

BOARD OF DIRECTORS

*Dorothy P. Harris, Chairperson
Conchita S.N. Taitano, Vice Chairperson
Fe R. Valencia-Ovalles, Board Secretary*



Resolution No. 2024-12

RELATIVE TO AUTHORIZING THE GENERAL MANAGER TO ADMINISTER THE DISPOSAL OF PORT AUTHORITY EXCESS SUPPLIES AND SURPLUS EQUIPMENT IN COMPLIANCE WITH 5 GCA, CHAPTER 5, SECTION 5404.

BE IT RESOLVED BY BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT:

WHEREAS, Public Law 32-081 was enacted on November 27, 2013 which added a new §5404 to Article 8, Chapter 5 of Title 5, Guam Code Annotated, relative to the proceeds derived from the disposal of excess or surplus supplies and equipment that are the property of the Jose D. Leon Guerrero Port Authority of Guam (PAG); and

WHEREAS, *I Liheslaturan Guahan* finds the PAG procures supplies and equipment using revenues generated from rates and tariffs charged to its customers/ratepayers, and not from the Government of Guam General Fund and when these supplies and equipment become excess or surplus, the disposal thereof is conducted in accordance with Guam Procurement Law and regulations; and

WHEREAS, *I Liheslaturan Guahan* further finds that an objective of the Government of Guam supply management program is to obtain a fair return of value upon disposal of surplus or excess supplies and equipment; and

WHEREAS, *I Liheslaturan Guahan* further finds that net proceeds from the disposal of surplus supplies and equipment are credited to the General Fund, in accordance with Guam Procurement law unless otherwise exempted and the intent of *I Liheslaturan Guahan* was to credit the net proceeds from the disposal of PAG's surplus and supplies and equipment back to the agency for the purpose of supplementing its operations and maintenance budget; and

WHEREAS, the law stipulates when the PAG disposes its excess or surplus supplies and equipment that were purchased with funds generated from rates, tariffs, or other sources of the Port Authority of Guam and not from the General Fund, ninety percent (90%) of the total proceeds from the sale, lease, or disposal shall revert to the PAG and the remaining ten percent (10%) of the total proceeds shall be deposited into the Guam Procurement Advisory Council Support Fund, and shall be administered in accordance with §5906 of Article 2, Chapter 5 of Title 5, Guam Code Annotated; and

WHEREAS, the law stipulates that the Port Authority of Guam shall not transfer, sell, trade-in, or otherwise dispose of supplies and equipment owned by the Port Authority of Guam without the authorization of the Port Authority's Board of Directors; now therefore, be it

RESOLVED, the Port Authority Board of Directors authorizes the General Manager to administer the disposal of PAG's excess or surplus supplies and equipment in accordance with §5404 and §5906 of Chapter 5, Title 5, Guam Code Annotated; and be it further

RESOLVED, that the Chairperson certify to, and the Secretary attest to, the adoption hereof.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 26th DAY OF SEPTEMBER, 2024.

**DOROTHY P. HARRIS
CHAIRPERSON, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

**FE R. VALENCIA-OVALLES
BOARD SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

