Check  
4 Number 073523 for immediate needs, Exhibit "D." The Claimant further acknowledged that the  
5 \$3,000.00 would be made part of and thereby deducted from the final settlement offer, Exhibit  
6 "E";

7  
8           **WHEREAS**, GWA believes the proposed settlement and method of payment to be fair  
9 and reasonable; and

10  
11           **WHEREAS**, the Consolidated Commission on Utilities finds that this proposed  
12 settlement is just and reasonable considering the circumstances.

13  
14           **NOW THEREFORE, BE IT RESOLVED**, the Consolidated Commission on Utilities  
15 does hereby find, authorize and approve the following:

- 16  
17           1. Mr. Alfred John D. Mesa sustained real property damages as a result of a sewage over  
18 flow into his residence, 150 Redondo Catan Dededo Guam on April 15, 2017.  
19           2. Mr. Alfred John D. Mesa has provided proof to GWA of the damages sustained in  
20 the amount of Thirteen Thousand Thirty Dollars (\$13,030.00).  
21           3. That GWA may pay the Claimant the remaining amount of Ten Thousand Thirty  
22 Dollars (\$10,030.00) following the execution of a Release and Settlement Agreement  
23 (Exhibit F).  
24           4. The CCU finds the offer fair and reasonable under the circumstances.  
25           5. The GWA GM is authorized to sign all documents necessary to settle the claim as  
26 approved by the CCU.

27  
28           **RESOLVED**, that the Chairman certifies and Board Secretary attests to the adoption of  
29 the Resolution.

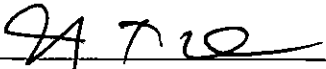
30 //

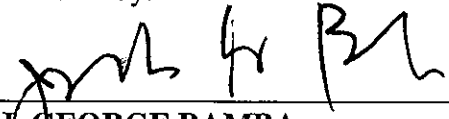
31 //

1 **DULY AND REGULARLY ADOPTED AND APPROVED** this 23<sup>rd</sup> day of May,  
2 2017.

3  
4 Certified by:

Attested by:

5   
6 \_\_\_\_\_  
7 **JOSEPH T. DUENAS**  
8 Chairperson

  
\_\_\_\_\_

9  
10 **J. GEORGE BAMBA**  
11 Secretary

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

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

18 AYES: 4  
19 NAYS: 0  
20 ABSTENTIONS: 0  
21 ABSENT: 1

22  
23  
24 ///

25  
26 ///

27  
28  
29 ///

30  
31  
32 ///



## **GUAM WATERWORKS AUTHORITY**

"Better Water, Better Lives."

Gloria B. Nelson Public Service Building | 688 Route 15 | Mangilao, Guam 96913

Tel: (671) 300-6846

### **Issues for Decision**

#### **Resolution No. 34-FY2017**

Relative to Approving the Terms of the Proposed Settlement in the Claim Against the Guam Waterworks Authority by Alfred John D. Mesa also Referenced as Government Claim GWA GC No. 2017-007

#### **What is the project's objective and is it necessary and urgent?**

On April 15, 2017 a sewer overflow caused real property damage to Mr. Mesa's home. As a result of the sewer overflow Mr. Mesa filed a Government Claim against GWA in the amount of \$14,000.00 for damages sustained to two bathrooms and one bedroom.

Mr. Mesa has provided three quotes from contractors with the lowest quote coming from L.G. Manlutac Construction in the amount of \$13,350.00. Pursuant to 5 G.C.A. §6206 the Release and Settlement Agreement requires the Attorney General of Guam and the Governor to approve before the settlement check can be issued.

Mr. Mesa's wife is currently undergoing chemotherapy so it is urgent to expedite the process.

#### **Where is the location?**

150 Redondo Catan Dededo, Guam

#### **How much will it cost?**

The recommendation for settlement is \$13,030.00, which excludes the replacement of the toilet bowl and tank as both could be disinfected.

Mr. Mesa received a check in the amount of \$3,000.00 on May 15, 2017 for immediate needs. Therefore, the remaining settlement amount would be \$10,030.00.

#### **When will it be completed?**

This claim will be completed after the Release and Settlement Agreement has been approved by the CCU, then forwarded to the Office of the Attorney General and the Office of the Governor for their review and signature.

#### **What is the funding source?**

Revenue Funded

EXHIBIT "A"

**Bathroom #1**

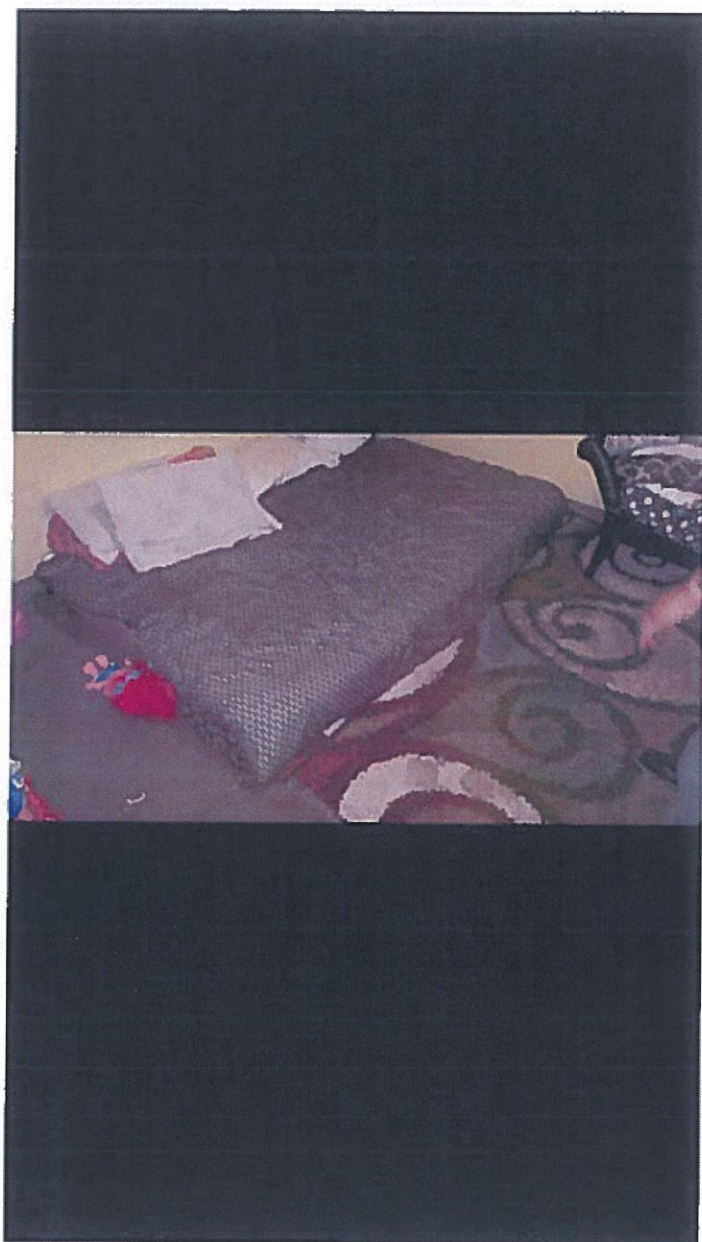


**Bathroom #2**



**Bedroom #1**







Hallway of Bathroom #2 (which leads into bedroom #1)





# Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



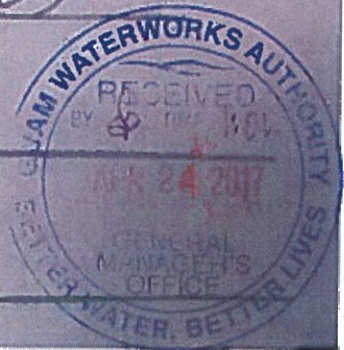
## CLAIM AGAINST THE GOVERNMENT

(Please complete the form in its entirety. **DO NOT** leave any portions blank. Write "N/A" or "None" where appropriate.)

- Name of Claimant: Alfred J. Mesa
- Mailing Address: P.O. Box 4760 Dededo GU 96912
- Home/Work Address: 150 Redonda Canton Dededo GU 96929
- Home Telephone: 477-8077      Work Telephone: \_\_\_\_\_
- Amount of Damages you are claiming: \$ 14,500.00
- Any other relief you are claiming: N/A
- Government Agency Responsible: Guam Waterworks Authority
- Date Claim arose: April 15, 2017
- Your statement of facts upon which you base your claim. Attach extra sheet(s) if necessary.  
On the day of April 15, 2017 Guam Waterworks was conducting a routine main hole flush. Upon these routine discrepancies occurred during curbside back-up that lead into residential lines causing overflow in the bathrooms and bedrooms.
- Attach a copy of all documents pertaining to your claim, such as a police report, accident report or a contract.
- The lowest estimate of repair is: \$ 14,500.00
- I have the following insurance covering this claim: None
- I am the real party in interest except for the following parties who have an interest in this claim:  
None
- I have received the following compensation/repairs from other parties: None
- Name, address, and telephone of attorney representing claimant, if any:  
N/A

All notices will be sent to your mailing address above or if you have an attorney, to your attorney's address. If you want to change the address at which you will receive notices, you must file, in writing, a change of address with the Claims Officer.

I, Alfred J. Mesa, declare under penalty of perjury that the foregoing is true and correct.  
 Date: 04-17-17      Claimant's Signature: [Signature]





## Office of the Attorney General of Guam

390 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



Dear Claimant:

Pursuant to the Government Claims Act (Public Law 17-29), the government has six (06) months to investigate and either grant, settle or deny your claim. If you are claiming property damage to a motor vehicle involved in an accident, we will make a determination on this part of your claim within thirty (30) days pursuant to Public Law 25-130, provided you furnish us with all the documents necessary to process your claim.

Although most claims require the full six (06) months for review and final decision, smaller claims usually take less time than larger ones; however, they are considered equally. If after six (06) months your claim has not been settled or you have not been notified by our office that your claim was denied, you may institute an action in the Superior Court of Guam for money damages.

Additional questions on the status of this claim should be directed to the undersigned.

Thank you in advance for your cooperation.

Sincerely,

GABRIELA P. R. RIPPEL  
Interim Assistant Claims Officer

I have read and fully understand the above.

Print Name: Alfred T. S. Mesa

Signature: [Handwritten Signature]

Date: 04-17-17

**L.G. MANLUTAC CONSTRUCTION  
GENERAL CONTRACTOR**

P.O. Box 11002 Tamuning, Guam , 96931  
Tel. # 653-0776, Fax # 898- 0776, Cell # 488 -8018  
E-mail-manlutacguam@teleguam.net

JOB PROPOSAL

PROPOSAL SUBMITTED TO :

WORK TO BE PERFORMED AT:

Name : Mr John , Mary , Jackie Mesa  
150 Redondo Katan , Dededo  
Tel. # (671) 637 - 8077  
Fax # (671)

Date : 4 / 21 /17  
Job # : L2017- 24  
Job Name : Repair works

Attention : Mr .John Mesa

---

We are please to submit our cost proposal for the above reference project as follow

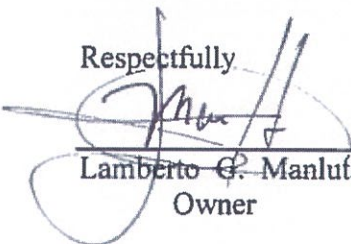
SCOPE OF WORKS :

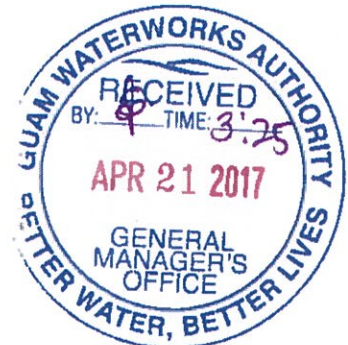
1. As Per Attach Owner Scope Works

TOTAL LABOR and MATERIALS ---- \$13,350.00

All materials are guaranteed to be as specified . All works to be completed in Substantial Workmanlike-manner for the sum of ( \$ 13,445.00 ) THIRTEEN THOUSAND THREE HUNDRED FIFTY DOLLARS ONLY.

Respectfully

  
Lamberto G. Manlutac  
Owner



Scope of Work: John Mesa/Mary Mesa/Jackie Mesa

Hse #150 Redondon Katan Dededo

Home #637-8077

Bathroom #1

\$ 5,100.00

- Reseal grout on floor tiles
- Remove and replace Plastic shower stall
- Remove and Replace Lavatory sink/Cabinet
- Remove and Replace Toilet bowl/tank
- Remove and Replace 9 feet X 5 feet of vinyl tile

Bathroom #2

\$ 3,650.00

- Reseal grout on floor tiles
- Remove and replace lavatory Sink/Cabinet
- Remove and replace Toilet bowl/tank
- Remove and replace bathroom wooden door

Bedroom #1

\$ 3,100.00

- Remove and Replace 13 feet X 13 feet vinyl Tile
- Replace Wooden closet doors
- Replace base board
- Replace wooden bedroom door
- Remove and replace 5 feet X 5 feet of vinyl tile on Hallway between bathroom and bedroom

Disposal fee:

\$ 1,100

# ACDC

## Asian Construction Development Corporation

P.O. Box 2662 GMF,96921 Tel # 632 - 2105 ,Fax #632 - 2129 ,Cell (671) 486 - 7355

### QUOTATION

Date :April 21 ,2017

To : John , Mary and Jackie Mesa

150 Redondon Katan

Dededo, Guam 96929

Tel. # : 637- 8077

Fax # :

Re: Improvement of Two Bath room and Tiles Replacement of Bed Room

Attention : Mr. John , Mary and Jackie Mesa

Dear Sir /Madam

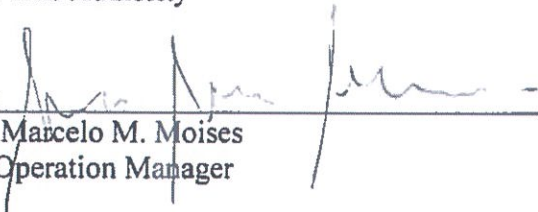
We are please to submit our cost proposal for the supply of Labor ,Materials ,Equipment and Supervision .we offer you FORTEEN THOUSAND SIX HUNDRED (\$14,600.00 )

#### SCOPE OF WORKS

Please See the attach Scope of owner furnish

Thank you for this business opportunity and we are looking forward to professionally Servicing Guam Water Works Authority

Respectfully Submitted :

  
\_\_\_\_\_  
Marcelo M. Moises  
Operation Manager



Scope of Work: John Mesa/Mary Mesa/Jackie Mesa

Hse #150 Redondon Katan Dededo

Home #637-8077

Bathroom #1 - 5,387.00

- Reseal grout on floor tiles
- Remove and replace Plastic shower stall
- Remove and Replace Lavatory sink/Cabinet
- Remove and Replace Toilet bowl/tank
- Remove and Replace 9 feet X 5 feet of vinyl tile

Bathroom #2 - 3,957.00

- Reseal grout on floor tiles
- Remove and replace lavatory Sink/Cabinet
- Remove and replace Toilet bowl/tank
- Remove and replace bathroom wooden door

Bedroom #1 - 3,487.60

- Remove and Replace 13 feet X 13 feet vinyl Tile
- Replace Wooden closet doors
- Replace base board
- Replace wooden bedroom door
- Remove and replace 5 feet X 5 feet of vinyl tile on Hallway between bathroom and bedroom

Disposal fee: - 1,769.00



# R&E Builders

General Contractor  
Cell: (671) 797-6188

P.O. Box 21304 GMF Guam, 96921  
Phone: (671) 637-3362 Email: [r10ocampo@yahoo.com](mailto:r10ocampo@yahoo.com)

Date: April 21, 2017

Proposal # 17-035

To: Mr. & Mrs. John and Mary Torres  
Phone # 637-8077  
Email:  
Re: Hse # 150 Redondon Katan Repair Dededo.

## SCOPE OF WORK:

### Bedroom # 1

1. Reseal grout on floor tiles
2. Remove and replace plastic shower stall.
3. Remove and replace lavatory sink / cabinet.
4. Remove and replace 9 feet x 5 feet of vinyl tile.

### Bedroom # 2

5. Reseal grout on floor tiles.
6. Remove and replace lavatory sink / tank.
7. Remove and replace bathroom wooden door.

### Bedroom # 1

8. Remove and replace 13 feet x 13 feet vinyl tile.
9. Replace wooden closet doors.
10. Replace baseboards.
11. Replace wooden bedroom door.
12. Remove and replace 5 feet x 5 feet of vinyl tile on hallway between bathroom and bedroom.
13. Clean up and disposal of construction debris.

Labor and Materials.....\$13,948.00

Thank you for this business opportunity and we look forward to professionally servicing you.

Sincerely,

Ronald C. Ocampo  
Project Manager





EXHIBIT "D"

THIS DOCUMENT HAS A SECURITY COLOR BACKGROUND ON FACE AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

GUAM WATERWORKS AUTHORITY  
P.O. BOX 3010 HAGÁTÑA, GUAM 96932  
TEL: (671) 300-6861 / 6849

GENERAL FUND ACCOUNT

HAGÁTÑA BRANCH  
BANK OF GUAM  
HAGÁTÑA BRANCH  
101-511  
1214

Check No. 073523

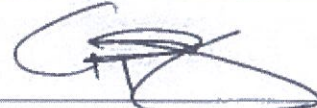
05/12/17  
00073523

PAY THREE THOUSAND AND 00/100 \*\*\*\*\*

TO THE ORDER OF

AMOUNT  
\$\*\*\*\*\*3,000.00

ALFRED JOHN D. MESA  
P.O. BOX 9350  
DEDEDO GU 96929



TWO SIGNATURES REQUIRED OVER \$10,000

⑈073523⑈ ⑆121405115⑆ 0601014149⑈

MP  
LC 120

GUAM WATERWORKS AUTHORITY P.O. Box 3010 Hagátña, Guam 96932

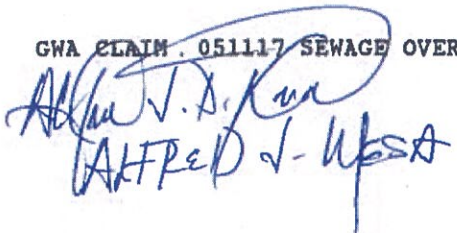
INVOICE DATE INVOICE NUMBER  
05/12/17

073523

REMITTANCE ADV

Stub 1 of 1

GWA CLAIM . 051117 SEWAGE OVERFLOW



3,000.00	3,000.00
-----	
3,000.00	3,000.00

073523

GUAM WATERWORKS AUTHORITY  
P.O. BOX 3010  
HAGATNA, GU 96932

ALFRED JOHN D. MESA  
P.O. BOX 9350  
DEDEDO GU 96929



**GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building • 688 Route 15 • Mangilao, Guam 96913

May 12, 2017

Mr. Alfred John D. Mesa  
150 Redondo Catan  
Dededo, Guam 96912


Dear Mr. Mesa:

The Guam Waterworks Authority has responded to your complaint of sewage back-up into your home. To expedite some of the repairs to your home, GWA is providing you \$3,000 for immediate needs to assist you in addressing the damage as a result of the sewer overflow. Your acceptance of this payment is your acknowledgement that this amount will be deducted from any settlement funds arising out of your claim.

GWA has recently concluded its investigation and the Release and Settlement Agreement you signed will have to be presented and approved by the Consolidated Commission on Utilities (CCU) on May 23, 2017. Upon approval from the CCU, the Release and Settlement Agreement will require the signature of the Attorney General of Guam and the Governor.

Again, GWA will work as quickly as possible to obtain the necessary approvals and signatures needed to complete the Government Claims process. My staff will contact you for further information as necessary. Otherwise, you may contact Nicole Ballesta-Quan at 300-6038 should you need information. Thank you very much.

Sincerely,



**MIGUEL C. BORDALLO, P.E.**  
General Manager

ACCEPTED:



ALFRED JOHN D. MESA

DATE:

## EXHIBIT "F"

### RELEASE AND SETTLEMENT AGREEMENT

KNOWN TO ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of Thirteen Thousand Thirty and 00/100 Dollars (\$13,030.00) money of the United States, Alfred John D. Mesa, whose residence address is #150 Redondo Catan Dededo, Guam 96929 (Hereafter referred to as "Releasor"), do by these presents, remise, release and forever discharge the Guam Waterworks Authority, a public corporation organized and existing under the laws of Guam, whose address is 688 Route 15 Mangilao, Guam 96913 (Hereafter referred to as "Releasee"), its agents, servants, officers, and employees, and each of them, and all other persons, firms, corporations, insurers, associations, or partnerships having any interest in or in any way connected with said Releasees, of all claims and demands for damages of every kind and nature whatsoever, and whether now known or unknown, by reason of or arising from that certain incident more particularly described in the Government Claim GWA GC File No. 2017-006 filed by Releasors with the Guam Waterworks Authority on April 24, 2017 and attached herein as Exhibit A.

In further consideration of the payment of Thirteen Thousand Thirty and 00/100 Dollars (\$13,030.00), the Releasor does hereby knowingly, voluntarily, and expressly waive the benefits of the provisions of 18 GCA § 820602, which reads as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

The Releasor further declares and represents and hereby agrees that this Release and Settlement Agreement expresses a full and complete settlement of a liability claimed and denied, and that regardless of the adequacy of the compensation, this Release and Settlement Agreement is intended to avoid litigation, and that there is absolutely no promise, inducement or agreement on the part of the Releasee to make any payment or do any act or thing other than what is expressly stated and clearly agreed to herein, and that this Release and Settlement Agreement are contractual and not a mere recital.

Releasors further jointly and severally agree to indemnify, defend and hold harmless Releasee, its agents, servants and employees, and each of them, and all other persons, firms, corporations, associations, or partnerships, having any interest in, or in any way connected with

said Releasee, from and against any and all loss, liability, and expenses of whatsoever kind or nature, including but not limited to attorney's fees which may arise from the assertion by Releasers or any third party of any claim against anyone arising out of the incident and occurrence that are the basis of the Government Claim GWA GC File No. 2017-006 attached as Exhibit A herein.

Releasers acknowledge having received and accepting check number 073523 in the amount of \$3,000.00 for his family's immediate needs as a result of the sewer overflow, which affected his home. Releasers further acknowledge that the \$3,000.00 would be made part of and thereby deducted from the final settlement.

The Releasor hereby declares that they have read the foregoing Release and Settlement Agreement and that they have executed the same of their own free will and accord.

This Release and Settlement Agreement consists of three (3) pages, each of which has been initialed by the Releasor and Releasee at the lower left corner, and the Releasor has retained a copy of the Release and Settlement Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

**FOR RELEASOR:**

---

ALFRED JOHN D. MESA, Claimant

**FOR RELEASEE:**

---

MIGUEL C. BORDALLO, P.E.,  
General Manager  
Guam Waterworks Authority

GWA: \_\_\_\_\_  
A.J.D. Mesa: \_\_\_\_\_

**SETTLEMENT OF GOVERNMENT CLAIM APPROVED BY:**

\_\_\_\_\_  
THE HONORABLE EDDIE BAZA CALVO  
Governor of Guam  
DATE:

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
ELIZABETH BARRETT-ANDERSON  
Attorney General of Guam  
DATE: