



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

12 DEC 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 11:50 Date: 12-15-05

Dear Mr. Speaker:

Transmitted herewith is Bill No. 149 (LS), "AN ACT TO AUTHORIZE I MAGA LAHI GUAHAN TO SELL THE EASEMENT KNOWN AS THE "GOVERNMENT ALLEY" THAT IS BOUND BY ESPERANZA STREET ON THE NORTH, THE METES AND BOUNDS OF THE WESTERN BOUNDARY OF LOT 1324, THE METES AND BOUNDS OF NORTHEAST BOUNDARY OF LOT 1324-2-1 AND THE METES AND BOUNDS OF THE SOUTHEAST BOUNDARY OF LOT 1324-1-1 ALL IN THE MUNICIPALITY OF HAGÁTÑA WITH A TOTAL AREA OF SEVENTEEN AND SEVENTY-FIVE HUNDREDTHS PLUS OR MINUS SQUARE METERS (17.75 ± SQ. METERS) TO MR. MICHAEL P. FLAHERTY FOR ITS APPRAISED FAIR MARKET VALUE" which I signed into law on December 9, 2005, as Public Law 28-83.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker
MARK FORBES

Date: 12/13/05

Time: 2:12 PM

Rec'd by: [Signature]

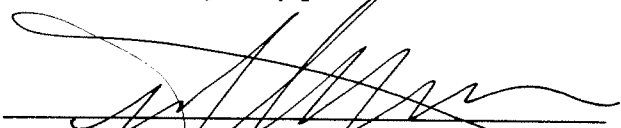
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28-05-0479

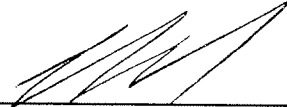
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

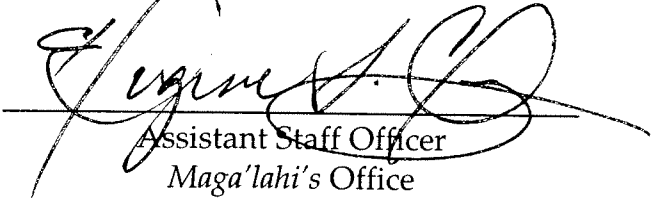
This is to certify that Bill No. 149 (LS), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUÅHAN TO SELL THE EASEMENT KNOWN AS THE 'GOVERNMENT ALLEY' THAT IS BOUND BY ESPERANZA STREET ON THE NORTH, THE METES AND BOUNDS OF THE WESTERN BOUNDARY OF LOT 1324, THE METES AND BOUNDS OF NORTHEAST BOUNDARY OF LOT 1324-2-1 AND THE METES AND BOUNDS OF THE SOUTHEAST BOUNDARY OF LOT 1324-1-1, ALL IN THE MUNICIPALITY OF HAGÁTÑA WITH A TOTAL AREA OF SEVENTEEN AND SEVENTY-FIVE HUNDREDTHS PLUS OR MINUS SQUARE METERS (17.75 ± SQ. METERS) TO MR. MICHAEL P. FLAHERTY FOR ITS APPRAISED FAIR MARKET VALUE" was on the 30th day of November, 2005, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by I Maga'lahaen Guåhan this 30 day of NOV.
2005, at 5 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 9 DEC 05

Public Law No. 28-83

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 149 (LS)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer

Ray Tenorio

Mark Forbes

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

R. J. Respicio

A. R. Unpingco

J. T. Won Pat

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUÅHAN* TO SELL THE EASEMENT KNOWN AS THE "GOVERNMENT ALLEY" THAT IS BOUND BY *ESPERANZA* STREET ON THE NORTH, THE METES AND BOUNDS OF THE WESTERN BOUNDARY OF LOT 1324, THE METES AND BOUNDS OF NORTHEAST BOUNDARY OF LOT 1324-2-1 AND THE METES AND BOUNDS OF THE SOUTHEAST BOUNDARY OF LOT 1324-1-1, ALL IN THE MUNICIPALITY OF *HAGATNA* WITH A TOTAL AREA OF SEVENTEEN AND SEVENTY-FIVE HUNDREDTHS PLUS OR MINUS SQUARE METERS (17.75 ± SQ. METERS) TO MR. MICHAEL P. FLAHERTY FOR ITS APPRAISED FAIR MARKET VALUE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that Mr. Michael P. Flaherty is the owner of Lot 1324-1-1 (104 ± sq. m.) and Lot
4 1324-2-1 (86 ± sq. m.) and has the controlling general partnership interest in lot
5 1324 (387 ± sq. m.) in the Municipality of Hagatna. All three lots, *supra*, together
6 with *Esperanza* Street, contiguously border an appurtenant easement known as the
7 “Government Alley” (17.75 ± sq. m.).

8 *I Liheslatura* further finds that it is Mr. Flaherty’s desire to consolidate the
9 three (3) lots for the future development of commercial office space and further
10 finds that the “Government Alley”, because of its size, has no significant practical
11 purpose because it is too small to be used for rights of way to Mr. Flaherty’s land-
12 locked Lot 1324-2-1. Mr. Flaherty’s two (2) other lots appurtenant to the
13 “Government Alley” are accessible from *Esperanza* Street. Upon consolidation of
14 the three (3) lots, the new single lot will continue to be accessible from *Esperanza*
15 Street.

16 *I Liheslatura* further finds that the “Government Alley” is located roughly
17 in the center of the three (3) appurtenant lots and due to the minimum legal
18 setback requirements from the “Government Alley” it would be impractical for
19 Mr. Flaherty to develop his properties which in total area approximate only 577
20 square meters. Therefore it is Mr. Flaherty’s desire’s to purchase the 17.75 square
21 meter appurtenant easement known as the “Government Alley” from the
22 Government of Guam for its fair market value.

23 It is the intent of *I Liheslatura* to allow Mr. Michael P. Flaherty to purchase
24 the easement known as the “Government Alley” that is appurtenant to the three (3)
25 lots, *supra*.

1 **Section 2. Authorization to Sell Government Alley Easement.** *I*
2 *Maga'lahen Guãhan* is hereby authorized to sell the easement known as the
3 “*Government Alley*”, currently bound by *Esperanza* Street on the North, the Metes
4 and Bounds of the Western Boundary of Lot 1324, the Metes and Bounds of
5 Northeast Boundary of Lot 1324-2-1 and the Metes and Bounds of the Southeast
6 Boundary of Lot 1324-1-1, all in the Municipality of *Hagatna*, that has a total land
7 area of seventeen and seventy-five hundredths plus/minus square meters ($17.75 \pm$
8 sq. meters) to Mr. Michael P. Flaherty for its appraised fair market value. The
9 Director of the Department of Land Management shall select the appraiser to
10 determine the fair market value of the “*Government Alley.*” The cost of the
11 appraisal shall be paid by Mr. Flaherty.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

November 7, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 149 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 149 (LS):** "An Act To Authorize I Maga'lahi Guahan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

 4 TO PASS
 0 NOT TO PASS
 3 TO REPORT OUT ONLY
 0 ABSTAIN
 0 INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL No. 149 (LS): "An Act To Authorize I Maga'lahi Guáhan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value".

Transmitted herewith for your information and action is the report on BILL No. 149 (LS) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 149 (LS)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES

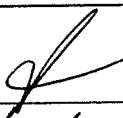

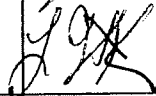
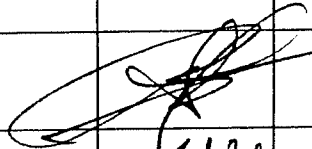
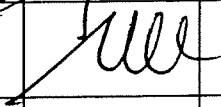


Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
155 HESLER PLACE, HAGATNA, GUAM 96910

An Act To Authorize I Maga'lahi Guahan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo				✓		
Lawrence F. Kasperbauer, Ph.D.		✗				
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.		✓				
Lou A. Leon Guerrero				✓		
Judith T. Won Pat				✓		
Benjamin J.F. Cruz						

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN**

COMMITTEE REPORT

ON

BILL NO. 149 (LS)

An Act To Authorize I Maga'lahi Guåhan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value.

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9:00 a.m. on September 2, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on August 26 and August 29, 2005 and posted in the Pacific Daily News on September 5, 2005 on page 7.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Lawrence F. Kasperbauer, Ph.D., Member
Senator Jesse A. Lujan, Member
Vice Speaker Joanne M.S. Brown
Senator Antonio R. Unpingco
Senator Robert Klitzkie
Senator Frank B. Aguon, Jr.
Senator Adolpho B. Palacios, Sr.

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Michael Flagherly, property owner, oral and written testimony in support of Bill No. 149. Mr. Flagherly read his written testimony. He provided a artist rendered print of the proposed structure to be built on his property (a total of three lots) and the acquired fractional lot known as "government alley" upon purchase. He said he would like to purchase an adjacent lot, namely lot 1462, at fair market value. He said that his request to purchase lot 1462 is not on Bill 149 and he is asking the legislature to amend the legislation allowing him to purchase the said lot.

Marc Gagarin, Chief Engineer, Rights of Way, Department of Public Works, oral testimony in support of Bill No. 149. Mr. Gagarin said after he had analyzed the maps, DPW has no objections in selling the fractional lot known as "government alley". He said although the owner will be required to get three appraisals to purchase the lot, DPW will waive the requirement, because of the expenses resulting for such a small fractional size (17.75+ sq meters) and instead the sale of the lot will be at fair market cost and the proceeds of the sale would be deposited with DPW for its services.

Discussion:

Senator Kasperbauer asked Mr. Flagherly if he is requesting to amend Bill No. 149 to include the purchase of government land aside from the 17.75 square meters identified in the bill? Mr. Flagherly said the current lots in his possession were obtained through a quitclaim deed. He said that he was advised by Mr. Borja from the Department of Land Management that he would need to seek legislative action to acquire the government lots he is seeking to purchase.

Senator Klitzkie had concerns about the need for an individual to obtain three appraisals when seeking to purchase government land. He said that the bill does not address the need for three appraisals to be conducted. Mr. Gagarin said that the process in acquiring government land requires three appraisals. Senator Klitzkie was

concerned of what law referenced the method for such transaction. Senator Klitzkie said that he would rather see that property transactions, such as the request made by Mr. Flaherty in obtaining land not identified in Bill No. 149 (lot 1462) go through the normal process to make the transaction fair to everyone. He said he does not mind the sale of "government alley" because of its small fractional size (17.75 sq meters), although he still has reservations of not going through the normal process and that he opposes the idea of amending the legislation without the due course of action on the lot Mr. Flaherty is seeking to purchase from the government. He said he will probably not support such an amendment and he does so to protect the interest of the people of Guam. He said that he would like to see the public well informed of such sale of government property in a proper public notice and hearing.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 149 would authorize the Governor to sell a fractional piece of government property located in Hagatna to a private land owner whose property is landlocked by this government property known as "government alley". The committee finds that the square meters is insignificant to be utilized in any capacity and presents and undue inconvenience to the landlocked owner. The owner of the adjacent lots would like to build a structure on his property, but remains inaccessible by "government alley". By the sale of the lot to the private land owner, design and construction of the structure could proceed as planned.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 149 (LS) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 149 (LS)**, "An Act To Authorize I Maga'lahi Guåhan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value."

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing
Friday, September 02, 2005, 9:00 a.m.

The following Bills will be heard:

Bill No. 85 (EC) - by Mark Forbes

An Act To Appropriate Ten Thousand Dollars From The Carry-Over Funds Assigned To The Office Of Speaker Mark Forbes To The Department Of Public Works For The Purpose Of Repairing The Pothole On Marine Corps Drive Located In The Vicinity Of Blockbuster Video In Tamuning.

Bill No. 124 (EC) - by L. F. Kasperbauer

An Act To Transfer The Abandoned GPD Koban Adjacent To The Barrigada Community Center To The Barrigada Municipal Planning Council.

Bill No. 127 (EC) - by J. A. Lujan

An Act To Authorize The Chamorro Land Trust Commission To Release And Convey Title To Lot 14-Newnew3, Block 24, Municipality Of Hagåtña To The Guam Housing And Urban Renewal Authority.

Bill No. 143 (EC) - by the Committee on Calendar, by request of by request of I Maga'láhen Guáhan, the Governor of Guam, in accordance with the Organic Act of Guam, as amended.

An Act To Amend 12 GCA Chapter 78 Designating The Guam Economic Development And Commerce Authority As The Local Redevelopment Authority For Base Realignment And Closure (BRAC) Activities And To Require GEDCA To Dispose Of Properties Obtained Under BRAC As Mandated Under 21 GCA Chapter 80 Which Establishes The Guam Ancestral Lands Commission.

Bill No. 147 (LS) - By F. B. Aguon, Jr.

An Act Relative To Restricting Any Sale Of The Government Of Guam Real Property Identified As Lot No. 5140-1-1 And Lot No. 5140-1-R1, Both Located In The Municipality Of Dededo, Guam (Aka Tumon, Guam) Upon Which Guma Trankilidat Is Located; Further Insuring That The Property Remain With The People Of Guam For The Benefit Of Our Island's Manamkos, Senior Citizens; And Designating Said Property As "I Tano Para I Manamko Guáhan".

Bill No. 149 (LS) - By L. F. Kasperbauer

An Act To Authorize I Maga'láhi Guáhan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agaña With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value

Bill No. 150 (LS) - by Ray Tenorio

An Act To Add A New §8104 To Chapter 8, Division 4, Title 2 Guam Administrative Rules And Regulations Relative To The Transfer Of All Surplus And Excess Computers From All Branches Of The Government Of Guam To The Government Of Guam General Service Administration For Further Transfer To The Department Of Education And The Guam Public Library.

Bill No. 159 (EC) - by J. M.S. Brown

An Act To Add A New §1103.3 To Chapter 1 Of Title 4 Guam Code Annotated To Provide Visible Identification For Government Of Guam Owned Or Leased Vehicles.

Bill No. 172 (EC) – By L. F. Kasperbauer

An Act To Place The Former Inarajan Elementary School Facility Under The Administrative Jurisdiction Of The Inarajan Mayor's Office.

Bill No. 175 (EC) – by A. R. Unpingco

An Act To Set Aside No Less Than 26± Acres Of Land Area Within The Boundaries Of Lot No. 10142- New, Located In The Municipality Of Dededo, And To Authorize The Governor To Transfer The Property To Guam Little League Baseball Incorporated For The Purpose Of Constructing The Asia-Pacific Baseball Stadium.

Bill No. 178 (EC) – by J. M.S. Brown

An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To 1 Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007

Bill No. 179 (EC) – by A. B. Palacios, Sr.

An Act To Add A New Chapter 23 To Title 1, Guam Code Annotated, Relative To The Removal Of Elected Officials.

Bill No. 182 (EC) – by F. B. Aguon, Jr.

An Act To Add A New Section §834.3 To Title 1, Guam Code Annotated, To Designate Route 8 As "Purple Heart Memorial Highway" To Honor And Pay Special Tribute To All Recipients Of The Military Order Of The Purple Heart, Members Of The United States Armed Services Who Have Been Wounded Or Killed In Action Thus Making The Ultimate Sacrifice In The Protection Of Freedom And Liberty.

Bill No. 184 (EC) – by R. Klitzkie

An Act To Add A New 17 GCA Ch. 7 §7115 To Create The "Every Child Is Entitled To An Adequate Public Education Act Fund," To Add A New 17 GCA Ch. 7 §7116 To Authorize The Superintendent To Accept Donations From Individuals And Organizations For Deposit To The Fund, To Add A New 17 GCA Ch. 7 §7117 Requiring The Publication Of The Details Of Expenditures From The Fund To Be Published On The Guam Public School System's Website And To Deappropriate One Hundred Thousand Dollars (\$100,000.00) From The Sums Appropriated To 1 Liheslatura And To Reappropriate Said Sum To The "Every Child Is Entitled To An Adequate Public Education Fund."

Bill No. 185 (EC) – By J. A. Lujan

An Act To Zone Lot No. 5049-2-1, Municipality Of Tamuning.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 149 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 149.

A handwritten signature in black ink, appearing to read "Mark Forbes", is written over a horizontal line.

MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

Facsimile

Date: August 26, 2005

Time:

To: ALL MEDIA:

Fax No.:	Pacific Daily News;	477-3079	KUAM;	637-9870
	Marianas Variety;	648-2007	K-57/Power 98;	477-3982
	K-Stereo;	477-6411	Hit Radio 100;	472-7663
	Glimpses;	649-8883	Adventist World Radio	565-2983
	Harvest Family Radio	477-7136	KPRG	734-2958
	KISH	477-6411	Rlene Live	477-7845

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- Friday, September 02, 2005

Note: Attached is a public hearing notice for September 02, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

Sender:

No. of Pages:



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

Facsimile

Date: August 29, 2005

Time:

To: ALL MEDIA:

Fax No.:	Pacific Daily News;	477-3079	KUAM;	637-9870
	Marianas Variety;	648-2007	K-57/Power 98;	477-3982
	K-Stereo;	477-6411	Hit Radio 100;	472-7663
	Glimpses;	649-8883	Adventist World Radio	565-2983
	Harvest Family Radio	477-7136	KPRG	734-2958
	KISH	477-6411	Rlene Live	477-7845

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- **Friday, September 02, 2005**

Note: Attached is a public hearing notice for September 02, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

Sender:

No. of Pages:

Activity Report

Date/Time
Local ID
Local Name
Company Logo

8-29-05; 1:42PM
4723510
Guam Legislature

Calling **									
No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results	
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1	21	sen frank aguon	2:55PM	0"	1 / 4		RE	056D	
2	21	sen m cruz	2:57PM	2'47"	4 / 4	EC	BC	CP 9600	
3	23	pdn	3:01PM	2'42"	4 / 4	EC	BC	CP 12.0	
4	23	marianas variety	3:05PM	1'56"	4 / 4	EC	BC	CP 14.4	
5	23	kuam	3:08PM	1'40"	4 / 4	EC	BC	CP 28.8	
6	23	hit radio	3:10PM	0"	- / 4		BC	056A	
7	21	klitzkie	3:12PM	0"	- / 4		BC	056D	
8	23	guam business	3:19PM	0"	- / 4		BC	056B	
9	23	power ninty eight	3:29PM	0"	- / 4		BC	056A	
10	23	k stereo/klsh	3:30PM	0"	- / 4		BC	056B	
11	23	world radio	3:30PM	0"	- / 4		BC	056B	
12	23	family radio	3:31PM	0"	- / 4		BC	056B	
13	23	kprg	3:31PM	0"	- / 4				
14	23	riene steffy	3:32PM	1'52"	3 / 3	EC		CP 14.4	
15	24	pdn	3:34PM	36"	1 / 1	EC		CP 26.4	
16	28	DPW	3:35PM	1'08"	1 / 1	EC		CP 14.4	
17	29	96479224	3:36PM	1'06"	1 / 1	EC		CP 24.0	
18	30	94727951	3:38PM	45"	1 / 1	EC		CP 16.8	
19	31	94774826	3:39PM	29"	1 / 1	EC		CP 28.8	
20	32	96462335	3:40PM	30"	1 / 1	EC		CP 26.4	
21	33	94779402	3:41PM	29"	1 / 1	EC		CP 28.8	
22	34	94770883	3:41PM	1'08"	1 / 1	G3		CP 9600	
23	35	94737024	3:43PM	60"	1 / 1	EC		CP 12.0	
24	36	94772689	3:44PM	25"	1 / 1	EC		CP 28.8	
25	37	94725003	3:46PM	1'17"	1 / 1	EC		CP 9600	
26	41	97344130	3:48PM	59"	1 / 1	EC		CP 9600	
27	39	GUAM ATTY GEN'L	3:49PM	0"	- / 1			056D	
28	38	94778777	3:50PM	44"	1 / 1	EC		CP 24.0	
29	42	96469403	3:52PM	35"	1 / 1	EC		CP 24.0	
30	43	96440010	4:09PM	34"	1 / 1	EC		CP 28.8	
31	79	DPW	4:13PM	1'18"	1 / 1	G3		0223 9600	
32	81	947787777						1	
			4:20PM	1'57"	1 / 1	G3		0223 4800	
33	85	94778777						1	
								056B	
34	92	klitzkie	8-29-05; 9:15AM	0"	- / 1			CP 19.2	
35	97	sen m cruz	10:51AM	57"	2 / 2	EC		CP 26.4	
36	99	clerks	10:53AM	44"	2 / 2	EC		CP 28.8	
37	103	DPW	1:30PM	44"	1 / 1	EC		CP 28.8	
38	105	GPD CHIEFS OFFICE	1:31PM	27"	1 / 1	EC		0511	
39	106	BARRIGADA MAYORS.	1:31PM	49"	- / 1	EC		CP 12.0	
40	107	94778082	1:32PM	52"	1 / 1	EC		CP 14.4	
41	106	BARRIGADA MAYORS.	1:34PM	43"	1 / 1	EC	RE	CP 28.8	
42	110	94727565	1:35PM	1'01"	1 / 1	EC		0513 19.2	
43	111	94774826	1:36PM	54"	- / 1	EC		0513 31.2	
44	115	94774826	1:37PM	50"	- / 1	EC		CP 28.8	
45	116	94759165	1:39PM	27"	1 / 1	EC		CP 28.8	
46	115	94770883	1:40PM	36"	1 / 1	EC	RE	CP 24.0	
47	111	94774826	1:40PM	1'02"	1 / 1	EC	RE	CP 28.8	
Total						52			

** Called **									
No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results	
1	77	671 4778082	8-26-05; 3:55PM	4'11"		2	EC	CP 12.0	
2	88	6714775637	8-28-05; 3:00PM	2'23"		1	G3	CP 4800	
3	90	6716478860	11:23PM	3'20"		1	EC	CP 21.6	
Total						4			

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

Forbes: GWA, DPW need to team up to fix potholes

By Katie Worth

Pacific Daily News
kworth@guampdn.com

Guam has a pothole problem — not because there's a lack of funding to fix the problem, but because government agencies don't communicate with each other.

This became clear at a public hearing yesterday, in which lawmakers grilled Public Works officials about potholes.

Public Works Chief Engineer Mark Gagarin said the primary barrier to fixing the roads has been coordinating with Guam Waterworks Authority — the primary cause of the potholes.

"So much of this could be solved by the simple act of working in concert," said legislative Speaker Mark Forbes. "Just getting these two agencies to coordinate is half the battle."

Potholes have plagued island drivers for years, but the issue has been in the spotlight lately because the attorney general launched an investigation into whether anyone can be held accountable for the pothole problem.

Yesterday's hearing was on a bill that would require mayors' certification that roads have been fixed before money is released to government agencies and contractors who break into the roads.

The public hearing came just days after it was discovered that the Federal Highway Administration wrote a letter to Public Works early last month threatening to withhold future funding if the government of Guam doesn't fix the pothole problems.

The letter was made public through the attorney general's office, not the Public Works department.

Forbes said he was upset that the letter wasn't made public earlier. "If they received this letter three or four weeks ago, I never heard about it, and I talk to these guys all the time," he said. "They have an absolute obligation to tell the public about it."

Yesterday, Attorney General Douglas Moylan wrote the Federal Highway Administration's territorial representative, letting her know of his office's investigation into the matter and asking for the agency's recommendations on the proper repair to road surfaces in climates such as Guam's.

The Legislature plans to appropriate some funds for road maintenance this year, Forbes said.

But he said it became clear from the testimony of Gagarin and utilities czar John Benavente that the primary problem has been a lack of coordination between Waterworks and Public Works.

BILLS

These are some of the bills considered in a public hearing of the Legislative Committee on General and Omnibus Matters yesterday:

▲ **Bill 75:** Would end the two-term limit for the elected public auditor.

▲ **Bill 96:** Would require all elected officials and any appointed official to attend an ethics in government program at the University of Guam.

▲ **Bill 104:** Establishes a performance bond requirement for whoever runs the new landfill. The system would provide money to the community if the landfill harms public health or contaminates the environment.

▲ **Bill 132:** The "Independent Counsel

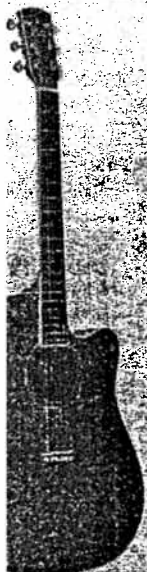
Act of 2005," establishing procedures to choose a special prosecutor in the case of prosecution against the attorney general. In the case of an acquittal, the prosecution would pay for the defense's (attorney general's) legal costs.

▲ **Bill 152:** Creates the position of vice mayor for the villages of Yigo and Mangilao.

WHAT'S NEXT

The committee will hold another public hearing on Bills 85, 124, 127, 143, 147, 149, 150, 159, 172, 175, 178, 182 and 184 beginning at 9 a.m. today in the legislative public hearing room. To view these bills in their entirety, visit the Guam Legislature Web site at www.guamlegislature.com.

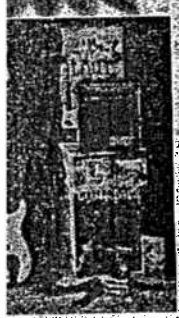
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sale 299

nel Mixer

digital effects

MICHAEL P. FLAHERTY
P. O. BOX 716
HAGATNA, GUAM 96932
TELEPHONE # 671-646-2739
WORK # 671-647-6444
FAX # 671-647-6446

September 2, 2005

Written and verbal testimony of Michael P. Flaherty in favor of Bill # 149

MR. SPEAKER - - - MEMBERS OF THIS COMMITTEE

GOOD AFTERNOON

MY NAME IS MICHAEL FLAHERTY - - - A LONG TIME RESIDENT AND
BUSINESSMAN ON GUAM - - - AS MOST OF YOU ALREADY KNOW.

I AM THE OWNER OF THREE (3) SMALL FRACTIONAL LOTS IN AGANA,
ACROSS FROM THE COURT HOUSE.

THESE LOTS VARY IN SIZES OF 47 SQUARE METERS, TO 80 SQUARE
METERS, AND 104 SQUARE METERS.

ADDITIONAL, I AM THE MANAGING MEMBER OF A PARTNERSHIP WHICH
OWNS TWO (2) OTHER SMALL LOTS TOTALING ABOUT 775 SQUARE
METERS.

I HAVE RECENTLY ACQUIRED AN ADDITIONAL FRACTIONAL LOT OF 184 SQUARE METERS.

ALL THESE PROPERTIES ARE SHOWN ON THE SUBMITTED MAP - - - AND MY APOLOCITES OF ITS SMALL SIZE - - - A LARGER ONE IS AVAILABLE IF YOU PREFER - - -

AS YOU WILL SEE, THERE IS A MUCH SMALLER LOT CALLED THE "ALLEY" - - - CONSISTING OF LESS THAT 18 SQUARE METERS.

THE BILL AS WRITTEN ADDRESSES THIS LOT - - -

I HAVE ALSO SUBMITTED A LETTER FROM MR. JOE BORJA, DIRECTOR OF LAND MANAGEMENT, CONCERNING A FINAL FRACTIONAL LOT # 1461 CONSISTING OF 52 SQUARE METERS.

IT IS MY HOPE BY ACQUIRING AND CONSOLIDATING ALL OF THE LOTS, WE COULD CREATE A DESIRABLE AND DEVELOPABLE PROPERTY

MY PLANS ARE TO CONSTRUCT AN OFFICE BUILDING - - SOMETHING THAT I HAVE HOPED FOR - - - MANY YEARS.

SUBMITTED IS A CONCEPTUAL DRAWING. CERTAINLY AN IMPROVEMENT OVER A VACANT PIECE OF PROPERTY.

THE LETTER FROM MR. JOE BORJA, REFERS TO THE 52 SQUARE METERS,
WHICH WE WISH TO ADD TO THIS BILL.

MR. BORJA HAS ADVISED ME THAT A LETTER PREPARED BY THE
GOVERNOR'S OFFICE IS RECOMMENDING LEGISLATIVE APPROVAL.

WE WISH TO ACQUIRE THESE PROPERTIES AT A FAIR MARKET VALUE
PLUS ANY AND ALL COST FOR SURVEY DOCUMENTATION ETC.

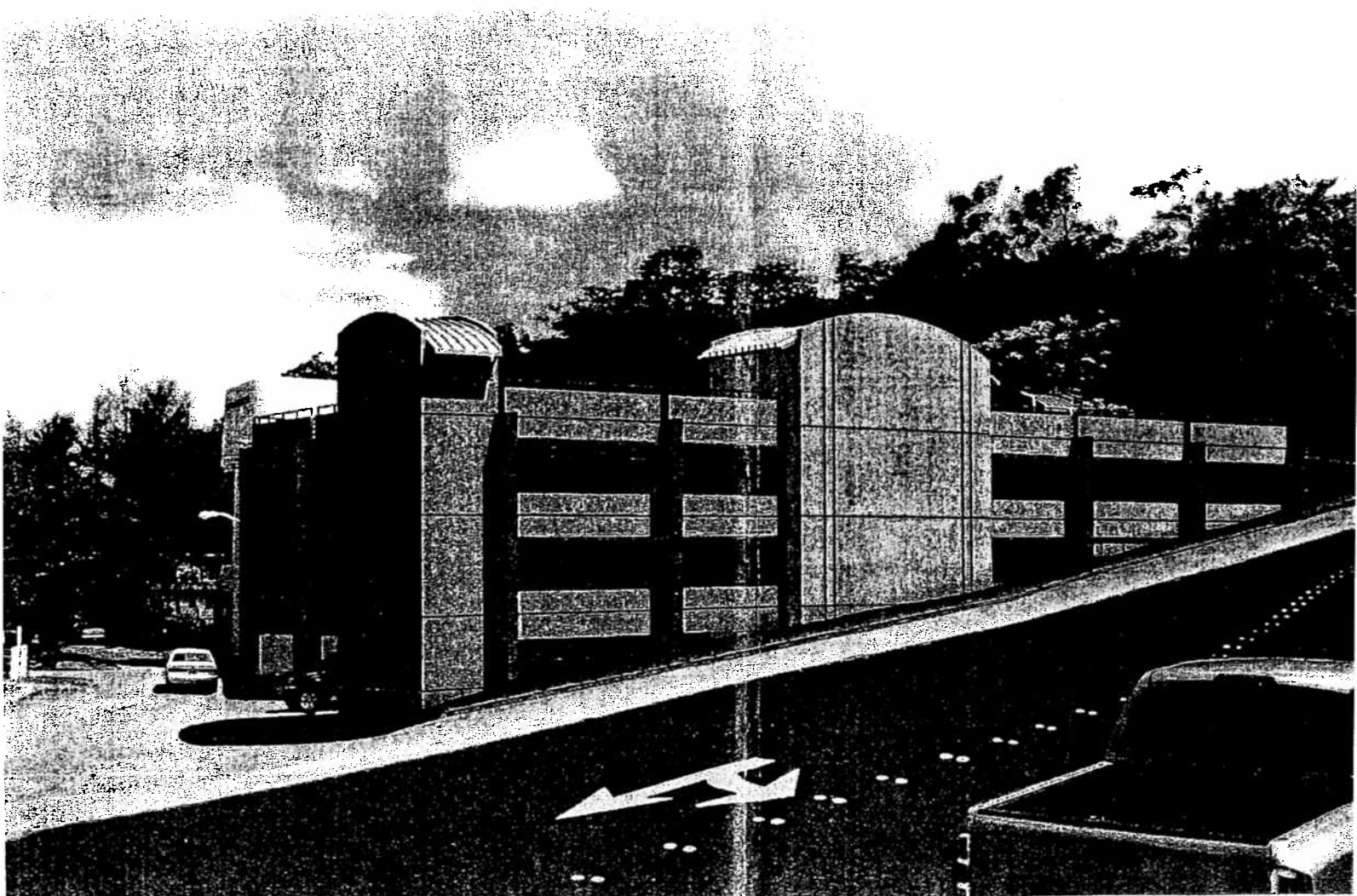
APPROVAL OF MY REQUEST IS NOT BENEFICIAL TO ONLY ME - - -IT WILL
PROVIDE A NEEDED IMPROVEMENT OF VACANT AND PRESENTLY
UNUSABLE PROPERTY AS WELL AS PROVIDING AN INCREASE OF TABLE
REVENUE TO THE GOVERNMENT.

I BELIEVE WE ARE ALL FAMILIAR WITH THE FRACTIONAL LOT PROBLEM
IN AGANA - - - WHICH PREVENTED AN ORDELY AND DESIREABLE
DEVELOPMENT AND USAGE

MY ACTION HOPEFULLY WILL ALLEIVATE A SMALL BIT OF THIS
PROBLEM.

I TRUST OUR REQUEST WILL BE APPROVED.

THANK YOU FOR YOU CO-OPERATION AND UNDERSTANDING.





DIPATTAMENTON MANMANH. U TANO'
(Department of Land Management)
GOBIETNON GUAHAN
(Government of Guam)

FELIX P. CAMACHO
Governor of Guam

JOSEPH M. BORJA
Director

KALEO S. MOYLAN
Lieutenant Governor of Guam

July 29, 2005

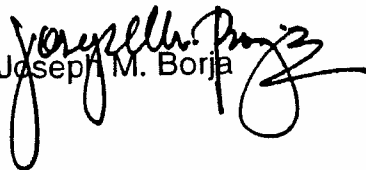
Memorandum

To: Michael Flaherty
From: Joseph M. Borja, Director
Subject: Your letter of July 12, 2005
Lot No. 1461, Hagatna

Pursuant to your letter of July 12, 2005, please be advised of the following:

1. The property in question, Lot No. 1461, Hagatna containing an area of 52 square meters belongs to the Government of Guam.
2. Legislative action (in bill/statute form is needed) for the alienation of this Government of Guam real property.

If you have any questions, please contact me at 475-5278/5252.


Joseph M. Borja

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96910

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