

BOARD OF DIRECTORS

Chairman:

Monte Mesa

Vice Chairperson:

Jovyna Lujan

Secretary:

Marilou Lacson

Members:

Joseph Camacho

William Beery

Resolution No. 2010-10



**RELATIVE TO APPROVING THE CLOSING OF A
\$3.5 MILLION LOAN BETWEEN THE JOSE D.
LEON GUERRERO COMMERCIAL PORT AND ANZ GUAM, INC**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, the Port issued RFP Number PAG 07-006 requesting proposals for the provision of a loan to purchase cargo handling equipment; and

WHEREAS, on August 16, 2007, the Notice of Intent of Possible Award for RFP PAG 07-006 was issued to Citizens Security Bank (CSB), now known as ANZ Guam Inc.; and

WHEREAS, on August 22, 2007, ANZ submitted an application to the U.S. Department of Agriculture (USDA) under their Guaranteed Loan Program for the purposes of obtaining a guarantee for a loan of \$3.5 million to the Port and USDA subsequently granted a loan guarantee to ANZ for its loan to the Port; and

WHEREAS, the Port notified ANZ to proceed with the \$3.5 million loan documents on December 29, 2009; and

WHEREAS, on April 29, 2010, the Board of Directors authorized management to proceed with negotiations of the agreement for the \$3.5 million loan and approved the use of the loan proceeds to cover the cost of the cargo handling equipment that was the subject of RFP PAG 07-006 and purchased by the Port in 2009; and

WHEREAS, on August 30, 2010 the Public Utilities Commission, pursuant to its authority under Public Law 30-52, authorized the Port to proceed with the loan with ANZ; and

WHEREAS, on September 13, 2010 the Office of the Attorney General, pursuant to its authority under Public Law 30-72, advised the Port it could proceed with the loan with ANZ; and

WHEREAS, on September 15, 2010 during its regular meeting the Board of Directors approved the execution of the contract between the Port and ANZ for the loan of \$3.5 Million Dollars;

NOW THEREFORE BE IT RESOLVED:

the Board of Directors approves the loan between the Jose D. Leon Guerrero Commercial Port and ANZ Guam Inc. in the amount of \$3.5 Million Dollars for the purpose of obtaining funds to cover the cost of the cargo handling equipment that was the subject of RFP PAG 07-006 and purchased by the Port in 2009; and be it further

RESOLVED, that the Chairman certify to and the Secretary attest the adoption hereof and that a copy of this resolution be transmitted to the Public Utilities Commission.

PASSED AND ADOPTED BY A MAJORITY VOTE BY THE BOARD OF DIRECTORS

THIS 15th DAY OF September, 2010.

**MONTE D. MESA
CHAIRMAN, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

**MARIA LOURDES S. LACSON
SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

