



RESOLUTION NO. 42-FY2019

**RELATIVE TO JOINING THE LITIGATION WITH THE GOVERNMENT OF GUAM
AGAINST THE MANUFACTURERS AND SELLERS OF CERTAIN “PFAS”
CHEMICALS THAT HAVE ENTERED THE GROUNDWATER OF GUAM**

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 of Guam has determined it is in the best interest of the people of Guam to pursue litigation to recover damages for injuries to the natural resources of Guam, including the groundwater of the Northern Guam Lens Aquifer as a result of releases of per- and polyfluoroalkyl substances (PFAS); and

WHEREAS, to properly determine the breadth of the injury to the island’s aquifer, the Attorney General of Guam believes that GWA should be a party to the lawsuit; and

WHEREAS, there being potential differences between the Government of Guam and GWA with respect to the parties potentially liable for the damages incurred, the law firms representing the Government of Guam require a written agreement to facilitate multi-client representation from GWA; and

WHEREAS, after review of the proposed Complaint by the Government of Guam, GWA has determined that it is in the best interest of the Authority to execute and provide the proper documents and join the action against the manufactures and marketers of the PFAS related substances and pursue all damages available in the litigation.

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

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- 4 1. GWA General Manager and General Counsel are authorized to enter into any
5 agreement necessary with the Government of Guam and its outside counsel to
6 effectuate the representation by that counsel of GWA in the PFAS related litigation.
- 7 2. That GWA join in the litigation as a Plaintiff party to seek recovery of any
8 damages available caused by the introduction of PFAS related substances into the
9 environment of the island of Guam.

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

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14 **DULY AND REGULARLY ADOPTED AND APPROVED**, this 4th day of
15 September, 2019.

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17 Certified by:

17 Attested by:

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20 **JOSEPH T. DUENAS**
21 Chairperson

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20 **MICHAEL T. LIMTIACO**
21 Secretary

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SECRETARY'S CERTIFICATE

I, Michael T. Limitaco, 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

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