



FILED
DISTRICT COURT OF GUAM

JAN 21 2009

JEANNE G. QUINATA
Clerk of Court

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 1/21/09
Time 4:30
Received by [Signature]
30-09-0094

Office of the Attorney General
Alicia G. Limtiaco
Attorney General of Guam
Civil Division
287 West O'Brien Drive
Hagåtña, Guam 96910 • USA
(671) 475-3324 • (671) 472-2493 (Fax)
www.guamattorneygeneral.com

Attorneys for the Government of Guam

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.)
)
GOVERNMENT OF GUAM,)
)
)
Defendant.)

CIVIL CASE NO. 02-00022

**REQUEST FOR EXTENSION OF TIME
TO FILE RESPONSE TO RECEIVER'S
PROPOSED FINANCING PLAN**

2009 JAN 23
File #: 05-1111

The Office of the Attorney General, on behalf of the Defendant, Government of Guam, respectfully requests an extension of time, until February 2, 2009, to submit its Response to the Receiver's proposed financing plan presented at the January 14, 2009 hearing. The current deadline for submission is January 22, 2008 at 12:00 p.m.

The Government of Guam makes the foregoing request after meetings with Governor's Legal Counsel Shannon Taitano-Lujan, BBMR Bertha Duenas, Director Anthony Blaz of the

0067

1 Guam Economic and Development Authority (GEDA), Speaker of the 30th Guam Legislature,
2 Judith Won Pat, Vice-Speaker B.J. Cruz, Senator Frank Aguon, Jr., Chairman of the
3 Committee on Economic Development, Health & Human Services and the Judiciary, Senator
4 Tom Ada, Chairman of the Committee on Utilities, Transportation, Public Works and Veterans
5 Affairs, Bank of America's bond counsel Lawrence Tonomura, Auli Limtiaco of the Bank of
6 America, Attorney General Alicia G. Limtiaco, Chief Deputy Attorney General Alberto
7 Tolentino, Civil Deputy Attorney General J. Patrick Mason, and other staff of the Office of the
8 Attorney General. These meetings resulted in the identification of alternative financing
9 proposals for the closure of the Ordot dump and the construction of a new Municipal Solid
10 Waste Landfill Facility. These proposals, together with a comprehensive analysis of the
11 Receiver's proposed financing plan presented at the last status hearing in this matter, would
12 inform the Court of the impact of such plan on government operations and apprise the Court of
13 the Government's diligent and responsible identification of alternative solutions to assure
14 compliance with the Consent Decree.
15

16 The Government of Guam has undertaken its best efforts to actively gather the most
17 recent and meaningful information regarding the viability of private-public sector partnerships
18 to achieve full compliance with the Consent Decree. The Government of Guam has also
19 undertaken a good faith review of all available budget and financial information to assess the
20 impact of the Receiver's proposed financial plan on Government operations. These efforts
21 included comprehensive and extensive meetings to discuss all available options.
22

23 On January 16, 2009, the Speaker and Vice-Speaker of the Legislature, Senator Frank
24 Aguon, Jr., Senator Tom Ada, Director Anthony Blaz and other representatives of GEDA,
25

1 Bank of America bond counsel Lawrence Tonomura, BBMR Director Bertha Duenas,
2 Governor's Legal Counsel Shannon Taitano-Lujan, Assistant Attorney General Thomas
3 Keeler, and David Manning of Gershman, Brickner & Bratton, Inc., (GBB) met to discuss
4 alternative financing proposals. As a result of this meeting, bond counsel drafted legislation
5 which addresses alternative financing proposals, including revenue bond authorization and
6 lease-back authorization with section 30 revenue security. Other alternatives include
7 authorization to enter a Performance Management Contract (PMC) or other contractual
8 partnership with the private sector. Leaders of the Legislature received a preliminary draft of
9 the legislation today, though an official transmittal of the legislation will take place
10 expeditiously. The Receiver has also received a copy of the draft legislation.
11

12 Again, on January 21, 2009, the Attorney General, BBMR Director Bertha Duenas, the
13 Governor's Legal Counsel, GEDA representatives, the Speaker, Vice-Speaker, and Senator
14 Tomas Ada met to discuss the draft legislation and the draft fiscal impact analysis.

15 The Government of Guam has been actively reviewing the potential impact of the
16 Receiver's cash financing plan on government operations. Specifically, BBMR Director
17 Bertha Duenas and Department of Administration Director Lourdes Perez have prepared
18 documents relating to the budgetary impact of cash deposits proposed by the Receiver, cash
19 flow analysis, and review of the potential impact on federally funded programs. The
20 documents address various scenarios facing the Government of Guam if an across-the-board
21 cut in revenues is required to pay the sums identified by the Receiver. Although these
22 documents have been prepared in draft form, the Office of the Attorney General requests
23
24
25

1 additional time to ensure that all agency directors can submit their review of this analysis for
2 the Court's consideration.

3 Finally, the Office of the Attorney General is cognizant that time is of the essence in
4 proceeding with the closure of the Ordot dump and opening a new Municipal Solid Waste
5 Landfill Facility. The request for an extension of time is for the sole purpose of assuring that
6 the Court receives the most comprehensive and up to date information regarding the available
7 financing options and the impact of the Receiver's proposed financing plan on the Government
8 of Guam's operations.
9

10 Wherefore, the Government of Guam respectfully requests that the Court grant an
11 extension to file its response to the Receiver's proposed financing plan.

12 Respectfully submitted this 21st day of January, 2009.

13 OFFICE OF THE ATTORNEY GENERAL
14 **Alicia G. Limtiaco, Attorney General of Guam**

15
16 By:



17 **J. PATRICK MASON**
18 Deputy Attorney General
19
20
21
22
23
24
25