



GPA RESOLUTION NO. 2021-11

GWA RESOLUTION NO. 17-FY2021

**AUTHORIZING MANAGEMENT OF GUAM POWER AUTHORITY AND GUAM
WATERWORKS AUTHORITY TO RECEIVE PAYMENTS FROM GUAM SOLID
WASTE AUTHORITY (GWSA) CUSTOMERS AT GPWA FACILITIES**

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 Power Authority (“GPA”) and the Guam Waterworks Authority (“GWA”); and

WHEREAS, GPA and GWA are Guam Public Corporations established and existing under the laws of Guam; and

WHEREAS, the Guam Solid Waste Authority (“GWSA”) is an autonomous public corporation regulated by the Public Utility Commission and governed by a five-member board appointed by the Governor and confirmed by the legislature; and

WHEREAS, precipitated by Bank of Guam fee increases and budget constraints, GWSA formally requested in January that GPA and GWA accept payments from GWSA customers at Guam Power Authority and Guam Waterworks Authority (collectively “GPWA”) facilities; and

WHEREAS, additionally, the GWSA Board, by Resolution No. 2021-001 (Exhibit “A”), has requested that GWSA ratepayers make payments to GWSA using GPWA facilities for the convenience of their customers and GPWA ratepayers; and

WHEREAS, the GPA and GWA operate facilities in Julale, Fadian and Upper Tumon which accept receipts from GPA and GWA ratepayers and customers; and

1 **WHEREAS**, GSWA customers are also likely to be GPA and GWA residential
2 ratepayers; and

3
4 **WHEREAS**, GSWA will pay for any upfront costs to update the software to make
5 acceptance of GSWA receipts efficient and provide the needed equipment and supplies to
6 support the processing of receipt; and

7
8 **WHEREAS**, GSWA will pay for an administrative fee to process GSWA collections;
9 and

10 **WHEREAS**, GWA, GPA and GSWA will execute a Memorandum of Agreement
11 (Exhibit "B" – Draft MOA) which will set out the terms and conditions under which GSWA
12 customer payments can be received at GPWA facilities, to include segregation of funds,
13 limitations on liability, responsibilities of each party, to include costs and fees.

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

- 17 1. The recitals set forth above hereby constitute the findings of the CCU.
18 2. The CCU finds that acceptance of GSWA customer payments at GPWA facilities
19 will provide a convenience to GPWA ratepayers.
20 3. The CCU authorizes the GPA General Manager and GWA General Manager to
21 receive GSWA customer payments at GPWA facilities, provided that GPA and GWA enter into
22 a Memorandum of Agreement (MOA) with GSWA to formalize the terms and conditions under
23 which GSWA Customer payments may be received, such terms and conditions to include
24 segregation of funds, limitations of liability, responsibilities and related fees.
25 4. The General Managers of GPA and GWA are directed to review the MOA
26 annually and make amendments as needed.

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

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31 //

1 **DULY and REGULARLY ADOPTED and APPROVED** this 27th day of April 2021.

2
3 Certified by:

Attested by:

4
5 

6 

7 **JOSEPH T. DUENAS**

MICHAEL T. LIMTIACO

8 Chairperson

Secretary

9 **SECRETARY'S CERTIFICATE**

10
11 I, Michael T. Limtiaco, Board Secretary of the Consolidated Commission on
12 Utilities as evidenced by my signature above do hereby certify as follows:

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

17
18 AYES: 3
19 NAYS: 2
20 ABSENT: 0
21 ABSTAIN: 0

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GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUSTIERRO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

LARRY J. GAST
General Manager



GSWA Board Resolution No. 2021-001

Authorization to Generate a Memorandum of Understanding with the Guam Power Authority to accept GSWA Customer Payments over the Counter

WHEREAS, the Guam Solid Waste Authority has incurred a rate increase for payments being accepted at the Bank of Guam; and,

WHEREAS, the Guam Solid Waste Authority has faced financial challenges throughout its transition out of Receivership into a fully autonomous agency and weathers the negative financial impacts of COVID-19; and,

WHEREAS, it is the desire of the Guam Solid Waste Authority Management and the Board to enable this partnership and provide a more efficient and convenient payment option for its customers; and,

WHEREAS, GSWA will pay for any upfront costs to update the software to make acceptance of GSWA receipts efficient and provide the needed equipment and supplies to support the processing of receipt; and

WHEREAS, GSWA will pay for an administrative fee to process GSWA collections; and

THEREFORE, BE IT HEREBY RESOLVED that the Board of Guam Solid Waste Authority does hereby authorize its management team to take appropriate action to enter into a Memorandum of Understanding with the Guam Power Authority and the Guam Waterworks Authority to have their agencies accept payments from GSWA customers on behalf of GSWA; and,

BE IT FURTHER RESOLVED that the Board of Guam Solid Waste Authority does hereby authorize the management team to generate and circulate an initial draft of the agreement.

Upon a motion to adopt the text of the foregoing Resolution made by Vice Chairwoman Minakshi Hemlani, seconded by Board Secretary Margaret (Peggy) Denney, the following vote was recorded:

Ayes: 4

Nays: 0

Absent: 0

Abstain: 0



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA P. TENORIO
Lt. Governor of Guam

LARRY J. EAST
General Manager



Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 7th day of April 2021.

GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS


Andrew Gayle, Chairman


Minakshi Hemlani, Vice Chair


Margaret Denney, Secretary


Jim Ochlerking, Director

ATTEST:

ALICIA FEJERAN, CLERK

BY: 

**MEMORANDUM OF AGREEMENT
BETWEEN
THE GUAM POWER AUTHORITY / THE GUAM WATERWORKS AUTHORITY
AND
THE GUAM SOLID WASTE AUTHORITY**

The Guam Power Authority and the Guam Waterworks Authority mutually agree to provide certain essential services for the GUAM SOLID WASTE AUTHORITY and in return will be fairly compensated by the GUAM SOLID WASTE AUTHORITY (GSWA).

A. RESPONSIBILITIES OF THE GUAM POWER AUTHORITY (GPA) / THE GUAM WATERWORKS AUTHORITY (GWA), also known collectively as GPWA:

I. Collections

The Guam Power Authority / The Guam Waterworks agree to accept collections on behalf of GSWA and will perform the following tasks when accepting payments.

a. Acceptance of Walk-up Payments:

Walk-up payments will be accepted and receipted when a billing statement with the following line data elements are provided by the payee:

- 1) Full Name
- 2) Account Number
- 3) Amount Due

If payment made is other than billed amount, customer must reflect changes in the bill.

b. Payments received by drop box will be accepted and receipted when:

- 1) The same criteria for data elements identified in A.1.a1.) are followed and provided.
- 2) No offsets are applied.
- 3) Account numbers are indicated on all billings.

Drop-box payments with insufficient GSWA account information will not be processed. These payments will be transmitted to GPA/GWA Office in Upper Tumon and picked up by designated GSWA personnel.

c. Preparation of Deposits:

- 1) The Guam Power Authority / The Guam Waterworks will deposit monies collected to the designated GSWA bank account with the Bank of Guam using the pre-printed deposit slips provided by GSWA.
- 2) There will be no co-mingling of GPWA and GSWA funds.
- 3) GSWA collections will be reconciled and deposited to GSWA's Bank of Guam account no later than the following business day.

II. Deposits of Solid Waste Collections:

a. Guam Power Authority / Guam Waterworks Authority will prepare a Daily Collection Report of monies collected and deposited from the day's collection. Report will be emailed in an excel format with the following information:

- 1) Date of Payment
- 2) Customer Account Number
- 3) Amount Paid

- b. All GSWA coupons paid will be scanned and emailed.
- c. Guam Power Authority / Guam Waterworks Authority will submit via email to the Guam Solid Waste Authority Authorized Personnel(s) the elements identified in II. a. and b. the following business day.

III. GPA / GWA Invoice

The Guam Power Authority / The Guam Waterworks Authority shall transmit invoices with the data elements as follows:

- 1) Invoice Date
- 2) Invoice Number
- 3) Account Number
- 4) Description – Period Ending
- 5) Number of Coupons
- 6) Rate Charges
- 7) Amount

B. RESPONSIBILITIES OF GUAM SOLID WASTE AUTHORITY (GSWA):

I. Payments to GPA / GWA

- a. Rates: The GUAM SOLID WASTE AUTHORITY agrees to pay \$1.00 per coupon to the Guam Power Authority / the Guam Waterworks Authority.
- b. GSWA reimburse GPWA for any software upgrades to GPWA's system required to efficiently process GSWA payments.
 - 1) GPWA will obtain quotes from its software vendor.
 - 2) GSWA will authorize updates prior to the work.

b. Method of Payment: The Guam Solid Waste Authority will make an ACH payment or check payable to the:

- 1) Guam Power Authority crediting the Account Number: _____ when mailed for payments made at the Julale and Fadian locations. .
- 2) Guam Waterworks Authority crediting the Account Number: _____ when mailed for payments made at the Upper Tumon location.
- 3) Payments will be made within in 30 days of receipt of invoice.

II. GSWA will be responsible for supplying deposit slips to GPA/GWA.

III. GSWA will be responsible for all customer inquiries and will provide POC information to GPA/GWA. GSWA will work with GPA/GWA on any collection discrepancies.

C. EFFECTIVE PERIOD

This MOU shall be in effect on the date signed by the Governor and will remain in effect until cancelled in writing by either of the parties identified below or their successors.

D. POINT OF CONTACT AND OFFICIAL MAILING ADDRESSES

- I. Guam Power Authority
John Kim, CPA
Chief Financial Officer
Phone: 671 300-3120
Email: jjekim@gpagwa.com
Gloria B Nelson Public Service Building
688 Route 15
Mangilao, GU 96913
- II. Guam Waterworks Authority
Taling M Taitano, CPA
Chief Financial Officer
Phone: 671 300-6860
Email: mtaitano@guamwaterworks.org
PO Box 3010
Hagatna, GU 96932
- III. Guam Solid Waste Authority
Kathy B Kakigi, CPA
Comptroller
Phone: 671 647-4365
Email: kkakigi.gswa@gmail.com
542 North Marine Corps Drive
Tamuning, GU 96911
- E. HOLD HARMLESS CLAUSE
GSWA agrees to indemnify, defend, and hold harmless GPWA and its affiliates, and their respective directors, officers and employees from and against any and all liabilities, claims, losses, lawsuits, judgments, and/or expenses, including reasonable attorney fees, to which GPWA or its personnel may become subject arising out of or related to this MOA (a "Loss") except to the extent such Loss is due to the gross negligence or willful misconduct of GPWA.

IN WITNESS OF, the parties have entered into this Agreement on the dates indicated by their respective names.

GUAM SOLID WASTE AUTHORITY

LARRY J. GAST
GENERAL MANAGER

DATE: _____

KATHRINE B. KAKIGI
COMPTROLLER

DATE: _____

DOCUMENT NO.: _____

VENDOR NO.: _____

AMOUNT:
*AMOUNT WILL VARY AND WILL BE
BASED UPON THE RATE OF SERVICES
RENDERED ACCORDING TO THIS
AGREEMENT*

**APPROVED AS TO LEGALITY AND
FORM:**

LEEVIN TAITANO CAMACHO
ATTORNEY GENERAL OF GUAM

DATE: _____

APPROVED:

LESTER CARLSON, DIRECTOR
BUREAU OF BUDGET MANAGEMENT RESEARCH

DATE: _____

GUAM POWER AUTHORITY

JOHN M. BENAVENTE, P.E.
GENERAL MANAGER

DATE: _____

JOHN J.E. KIM, CPA
CHIEF FINANCIAL OFFICER

DATE: _____

GUAM WATERWORKS AUTHORITY

MIGUEL C. BORDALLO, P.E.
GENERAL MANAGER

DATE: _____

TALING M. TAITANO, CPA
CHIEF FINANCIAL OFFICER

DATE: _____

APPROVED:

LOURDES A. LEON GUERRERO
GOVERNOR OF GUAM

DATE: _____