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General Fund may lose \$20M

*By Steve Limtiaco
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The government of Guam has failed to produce a unified and workable financing plan for solid-waste-related projects, District Court of Guam Chief Judge Frances Tydingco-Gatewood stated yesterday afternoon after a status hearing.

If it doesn't have a plan, the court will assume GovGuam plans to pay for those projects from the General Fund, according to Tydingco-Gatewood, who ordered the governor's budget office to give an accounting of GovGuam's cash by Dec. 19.

A 2003 consent decree signed by the governor and environmental officials requires GovGuam to close Ordot dump and open a new landfill.

Tydingco-Gatewood placed solid waste operations under receivership in March after Guam failed to complete the tasks of the consent decree, and the judge yesterday said lack of cooperation among Guam's elected leaders led to that decision.

Guam still is obligated to pay for those projects, under a process managed by federal receiver Gershman, Brickner & Bratton, including depositing an initial \$20 million into a trust by Jan. 5.

Tydingco-Gatewood in October set a Dec. 1 deadline for GovGuam to submit its financing plan. Public Law 29-116 was passed to allow the governor to borrow the initial \$20 million, either through a loan or a larger bond. The governor has submitted separate legislation to float bonds, backed by federal Section 30 money, for the remaining \$160 million in projects, the plan states. Lawmakers designated it Bill 399, and it has been referred to the finance committee, according to the Legislature's legal counsel.

But Jonathan Shefftz, an independent consultant working for the federal government, yesterday told the court, "I really don't see a firm plan in place."

He noted that the governor's legislation to finance the bulk of projects is only proposed -- it is unknown what the Legislature will pass.

He said the \$20 million initial payment is small enough that GovGuam might be able to find a way to get it, but it doesn't bode well for the other \$160 million needed.

Gov. Felix Camacho also expressed frustration with the legislative process.

Camacho told the judge he has worked "extremely well" with Speaker Judith Won Pat, but he noted there are 14 other senators, each with his or her own ideas.

"I'm doing everything I can in my capacity as governor," he told the judge. "I can submit legislation, but there is no guarantee it will come out as I originally submitted it. Evidence will show that is the case."

Camacho said the borrowing bill passed by lawmakers last month for the \$20 million contained several amendments he disagrees with, but due to the time constraints, he was forced to sign it.

"They throw in the bad with the good," he said.

If GovGuam is forced to use existing cash to pay for the required dump projects, many government offices could shut down for a year, Bureau of Budget and Management Research Director Bertha Duenas told the judge.

"Other services rendered to the public will have to suffer for it," the governor told the judge. "There really is not much we can take out of line agencies."
