

BOARD OF DIRECTORS

Dorothy P. Harris, Chairperson

Conchita S.N. Taitano, Vice Chairperson

Fe R. Valencia-Ovalles, Board Secretary

Mark B.C. Mendiola, Board Member



Resolution No. 2025-41

RELATIVE TO ESTABLISHING A NOTICE OF AREA AVAILABILITY PROCESS FOR ALL NEW LEASES, PERMITS, LICENSES, AND PROPERTY USE ARRANGEMENTS AND FOR CLARIFYING AND INSTITUTIONALIZING THE ADMINISTRATIVE STEPS FOR AGREEMENTS THAT EXCEED YEARLY AND A MONTH-TO-MONTH TERM.

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

WHEREAS, *I Liheslaturan Guahan*, through its enactment of Public Law 13-87, created the Port Authority of Guam as a public corporation and autonomous instrumentality with responsibility over Port assets and facilities as provided in Title 12 of the Guam Code Annotated; and

WHEREAS, the Board of Directors holds overarching authority under the Port's enabling statutes for the leasing and use of real property within the Port's jurisdiction; and

WHEREAS, the administrative practice of issuing yearly and month-to-month leases, permits, licenses, and other short-term property use arrangements has long been in place at the Port Authority of Guam and did not begin with the incumbent General Manager, and this Resolution seeks to formalize and institutionalize the reform measures and process improvements contained herein to ensure consistency, transparency, and continuity for future administrations; and

WHEREAS, the Board of Directors acknowledges that its oversight role allows the General Manager to carry out administrative functions through standing delegation, and that the long-standing practice of issuing yearly and month-to-month agreements is an operational responsibility exercised by successive administrations, which this Resolution now formalizes to ensure clarity and continuity in the Port's governance structure; and

WHEREAS, the General Manager has submitted this Resolution for the Board's consideration to establish a standardized process that ensures public notice, transparency, and orderly administration of all new leases, permits, licenses, and property use arrangements involving Port property; and

WHEREAS, the Board of Directors finds it beneficial to implement a clear and uniform process that provides open public notice and consistent opportunities for interested parties to express interest in the use of Port property; and

WHEREAS, Public Law 38-1 authorizes public agencies, including the Port Authority of Guam, to enter into commercial leases for terms of up to fifteen years without legislative approval when statutory requirements are met, and the Port seeks to align its internal processes with this authority; and

WHEREAS, the Port Authority of Guam desires to establish a Notice of Area Availability process to announce the availability of Port property for potential use and to invite expressions of interest from the public in an open, transparent, and fair manner;

NOW, THEREFORE, BE IT RESOLVED, that the Port Authority of Guam establishes a Notice of Area Availability process for all new leases, permits, licenses, and any other property use arrangements involving Port property; and

BE IT FURTHER RESOLVED, that all such arrangements shall begin with the issuance of a Notice of Area Availability that identifies the property, describes the proposed use, and provides a period of time for interested parties to submit expressions of interest; and

BE IT FURTHER RESOLVED, that the Board of Directors affirms the long-standing administrative practice of issuing yearly and month-to-month leases, permits, licenses, and other short-term property use arrangements, and adopts the process improvements contained in this Resolution to ensure the continuity and institutionalization of these procedures for future administrations; and



BE IT FURTHER RESOLVED, that upon completion of the Notice of Area Availability process, the General Manager may execute any leases, permits, licenses, and similar property use arrangements of Port property not to exceed a one-year term as part of established operational practice and without further action by the Board of Directors; and

BE IT FURTHER RESOLVED, that any proposed agreement that exceeds a month-to-month term shall follow a structured process that includes evaluation of submissions, an operational review, and preparation of the proposed agreement by the General Manager; and

BE IT FURTHER RESOLVED, that any agreement exceeding a one-year term, shall be presented to the Board of Directors through the structured process established in this Resolution, and execution shall occur only after the adoption of a Board resolution memorializing completion of the required process by the General Manager, consistent with the Board's standing delegation and without creating any implication of Board negotiation or approval of rates, charges, or other conditions set by statute or tariff; and

BE IT FURTHER RESOLVED, that nothing in this Resolution alters the statutory requirement that any agreement exceeding fifteen years shall be submitted to *I Liheslaturan Guahan* in accordance with 5 GCA 5127; and

BE IT FURTHER RESOLVED, that the Chairperson certify to, and the Secretary attest to, the adoption hereof, and that copies be transmitted to the Governor of Guam, Lieutenant Governor of Guam, Port's Legislative Oversight Chairperson, Port General Manager, Port Deputy General Managers, Port Commercial Division, and other appropriate parties for guidance and implementation.

**PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF
DIRECTORS THIS 30th DAY OF DECEMBER, 2025.**

DOROTHY P. HARRIS
Chairperson, Board of Directors
Port Authority of Guam

FE R. VALENCIA-OVALLES
Board Secretary, Board of Directors
Port Authority of Guam

