



GWA RESOLUTION NO. 26-FY2020

**RELATIVE TO APPROVING THE GUAM WATERWORKS AUTHORITY GENERAL
MANAGER THE AUTHORITY TO SETTLE GOVERNMENT CLAIMS AGAINST THE
GWA IN AN AMOUNT UP TO FIFTY THOUSAND DOLLARS (\$50,000.00)**

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, pursuant to 5 GCA Chapter 6, § 6206(b) of the Government Claims Act, the settlement of any government claim in excess of \$3,000.00 (except vehicle claims that are below \$15,000.00) requires CCU approval prior to submitting the settlement documents to the Attorney General and the Governor; and

WHEREAS, in CCU Resolution No. 31-FY2017, the CCU authorized and delegated the General Managers the authority to obligate their respective agencies, including change orders, up to and including the threshold amount of \$750,000.00 (See Exhibit “A”); and

WHEREAS, in CCU Resolution No. 09-FY2020, the CCU authorized and delegated the GWA General Manager contract approval up to \$1,000,000.00 (See Exhibit “B”); and

WHEREAS, in the absence of specific language granting government claim settlement authority to the General Manager, this Resolution seeks to clarify and grant the General Manager said authority to settle government claims up to the amount of Fifty Thousand Dollars (\$50,000.00) and any settlement in excess of this amount shall require CCU approval; and

//

1 **WHEREAS**, the Fifty Thousand Dollars (\$50,000.00) threshold will not alter or diminish
2 the current statutory requirements of any applicable approvals required by the Guam Attorney
3 General's office and the Governor of Guam, but does specifically delegate the CCU's approval
4 requirement up to Fifty Thousand Dollars (\$50,000.00);
5

6 **NOW, THEREFORE, BE IT RESOLVED**, by the Consolidated Commission on
7 Utilities as follows:

- 8 1. The recitals set forth above hereby constitute the findings of the CCU.
- 9 2. After careful consideration of existing policies and best practices, the Consolidated
10 Commission on Utilities finds that authorizing the General Manager of GWA to obligate
11 up to and including the amount of Fifty Thousand Dollars (\$50,000.00) to settle
12 government claims, is reasonable and prudent.
- 13 3. The General Manager of GWA is hereby authorized to settle government claims on
14 behalf of the GWA up to Fifty Thousand Dollars (\$50,000.00), without further CCU
15 approval.
- 16 4. The CCU shall be provided the details of any claim settled by the GWA General
17 Manager within thirty (30) days of submittal to the Attorney General's office.

18
19 **RESOLVED**, that the Chairman certified, and the Board Secretary attests to the adoption
20 of this Resolution.

21
22 **DULY AND REGULARLY ADOPTED**, this 26th day of May 2020.

23
24 Certified by:

Attested by:

25
26 _____
27 **JOSEPH T. DUENAS**

25
26 
27 **MICHAEL T. LIMTIACO**

28 Chairperson

28 Secretary

29 //

30
31 //

SECRETARY'S CERTIFICATE

I, Michael T. Limtiaco, 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: 4
NAYS: ϕ
ABSTENTIONS: ϕ
ABSENT: 1

///



///

///

///

///

///

///

Exhibit A



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

GPA RESOLUTION NO. 2017-22
GWA RESOLUTION NO. 31-FY2017

RELATIVE TO AUTHORIZING AN INCREASE OF
OBLIGATING AUTHORITY FOR THE GENERAL MANAGERS OF
GUAM POWER AUTHORITY AND GUAM WATERWORKS AUTHORITY

WHEREAS, 12 GCA Chapter 79 created the Consolidated Commission on Utilities (CCU) and authorized the Consolidated Commission on Utilities (CCU) to exercise powers vested in them by the laws establishing the Guam Power Authority (GPA) and the Guam Waterworks Authority (GWA); and

WHEREAS, the current obligating authority granted to the General Managers of GPA and GWA by the CCU is limited to \$250,000; and

WHEREAS, any GPA or GWA expenditure above the \$250,000 threshold requires the Consolidated Commission on Utilities approval; and

WHEREAS, the Consolidated Commission on Utilities grants approval for expenditures above the \$250,000 threshold based on sound justification and prudent governmental and business practices; and

WHEREAS, the current process requires GPA and GWA to return to the CCU for approval of any change orders of any amount approved above the \$250,000 threshold; and

WHEREAS, the CCU desires to streamline the approval process by allowing the General Managers of GPA and GWA the authority to obligate their respective agencies, including change orders, up to and including the threshold amount of \$750,000.00; and

1 **WHEREAS**, the \$750,000.00 threshold will not alter or diminish the current statutory
2 requirements of any applicable notification to the Guam Attorney General's office and/or Guam
3 Public Utility Commission approval;

4
5 **NOW, THEREFORE, BE IT RESOLVED**, by the Consolidated Commission on
6 Utilities as follows:

- 7 1. The recitals set forth above hereby constitute the findings of the CCU.
8 2. After careful consideration of existing policies and best practices, the Consolidated
9 Commission on Utilities finds that authorizing the General Managers of GPA and GWA
10 to obligate their agencies up to and including the amount of \$750,000.00 is reasonable
11 and prudent.
12 3. The General Managers of GPA and GWA are hereby authorized an increase in obligating
13 authority up to and including \$750,000.00 without further CCU approval.
14

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

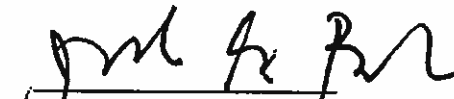
17
18 **DULY AND REGULARLY ADOPTED**, this 23rd day of May 2017.
19

20 Certified by:

21 
22

23 **JOSEPH T. DUENAS**
24 Chairperson

Attested by:

25 
26
27 **J. GEORGE BAMBA**
28 Secretary
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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: | <u>4</u> |
| NAYS: | <u>0</u> |
| ABSTENTIONS: | <u>0</u> |
| ABSENT: | <u>1</u> |

///
///
///
///
///
///
///
///
///

Exhibit B



GWA RESOLUTION NO. 09-FY2020

**RELATIVE TO THE ADOPTION OF GENERAL PROVISIONS TO GUAM
WATERWORKS AUTHORITY OPERATING BUDGETS**

WHEREAS, Section 8104 (c), Chapter 8 and Section 14104 (c) Chapter 14 of Title 12 of the Guam Code Annotated authorizes the Guam Waterworks Authority to establish its internal organization and management and adopt regulations for the administration of its operations; and

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 CCU approved GWA’s Five-Year Financial Plan for filing with the Public Utilities Commission on June 5, 2019 and GWA submitted the approved plan to the Public Utilities Commission (PUC) on July 6, 2019; and

WHEREAS, the Financial Plan addresses the five-year period of FY2020-FY2024: (1) estimated annual budgets for operations, maintenance and repair of GWA’s water and wastewater system, including capital improvement projects; and (2) a descriptive plan for raising sufficient revenue to meet the projected costs set forth in the budgets; and

WHEREAS, the first fiscal period of the Financial Plan started on October 1, 2019 and to avoid interruptions in operational activities pending PUC approval, GWA management maintains authorized spending levels from FY2019; and

1 **WHEREAS**, Management seeks CCU approval to implement general provisions for
2 GWA's operating budgets; and

3
4 **NOW BE IT THEREFORE RESOLVED**; the Consolidated Commission on Utilities
5 does hereby approve the following:

- 6
7 1. Authorized level of positions for FY2020 shall be 400 full-time employees.
8 2. The General Manager is authorized to transfer up to ten percent (10%) between and
9 among O&M budget expenses, excluding salaries and benefits; transfers will be
10 reported to the CCU. Any transfers exceeding ten percent (10%) requires CCU
11 approval.
12 3. The General Manager's delegated contract approval is authorized at \$1,000,000.00.
13 The General Manager shall seek CCU approval for expenditures in excess of
14 \$1,000,000.00.
15 4. This resolution will remain in place unless superseded by the CCU.

16
17 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption
18 of this Resolution.

19
20 **DULY AND REGULARLY ADOPTED**, this 26th day of November, 2019.

21
22 Certified by:

Attested by:

23
24 

25 **JOSEPH T. DUENAS**
26 Chairperson

27
28 

29 **MICHAEL T. LIMTIACO**
30 Secretary

31 //

32 //

 //

SECRETARY'S CERTIFICATE

I, Michael T. Limtiaco, 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: 4
NAYS: 0
ABSTENTIONS: 0
ABSENT: 1



///
///
///
///
///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32