



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

February 10, 2021

The Honorable Tina Rose Muña Barnes 

Chairperson, Committee on Rules

I Mina'trentai Sais na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña Guam, 96910

RE: Committee Report on Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture

Håfa Adai Chairperson Muña Barnes:

Transmitted herewith is the Committee Report on the **Bill No. 39-36 (COR)**, As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje – “AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.”

Committee votes are as follows:

<u>4</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

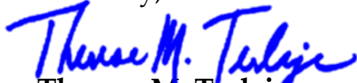
**COMMITTEE ON RULES
RECEIVED:**

February 10, 2021

9:46 A.M.



Sincerely,


Therese M. Terlaje

Revisions Rec'd:
February 12, 2021 @ 8:00 A.M.

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE REPORT

Bill No. 39-36 (COR)

As Amended by the Committee on Health, Land,
Justice and Culture

Introduced by:
Therese M. Terlaje

“AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.”

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Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

February 9, 2021

MEMORANDUM

To: All Members
Committee on Health, Land, Justice and Culture

From: Speaker Therese M. Terlaje *TMT*
Committee Chairperson

Subject: Committee Report on Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture

Transmitted herewith for your consideration is the Committee Report on Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture. - Therese M. Terlaje - "AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES."

This report includes the following:

- Copy of COR Referral of Bill No. 39-36 (COR)
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 39-36 (COR), As Introduced
- Copy of Bill No. 39-36 (COR), As Amended by Committee on Health, Land, Justice and Culture
- Amended Mark-up Version
- Copy of Fiscal Note from the Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

January 26, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 39-36 (COR)**

Buenas yan Háfa adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 39-36 (COR) – Therese M. Terlaje - “AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.”

Please ensure that the subject bill is referred to the **Committee on Health, Land, Justice, and Culture, chaired by Speaker Therese M. Terlaje.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules





Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

FIRST NOTICE of Virtual Public Hearing – Thursday, February 4, 2021 beginning at 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Thu, Jan 28, 2021 at 8:23 AM

To: phnotice@guamlegislature.org

Cc: Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>, vanthonyada@gmail.com, vince@senatorfrankblas.com, Chris Duenas <senatorchrisduenas@gmail.com>, j.msbrown@yahoo.com, Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbguam.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbguam.com>, Kevin Kerrigan <kevin@spbguam.com>, jolene@spbguam.com, Mai Habib <mai.habib@spbguam.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, "Dr. Anita Enriquez" [REDACTED], "Leilani R. Flores (flores.lani@gmail.com)" <flores.lani@gmail.com>, brian@cravegroup.net, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Cristina Gutierrez <crisrina.gutierrez@land.guam.gov>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, Celine Cruz <Celine.Cruz@land.guam.gov>, Art Chan [REDACTED], Edwin Reyes <edwin.reyes@bsp.guam.gov>, Vince Arriola <vince.arriola@dpw.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>, maryrose.wilson@dpw.guam.gov, brian.bearden@epa.guam.gov, noni.amar@epa.guam.gov, Antonio S Gumataotao <agumataotao@gpagwa.com>, bhess@guamwaterworks.org, vlaguana@guamwaterworks.org, jtadeo@guamwaterworks.org, "Jose U. Garrido" <jose.garrido@dpr.guam.gov>, al.masga@dpr.guam.gov, Russell Kanai <russell.kanai@dpr.guam.gov>, Joe Quinata <jqpreservation@guam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Daniel D Swavely [REDACTED], [REDACTED], Philsan Kim [REDACTED] cbudasi@guamwaterworks.org, Ann Borja <annborja@guamwaterworks.org>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Ibarra Hernandez <ihernandez@guamlegislature.org>

January 28, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing** – Thursday, February 4, 2021 beginning at 9:00 a.m.

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 beginning at 9:00 a.m.** utilizing the Zoom video conference platform, for the following agenda item:

9:00 AM:

- **Bill No. 27-36 (COR)** - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, *SANTA RITA* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.
- **Bill No. 28-36 (COR)** - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, *TAMUNING* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

11:00 AM:

- **Bill No. 39-36 (COR)** - Therese M. Terlaje- AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

- **Bill No. 14-36 (COR)** - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO *AMEND* §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.
- **Bill No. 38-36 (COR)** - Telo T. Taitague- AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

For individuals wishing to provide live testimony via videoconferencing, please contact our office by email at senatorterlajeguam@gmail.com to register or call 671-472-3586 by COB on Wednesday, February 3, 2021.

Written testimony may be delivered to the Office of Speaker Therese M. Terlaje at 163 W Chalan Santo Papa, Hagåtña, Guam 96910 or via email to senatorterlajeguam@gmail.com.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We look forward to your participation! *Si Yu'os Ma'åse'!*

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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website: www.senatorterlaje.com

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First Notice of Virtual Public Hearing_Thursday, February 4, 2021 at 9AM_TMT.pdf

385K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 28, 2021

MEMORANDUM

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We look forward to your participation! *Si Yu'os Ma'åse'!*

Kremlin: Russia, US extend arms agreement

By Gabrielle Tétrault-Farber and Trevor Hunnicutt
Reuters

MOSCOW/WASHINGTON - Russia and the United States have struck a deal to extend the New START nuclear arms control treaty, the Kremlin said on Tuesday, a move that preserves the world's two biggest nuclear powers.

The White House did not immediately confirm the Kremlin's announcement but said President Joe Biden and Russian President Vladimir Putin had discussed the issue by telephone and agreed that their teams work urgently to complete the extension by Feb. 5,

when the treaty expires.

Signed in 2010, the New START, or Strategic Arms Reduction Treaty, is a cornerstone of global arms control.

It limits the number of strategic nuclear warheads deployed by the United States and Russia to 1,550 each, as well as the number of land- and submarine-based missiles and bombers that deliver them.

The Kremlin declared the breakthrough, which was widely anticipated, in a statement announcing that Putin and Biden had spoken for the first time since Biden took office on Jan. 20.

Moscow and Washington had failed to agree an extension under former U.S. President Donald Trump, whose

It limits the number of strategic nuclear warheads deployed by the United States and Russia to 1,550 each.

administration had wanted to attach conditions to a renewal that Moscow rejected.

The Kremlin said Putin and Biden "expressed satisfaction" that diplomatic notes between the two nations had been exchanged earlier on Tuesday confirming the pact would

be extended and that procedures required for the pact to come into force before it expires would be completed in the coming days.

The White House, in its description of the call, did not say that an agreement had been reached or that diplomatic notes had been exchanged, though its tone was upbeat.

"They discussed both countries' willingness to extend New START for five years, agreeing to have their teams work urgently to complete the extension by Feb. 5," the White House said. "They also agreed to explore strategic stability discussions on a range of arms control and emerging security issues."

Peru orders total lockdown across 10 states

LIMA (Reuters) - President Francisco Sagasti of Peru on Tuesday night announced a total lockdown of the capital and nine other regions following a significant increase in COVID-19 cases, which he said had pushed hospitals close to collapse.

Sagasti said the new measures covering central Peru would remain in effect until at least Feb. 14. They include instructions to work from home, the closure of all non-essential shops, the suspension of inter-regional land and air travel and the extension of a ban on flights coming from Europe to flights from Brazil in a bid to curb new, more contagious strains of the virus.

On Tuesday, Peru reported 4,444 new cases of the coronavirus, taking its total to 1,107,239, and 40,107 deaths. According to Reuters data here, Peru's cases are at 57% of an Aug. 22 peak, when more than 9,000 new cases were confirmed.

Yemenis file rights case over deadly US strikes

(The Washington Post) - Relatives of at least 34 Yemenis alleged to have been killed in American military actions have asked an international human rights body to determine whether the deaths were unlawful, in a case that could draw attention to the human cost of overseas counterterrorism campaigns.

The petition, the first of its kind to be submitted to the Inter-American Commission on Human Rights, asserts that six drone strikes and one Special Operations raid targeting Yemen's al-Bayda governorate during the Obama and Trump administrations inflicted catastrophic damage on two families. Among the dead, the survivors say, were nine children and several members of Yemen's military.

The filing provides new visibility into a counterterrorism campaign that has mostly been shrouded in secrecy, as American military and intelligence officials conduct an extended effort against al-Qaida in the Arabian Peninsula and other militant threats. Since 2015, a parallel conflict between Yemen's Houthi rebels and forces backed by Saudi

Arabia has made communication and media access more difficult, further thrusting the war against extremists into the shadows.

The petition, submitted on behalf of a group of Yemenis by the London-based human rights group Reprieve, which has documented the aftermath of U.S. counterterrorism operations, argues that the repeated targeting of the two families, in addition to lives lost, has taken a psychological toll on survivors.

"Having already suffered enormous loss, the families live in constant fear that the drones flying overhead will strike again, killing more members of their family or their extended tribe or community," Jennifer Gibson, a lawyer with Reprieve, said in one of the petition documents.



Judiciary of Guam

Guam Judicial Center
120 West O'Brien Drive, Hagåtña, Guam 96910
www.guamcourts.org

INVITATION FOR BID NO. IFB 21-01

Emergency Generator & Automatic Transfer Switch (ATS)

The Judiciary of Guam is accepting bids from qualified vendors to supply and install an Emergency Generator and Automatic Transfer Switch (ATS), for the Judiciary of Guam.

Interested and qualified vendors may request for a printed or electronic copies of the IFB package from the Procurement Office, 1st Floor, Guam Judicial Center in Hagåtña, Guam beginning **Thursday, January 21, 2021, from 8:00 a.m. to 5:00 p.m., Guam Standard Time, Monday to Friday**, except Government of Guam holidays.

All bids must be submitted to the Procurement Office **no later than 2:00 pm, Monday, February 8, 2021 (Guam Standard Time)**. All bids will be publicly opened and read aloud on that said date and time at the Administrator of the Courts Conference Room, 1st Floor, Guam Judicial Center in Hagåtña, Guam

For any periodic updates of the IFB please visit the Judiciary's website <http://guamcourts.org>. For further information or to request for copies of the IFB package, please contact the Procurement Office at 671-475-3393/3175/3141/3290 or email jpcpepeda@guamcourts.org and/or mantonio@guamcourts.org.

/s/ KRISTINA L. BAIRD
Administrator of the Courts

"The Judiciary of Guam is an equal opportunity provider and employer."

SPEAKER THERESE M. TERLAJE
I Muna Trentai Sais na Liheslaturan Guahan
36th Guam Legislature



Committee on Health, Land
Justice And Culture

VIRTUAL PUBLIC HEARINGS • THURSDAY, FEBRUARY 4, 2021

9:00 AM:

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Bill No. 28-36 (COR) - Sabina Flores Perez - AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, TAMUNING IN EXCHANGE FOR A GRANT FROM THE OWNER. NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

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Bill No. 38-36 (COR) - Telo T. Taitague - AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

Please email senatorterlaje@gmail.com or call 472-3588, if you would like to participate to provide testimony on any of these agenda items **no later than COB on February 3, 2021** require any special accommodations or further information. The hearing will broadcast on local television, GTA Channel 21, Decimo Channel 117/60.4, stream online via I Liheslaturan Guahan's live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

SECOND NOTICE:Virtual Public Hearing – Thursday, February 4, 2021 beginning at 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Tue, Feb 2, 2021 at 9:29 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Ibarra Hernandez <ihernandez@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>, vanthonyada@gmail.com, vince@senatorfrankblas.com, Chris Duenas <senatorchrisduenas@gmail.com>, j.msbrown@yahoo.com, Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbguam.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbguam.com>, Kevin Kerrigan <kevin@spbguam.com>, jolene@spbguam.com, Mai Habib <mai.habib@spbguam.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, "Dr. Anita Enriquez" [REDACTED] "Leilani R. Flores (flores.lani@gmail.com)" [REDACTED] 'Joseph M. Borja' <joseph.borja@land.guam.gov>, Cristina Gutierrez <cristina.gutierrez@land.guam.gov>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, Celine Cruz <Celine.Cruz@land.guam.gov>, Art Chan [REDACTED], Edwin Reyes <edwin.reyes@bsp.guam.gov>, Vince Arriola <vince.arriola@dpw.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>, maryrose.wilson@dpw.guam.gov, brian.bearden@epa.guam.gov, noni.amar@epa.guam.gov, Antonio S Gumataotao <agumataotao@gpagwa.com>, bhess@guamwaterworks.org, vlaguana@guamwaterworks.org, jtadeo@guamwaterworks.org, "Jose U. Garrido" <jose.garrido@dpr.guam.gov>, al.masga@dpr.guam.gov, Russell Kanai <russell.kanai@dpr.guam.gov>, Joe Quinata <jqpreservation@guam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Daniel D Swavely [REDACTED] Philsan Kim <philsan.kim@nanhawaii.com>, cbudasi@guamwaterworks.org, Ann Borja <annborja@guamwaterworks.org>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Ibarra Hernandez <ihernandez@guamlegislature.org>, Gina Campos [REDACTED] Guam Association of Realtor <garadmin@guamrealtors.com>

FEBRUARY 2, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **SECOND NOTICE of Virtual Public Hearing – Thursday, February 4, 2021 beginning at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 beginning at 9:00 a.m.** utilizing the Zoom video conference platform, for the following agenda item:

9:00 AM:

- **Bill No. 27-36 (COR)** - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, *SANTA RITA* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.
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For individuals wishing to provide live testimony via videoconferencing, please contact our office by email at senatorterlajeguam@gmail.com to register or call 671-472-3586 by COB on Wednesday, February 3, 2021.

Written testimony may be delivered to the Office of Speaker Therese M. Terlaje at 163 W Chalan Santo Papa, Hagåtña, Guam 96910 or via email to senatorterlajeguam@gmail.com.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We look forward to your participation! *Si Yu'os Ma'åse'!*

NOTE: IN COMPLIANCE WITH OPEN GOVERNMENT LAW, PUBLIC NOTICE FOR THIS HEARING WAS PUBLISHED IN THE GUAM DAILY POST ON JANUARY 28, 2021 (5-DAY NOTICE) AND FEBRUARY 2, 2021 (48-HOUR NOTICE).

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910


T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com


website: www.senatorterlaje.com

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3 attachments

 **SECOND Notice of Virtual Public Hearing_Thursday, February 4, 2021 at 9AM_TMT.pdf**
407K

 **5-DAY NOTICE OF PH_ 02.04.21_The Guam Daily Post.pdf**
3484K

 **48 HOUR NOTICE OF PH_ 02.04.21_The Guam Daily Post.pdf**
3110K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

February 2, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson^{Tmt}
Committee on Health, Land, Justice and Culture

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

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We look forward to your participation! *Si Yu'os Ma'åse'!*

Price Elementary's online classes continue today; vaccinations at UOG

Online classes at Price Elementary School will continue today, said Superintendent Jon Fernandez.

A Price Elementary staff member tested positive for COVID-19, according to the Joint Information Center. "Today is an online day so there are no students on campus. Faculty will be teleworking. Staff will be on-site unless they were identified as contacts and required to quarantine," Fernandez said.

17,000 vaccine doses ordered

Teachers and school-based staff are among those who qualify for COVID-19 vaccination.

The Department of Public Health and

Social Services has placed an order for 17,000 doses of COVID-19 vaccine for this month, JIC stated on Monday.

DPHSS' Immunization Program ordered 9,200 doses of the Moderna vaccine and 7,800 doses of the Pfizer-BioNTech vaccine totaling 17,000 doses for the month of February. Both vaccines are anticipated to arrive within three to five business days.

Vaccination at UOG

The Guam National Guard, in partnership with DPHSS and the University of Guam, resumes its COVID-19 vaccination clinic.

The clinic will be held from today, Feb. 2, through Saturday, Feb. 6 from 1

p.m. to 7 p.m. at the UOG Calvo Field House. These clinics are open to the public for individuals 60 years and older, health care workers, school-based staff and daycare workers, and essential government agencies.

The Pfizer-BioNTech vaccine will only be available for those due for their second dose. The Moderna vaccine will be available for both first and second doses. Residents are advised to schedule an appointment online via Eventbrite.

A total of 65 appointments and up to 15 walk-ins will be accepted hourly, according to JIC.

(Daily Post Staff)



VACCINATION: Operation Liberate Guam kicked off its COVID-19 vaccinations at the University of Guam Calvo Field House last week. The vaccination continues today for seniors 60 or older at the field house. Residents in this age group are asked to pre-register online via Eventbrite, <https://bit.ly/3j6vyTd>.

Kevin Milan/The Guam Daily Post

Substance abuse program for prisoners may resume soon

By John O'Connor

john@postguam.com

The Department of Corrections is looking at resuming its Residential Substance Abuse Treatment Program around the third week of February, according to DOC spokesman Maj. Antone Aguon.

More than 30 inmates have been interviewed and assessed for the drug treatment program but the prison only has capacity for up to 16 men and 2 women.

The inmates will be reviewed by a team consisting of RSAT staff, case-

work, security, forensic, and the Guam Behavioral Health and Wellness' New Beginnings representatives next week. A DOC committee will give the initial approval. The candidates will also need approval from the warden. The director will be the last to give the approval for an inmate to attend the substance abuse program, Aguon said.

The program is federally administered by the Bureau of Statistics and Plans but implemented by DOC.

It is open only to inmates who have six to 12 months remaining on their sentences.

Interest in the program had been



DOC: The Department of Corrections main gate is seen on Jan. 26. The prison has nearly double the number of prisoners who want to be in a substance abuse treatment program than there is space available. Norman M. Taruc/The Guam Daily Post

growing but a major roadblock toward expanding has been a lack of space in the DOC facility.

The corrections department was in the process of procuring services

to develop a master plan for a new prison facility in 2019.

The Post submitted a request for an update on the status of that master plan but is awaiting a response from DOC.

SPEAKER THERESA M. TERLAJE
1 Minu'trental Sais na Liheslaturan Guahan
 36th Guam Legislature

Committee on Health, Land Justice And Culture

VIRTUAL PUBLIC HEARINGS • THURSDAY, FEBRUARY 4, 2021

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Guam Cancer Trust Fund Council Meeting

The Guam Cancer Trust Fund Council will hold its monthly meeting online on **Thursday, February 11, 2021**

If interested in attending the meeting, please register with Remylynn Yamanaka at gctf@triton.uog.edu.

The University Of Guam Solicits Applications To Establish A List Of Eligibles For The Following Limited Term Appointment, Full-Time Position, (Subject to the availability of funds):

#030-21 NETWORK PROGRAM ASSOCIATE

Contact the Human Resources Office at (671) 735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. View the Human Resources Office website at <http://www.uog.edu/hro> for detailed information on the job announcement.

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/s/JOSEPH B. GUMATAOTAO
Acting Chief Human Resources Officer

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

AMENDED SECOND NOTICE of Virtual Public Hearing – Thursday, February 4, 2021 beginning at 11:00 AM 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Tue, Feb 2, 2021 at 11:01 AM

To: phnotice@guamlegislature.org

Cc: Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>, vanthonyada@gmail.com, vince@senatorfrankblas.com, Chris Duenas <senatorchrisduenas@gmail.com>, j.msbrown@yahoo.com, Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib <mai.habib@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, "Dr. Anita Enriquez" [REDACTED] "Leilani R. Flores" [REDACTED], [REDACTED] "Joseph M. Borja" <joseph.borja@land.guam.gov>, Cristina Gutierrez <crisrina.gutierrez@land.guam.gov>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, Celine Cruz <Celine.Cruz@land.guam.gov>, Art Chan [REDACTED] Edwin Reyes <edwin.reyes@bsp.guam.gov>, Vince Arriola <vince.arriola@dpw.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>, maryrose.wilson@dpw.guam.gov, brian.bearden@epa.guam.gov, noni.amar@epa.guam.gov, Antonio S Gumataotao <agumataotao@gpagwa.com>, bhess@guamwaterworks.org, vlaguana@guamwaterworks.org, jtadeo@guamwaterworks.org, "Jose U. Garrido" <jose.garrido@dpr.guam.gov>, al.masga@dpr.guam.gov, Russell Kanai <russell.kanai@dpr.guam.gov>, Joe Quinata <jqpreservation@guam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Daniel D Swavely [REDACTED] Philsan Kim [REDACTED] cbudasi@guamwaterworks.org, Ann Borja <annborja@guamwaterworks.org>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Ibarra Hernandez <ihernandez@guamlegislature.org>, Gina Campos [REDACTED] Guam Association of Realtor <garadmin@guamrealtors.com>

FEBRUARY 2, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **AMENDED SECOND NOTICE of Virtual Public Hearing – Thursday, February 4, 2021**
beginning
at **11:00 AM** ~~9:00~~-a.m.

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 beginning at 9:00 a.m.** utilizing the Zoom video conference platform, for the following agenda item:

9:00 AM: POSTPONED AT THE REQUEST OF THE SPONSOR UNTIL FURTHER NOTICE

- ~~**Bill No. 27-36 (COR)** - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, SANTA RITA IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.~~
- ~~**Bill No. 28-36 (COR)** - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, TAMUNING IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.~~

11:00 AM:

- **Bill No. 39-36 (COR)** - Therese M. Terlaje- AN ACT TO **AMEND** §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO **AMEND** §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

- **Bill No. 14-36 (COR)** - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO **AMEND** §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.
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For individuals wishing to provide live testimony via videoconferencing, please contact our office by email at senatorterlajeguam@gmail.com to register or call 671-472-3586 by COB on Wednesday, February 3, 2021.

Written testimony may be delivered to the Office of Speaker Therese M. Terlaje at 163 W Chalan Santo Papa, Hagåtña, Guam 96910 or via email to senatorterlajeguam@gmail.com.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We look forward to your participation! *Si Yu'os Ma'åse'!*

NOTE: IN COMPLIANCE WITH OPEN GOVERNMENT LAW, PUBLIC NOTICE FOR THIS HEARING WAS PUBLISHED IN THE GUAM DAILY POST ON JANUARY 28, 2021 (5-DAY NOTICE) AND FEBRUARY 2, 2021 (48-HOUR NOTICE).

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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AMENDED SECOND Notice of Virtual Public Hearing_Thursday, February 4, 2021 at 9AM_TMT.pdf

282K



Office of the Speaker

THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

FEBRUARY 2, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson ^{Tmt}
Committee on Health, Land, Justice and Culture

Subject: **AMENDED SECOND NOTICE of Virtual Public Hearing** – Thursday, February 4, 2021 beginning at **11:00** 9:00 a.m.

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 beginning at 11:00** 9:00 a.m. utilizing the Zoom videoconference platform, for the following agenda item:

9:00 AM: POSTPONED UNTIL FURTHER NOTICE AT THE REQUEST OF THE SPONSOR

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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2:00 PM:

- **Bill No. 14-36 (COR)** - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO *AMEND* §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.
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We look forward to your participation! *Si Yu'os Ma'åse'!*



Office of the Speaker

THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

FEBRUARY 2, 2021

MEMORANDUM

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Committee on Health, Land, Justice and Culture

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> Wed, Jan 27, 2021 at 4:45 PM
To: "Dr. Anita Enriquez" [REDACTED] "Leilani R. Flores" [REDACTED]
[REDACTED] Nicolas Toft <Nicolas.Toft@land.guam.gov>, Art Chan [REDACTED] Cristina Gutierrez
<Cristina.Gutierrez@land.guam.gov>
Cc: "Joseph M. Borja" <joseph.borja@land.guam.gov>

January 27, 2021

Transmitted via Electronic Mail:

Dr. Anita Enriquez, Chairperson
Guam Land Use Commission
abe@triton.uog.edu

All Members, Guam Land Use Commission

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Chairperson Enriquez and GLUC Commissioners:

The Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 at 10:00 a.m.** utilizing the Guam Legislature's virtual hearing platform. The items on the hearing agenda are as follows:

9:00 AM:

Bill No. 27-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, *SANTA RITA* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

Bill No. 28-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, *TAMUNING* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

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We are cordially inviting you to attend the hearing to provide valuable feedback on the agenda items. Please confirm your attendance via email at senatorterlajeguam@gmail.com or call 472- 3586. Upon confirmation of attendance, the hearing link and virtual hearing guidance will be emailed to you.

We are also accepting written testimony that can be submitted via email, should you not be able to attend the hearing. All written testimony submitted prior to the hearing will be made available to all Senators and the public attending the hearings and will be included in the committee report on the bills, which will be published for public view on the 36th Guam Legislature website.

We look forward to your participation!

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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website: www.senatorterlaje.com

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> Wed, Jan 27, 2021 at 4:49 PM
To: "Dr. Anita Enriquez" [REDACTED] "Leilani R. Flores" [REDACTED]
[REDACTED] Nicolas Toft <Nicolas.Toft@land.guam.gov>, Art Chan [REDACTED] Cristina Gutierrez
<Cristina.Gutierrez@land.guam.gov>
Cc: "Joseph M. Borja" <joseph.borja@land.guam.gov>

Please note the error in the body of email. Public Hearing time is 9:00 a.m., not 10:00 a.m.

Respectfully,
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
website: www.senatorterlaje.com

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On Wed, Jan 27, 2021 at 4:45 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:
January 27, 2021

Transmitted via Electronic Mail:

Dr. Anita Enriquez, Chairperson
Guam Land Use Commission
abe@triton.uog.edu

All Members, Guam Land Use Commission

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Bill No. 38-36 (COR) - Telo T. Taitague- AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

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We look forward to your participation!

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Public Hearing on Thursday, February 4, 2021 at 10:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Wed, Jan 27, 2021 at 4:40 PM

To: "Joseph M. Borja" <joseph.borja@land.guam.gov>, Celine Cruz <celine.cruz@land.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>

January 27, 2021

Transmitted via Electronic Mail:

Joseph Borja, Director
Department of Land Management
Joseph.Borja@land.guam.gov

Celine Cruz, Chief Planner
Department of Land Management
celine.cruz@land.guam.gov

Margarita V. Borja, Land Administrator
Department of Land Management
Margarita.Borja@land.guam.gov

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Director Borja, Chief Cruz and Administrator Borja:

The Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 at 10:00 a.m.** utilizing the Guam Legislature's virtual hearing platform. The items on the hearing agenda are as follows:

9:00 AM:

Bill No. 27-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, *SANTA RITA* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

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11:00 AM:

Bill No. 39-36 (COR) - Therese M. Terlaje- AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

Bill No. 14-36 (COR) - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO *AMEND* §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.

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Si Yu'os Ma'åse',

Speaker Therese M. Terlaje



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: Invitation to Virtual Public Hearing on Thursday, February 4, 2021 at 10:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Wed, Jan 27, 2021 at 4:51 PM

To: "Joseph M. Borja" <joseph.borja@land.guam.gov>, Celine Cruz <celine.cruz@land.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>

Please note the error in the body of the email. The public hearing time is 9:00 a.m., not 10:00 a.m.

Respectfully,
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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On Wed, Jan 27, 2021 at 4:40 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

January 27, 2021

Transmitted via Electronic Mail:

Joseph Borja, Director
Department of Land Management
Joseph.Borja@land.guam.gov

Celine Cruz, Chief Planner
Department of Land Management
celine.cruz@land.guam.gov

Margarita V. Borja, Land Administrator
Department of Land Management
Margarita.Borja@land.guam.gov

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

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11:00 AM:

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Si Yu'os Ma'åse',

Speaker Therese M. Terlaje



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Wed, Jan 27, 2021 at 4:55 PM

To: Celine Cruz <celine.cruz@land.guam.gov>, maryrose.wilson@dpw.guam.gov, brian.bearden@epa.guam.gov, noni.amar@epa.guam.gov, Edwin Reyes <edwin.reyes@bsp.guam.gov>, Antonio S Gumataotao <agumataotao@gpagwa.com>, bhess@guamwaterworks.org, vlaguana@guamwaterworks.org, jtadeo@guamwaterworks.org, "Jose U. Garrido" <jose.garrido@dpr.guam.gov>, al.masga@dpr.guam.gov, Russell Kanai <russell.kanai@dpr.guam.gov>, Joe Quinata <jqpreservation@guam.net>

January 27, 2021

Transmitted via Electronic Mail:

Celine Cruz, Chairperson
Application Review Committee (ARC)
Guam Land Use Commission

All Members, Application Review Committee
Guam Land Use Commission

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Chairperson Celine Cruz and ARC Members:

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Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 29, 2021 at 12:07 PM

To: Daniel D Swavely [REDACTED]

January 29, 2021

Transmitted via Electronic Mail:

Daniel D. Swavely

Consulting Services, Inc.

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Mr. Swavely:

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Speaker Therese M. Terlaje

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

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36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 29, 2021 at 12:07 PM

To: [REDACTED]

January 29, 2021

Transmitted via Electronic Mail:

Leonard K. Kaae, Senior Vice President and General Manager
Black Construction Corporation

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Vice President Kaae:

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Speaker Therese M. Terlaje

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 29, 2021 at 12:07 PM

To: Philsan Kim [REDACTED]

January 29, 2021

Transmitted via Electronic Mail:

Philsan Kim, Project Manager

Nan, Inc.

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Mr. Kim:

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Bill No. 28-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, *TAMUNING* IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

11:00 AM:

Bill No. 39-36 (COR) - Therese M. Terlaje- AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

Bill No. 14-36 (COR) - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO *AMEND* §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.

Bill No. 38-36 (COR) - Telo T. Taitague- AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

We are cordially inviting you to attend the hearing to provide valuable feedback on the agenda items. Please confirm your attendance via email at senatorterlajeguam@gmail.com or call 472- 3586. Upon confirmation of attendance, the hearing link and virtual hearing guidance will be emailed to you.

We are also accepting written testimony that can be submitted via email, should you not be able to attend the hearing. All written testimony submitted prior to the hearing will be made available to all Senators and the public attending the hearings and will be included in the committee report on the bills, which will be published for public view on the 36th Guam Legislature website.

We look forward to your participation!

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fwd: Invitation to Virtual Public Hearing on Thursday, February 4, 2021 at 10:00 a.m.

Therese Terlaje

Sat, Jan 30, 2021 at 9:26 AM

To:



Hafa Aдай Save Southern Guam members,

I hope this finds you well. I just wanted to make sure you all received notice of these upcoming hearings on a variety of land bills, some involving the GLUC process. Additional information on Bill 14-36 is also attached. Your testimony is welcome. Feel free to share with the members I may have missed.

Recently, the Committee on Land held an oversight hearing on the Guam Land Use Commission process. You can watch it on YouTube at <https://www.youtube.com/watch?v=v4L4fELfwHg>

Therese M. Terlaje

----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Date: Sat, Jan 30, 2021 at 8:53 AM

Subject: Fwd: Invitation to Virtual Public Hearing on Thursday, February 4, 2021 at 10:00 a.m.

To: Therese Terlaje

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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From: **Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Date: Wed, Jan 27, 2021 at 4:40 PM

Subject: Invitation to Virtual Public Hearing on Thursday, February 4, 2021 at 10:00 a.m.

To: Joseph M. Borja <joseph.borja@land.guam.gov>, Celine Cruz <celine.cruz@land.guam.gov>, Margarita Borja <Margarita.Borja@land.guam.gov>

January 27, 2021

Transmitted via Electronic Mail:

Joseph Borja, Director
Department of Land Management
Joseph.Borja@land.guam.gov

Celine Cruz, Chief Planner
Department of Land Management
celine.cruz@land.guam.gov

Margarita V. Borja, Land Administrator
Department of Land Management
Margarita.Borja@land.guam.gov

SUBJECT: Invitation to Virtual Public Hearings on Thursday, February 4, 2021 beginning at 9:00 a.m.

Hafa Adai Director Borja, Chief Cruz and Administrator Borja:

The Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, February 4, 2021 at 10:00 a.m.** utilizing the Guam Legislature's virtual hearing platform. The items on the hearing agenda are as follows:

9:00 AM:

Bill No. 27-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT NO. 238-2A-4, SANTA RITA IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

Bill No. 28-36 (COR) - Sabina Flores Perez- AN ACT TO SURRENDER AND QUITCLAIM EASEMENT INTERESTS OWNED BY THE GOVERNMENT OF GUAM ON PRIVATE LOT 2-1, TRACT 236, TAMUNING IN EXCHANGE FOR A GRANT FROM THE OWNER, NEW WATER AND SEWER EASEMENTS FOR THE BENEFIT OF GUAM WATERWORKS AUTHORITY ON THE SAME PRIVATE LOT AND TO ALLOW FOR THE ABANDONMENT OF UNUSABLE SEWER LINES AND THE CONSTRUCTION OF NEW WATER AND WASTEWATER FACILITIES.

11:00 AM:

Bill No. 39-36 (COR) - Therese M. Terlaje- AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

Bill No. 14-36 (COR) - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO AMEND §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.

Bill No. 38-36 (COR) - Telo T. Taitague- AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

We are cordially inviting you to attend the hearing to provide valuable feedback on the agenda items. Please confirm your attendance via email at senatorterlajegum@gmail.com or call 472-3586. Upon confirmation of attendance, the hearing link and virtual hearing guidance will be emailed to you.

We are also accepting written testimony that can be submitted via email, should you not be able to attend the hearing. All written testimony submitted prior to the hearing will be made available to all Senators and the public attending the hearings and will be included in the committee report on the bills, which will be published for public view on the 36th Guam Legislature website. We look forward to your participation!

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

VIRTUAL PUBLIC HEARING

THURSDAY, FEBRUARY 4, 2021 BEGINNING AT 11:00 AM

AGENDA:

11:00 AM:

- **Bill No. 39-36 (COR)** - Therese M. Terlaje- AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

2:00 PM:

- **Bill No. 14-36 (COR)** - Joe S. San Agustin / Tina Rose Muña Barnes / James C. Moylan- AN ACT TO *AMEND* §61309(c) (4) (A) OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO FAST TRACKING GUAM LAND USE COMMISSION CONDITIONAL USE APPLICATIONS FOR TEMPORARY WORKERS HOUSING FACILITIES DURING PANDEMIC CONDITIONS OF READINESS.
- **Bill No. 38-36 (COR)** - Telo T. Taitague- AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on

YouTube: <https://www.youtube.com/c/GuamLegislatureMedia/featured>.

A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Speaker Therese M. Terlaje by phone or via email. We look forward to your participation! *Si Yu'os Ma'åse'!*

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

Date: **Thursday, February 04, 2021**

Time: **11:00 AM**

Bill No. 39-36 (COR) - Therese M. Terlaje- AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Anita Enriquez, Chairperson, Guam Land Use Commission					X	X	
2	John P. Duenas, President, Duenas, Camacho & Associates, Inc.				X	X		
3	Joe Borja, Director, Department of Land Management					X	X	
4	Edwin Reyes, BSP- ARC Member					X	X	
5	Adrian Gogue				X	X	X	
6								
7								
8								
9								

JOHN P. & ELIZABETH C. DUENAS
301 Frank H. Cushing Way, #1202, Tamuning, Guam 96913

February 3, 2021

Senator Therese Terlaje
Speaker
36th Guam Legislature

Subject: Testimony on Bill No. 39-36 – An Act to Amend Sections 61303, 61620...
Variances, and Zone Changes
Hafa Adai Senator Madam Speaker,

I wish to submit testimony on Bill39-36. The following are my comments:

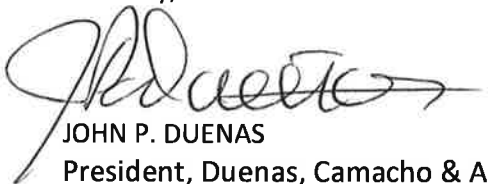
1. The bill seeks to amend the Zoning law to improve the enforcement of terms and conditions imposed on by the GLUC on land use permits. This intent is well-meaning and perhaps even necessary given seemingly subtle or quite obviously visible violations of such land use permit terms and conditions over the years. However, the matter of imposing terms and conditions on a Zone Change is inappropriate. Once a zone change is approved, the uses within the properties encompassed by that zone fall under the requirements of that zone as established by statute. *Allowing the GLUC to impose any additional terms and conditions and/or covenants governing the uses within that zone is to equate a zone change to a conditional use within the affected properties and will render zoning requirements fluid, unstable, unpredictable and potentially whimsical.* Provisions of this bill which apply to Zone Change should be removed.

2. Page 2, Subsection 61303. Conditional Use. The 3rd sentence (No use shall be permitted which is inconsistent or incompatible with the uses of adjacent property, nor which would otherwise be detrimental to the public.) presumes that the uses of the adjacent property are legal and in conformance to the requirements of the zone where it is situated. What if it is not? I suggest that this sentence be deleted as it unnecessary given the preceding provisions of the existing law.

I have attached a red-lined version the bill which supports my comments for your ready reference.

Thank you.

Sincerely,



JOHN P. DUENAS
President, Duenas, Camacho & Associates, Inc.
Principal Broker, RE/MAX Diamond Realty

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 39-36 (COR)

Introduced by:

Therese M. Terlaje *Tmt*

AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ~~ZONE CHANGES~~.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that terms or conditions placed by the Guam Land Use Commission on approval of
4 ~~zone changes~~, variances, or conditional use applications are difficult to enforce after
5 building permit and occupancy permit are issued, resulting in unfulfilled obligations
6 or projects that impose hardship on adjacent properties or the public that should have
7 been mitigated. Adding provisions to the law which clearly tie said conditions of
8 approval to land records and building permits will make it easier for both the
9 Department of Land Management and the Department of Public Works to keep track
10 of and enforce the terms and conditions as obligations that run with the property and
11 with the building or occupancy permit.

12 **Section 2. Terms and Conditions of Approval by GLUC for Conditional**
13 **Use.** § 61303(a) of Chapter 61, Title 21, Guam Code Annotated, is hereby amended
14 to read:

1 . § 61303. Conditional Use.

2 (a) In addition to permitted uses in each of the zones, specified
3 uses are permitted upon approval by the Commission of the site plan
4 including, but not limited to, disposal of sewage, access, parking,
5 structure location and dimensions of buildings, impact of the proposed
6 use on adjacent land uses, and accompanying covenants that may
7 include performance standards. The Commission shall also consider
8 such other elements as may be reasonably related to the health, safety
9 and general welfare of the community. ~~No use shall be permitted which
10 is inconsistent or incompatible with the uses of adjacent property, nor
11 which would otherwise be detrimental to the public.~~ Copies of the
12 decision by the Commission shall be filed in the records of the
13 Department of Land Management's Office of the Registrar and in the
14 records of the Department of Public Works. Terms and conditions or
15 covenants imposed by the Commission upon approval of a conditional
16 use permit shall run with the land in perpetuity for that specific
17 conditional use, whereupon the maintenance of special conditions
18 imposed by the permit, shall be the responsibility of the property owner.
19 The Guam Land Use Commission is authorized to revoke approval of
20 a conditional use, for any failure to conform to the terms and conditions
21 or covenants of the conditional use as set by the Guam Land Use
22 Commission in approving the conditional use permit pursuant to this
23 chapter. The Director of Land Management shall withhold approval or
24 endorsement of any building permit, certificate of occupancy, or license
25 for use of said property for any failure to conform to the terms and
26 conditions of the conditional use as set by the Commission in approving
27 the conditional use."

1 **Section 3. Terms and Conditions of Approval by GLUC for Variances.** §

2 61620 of Chapter 61, Title 21, Guam Code Annotated, is hereby amended to read:

3 **“§ 61620. Decision by Territorial Guam Land Use Commission.**

4 If, from the facts presented with the application at the hearing, or
5 by investigation by or at the instance of the Commission, the
6 Commission makes the findings set forth in § 61617, it may grant the
7 variance in whole or in part, upon such terms and conditions as it deems
8 necessary to conform to the general intent and purpose of this law. If
9 the Commission fails to make said findings, it shall deny the
10 application. Each decision by the Commission authorizing a variance
11 from the regulations herein established must be by resolution adopted
12 by a majority of its membership, setting forth in writing the findings
13 required by § 61617, except that no written findings shall be required
14 in granting minor variances from the height, yard, lot width, lot area or
15 lot area per dwelling unit requirements. The Commission shall make its
16 decision on each variance application within a reasonable time and shall
17 forthwith furnish a copy thereof to the applicant and to other parties in
18 interest who have requested to be notified. Additional copies of the
19 decision shall be filed in the records of the Department of Land
20 Management’s Office of the Registrar and in the records of the
21 Department of Public Works. If the decision filed involves a variance
22 granted by the Commission, said variance shall be the authority for the
23 Director of Land Management to endorse and to issue any building
24 permit or certificate of occupancy in conformance thereto and for the
25 approval of any application for the approval of a required license. The
26 Director of Land Management shall withhold approval, endorsement,
27 or issuance of building permit, certificate of occupancy, or license for

1 any failure to conform to the terms and conditions of the variance as set
2 by the Guam Land Use Commission in granting the variance.”

3 **Section 4. Terms and Conditions of Approval for Zone Change.** §61634
4 of Chapter 61, Title 21, Guam Code Annotated is amended to read:

5 **“§ 61634. Decision by Commission.**

6 (a)The Commission shall consider the proposed change of zone
7 and may approve or disapprove the same, in whole or in part. The
8 Commission shall make its findings and determination within forty (40)
9 days from the date of the hearing thereon and shall forward notice of
10 such decision to the applicant, if any. If the application is approved in
11 whole or in part by the Commission, the same shall be forwarded to the
12 Governor who may approve or disapprove the proposed change in
13 whole or in part.

14 ~~(b) Copies of the decision adopted by the Commission and~~
15 ~~approved by the Governor shall be filed in the records of the~~
16 ~~Department of Land Management’s Office of the Registrar and in the~~
17 ~~records of the Department of Public Works. Terms and conditions or~~
18 ~~covenants imposed by the Commission and the Governor upon~~
19 ~~approval of a change of zone shall run with the land in perpetuity,~~
20 ~~whereupon the maintenance of special conditions imposed shall be the~~
21 ~~responsibility of the property owner. The Director of Land~~
22 ~~Management shall withhold approval or endorsement of any building~~
23 ~~permit, certificate of occupancy, or license for use of said property for~~
24 ~~any failure to conform to the terms and conditions of the change of zone~~
25 ~~as set by the Commission and the Governor.”~~

1 **Section 5. Terms and Conditions of Approval of Zone Change to be**
2 **Recorded.** § 61645 of Chapter 61, Title 21, Guam Code Annotated is amended to
3 read:

4 “**§ 61645. Recording.** Upon the approval of any Zoning Map or
5 amendment thereto, a copy of same ~~together with any terms and conditions of~~
6 ~~said approval~~ shall be recorded in the Department of Land Management.”

7 **Section 6. Terms and Conditions of Approval by GLUC to be Recorded**
8 **with Building Permit.** § 66208 of Chapter 66, Title 21, Guam Code Annotated, is
9 hereby amended to read:

10 “**§ 66208. Same: Action Upon.**

11 (a) The building official shall act upon each application for a
12 building permit without unreasonable or unnecessary delay. On finding
13 conformity with all the requirements of this and other applicable laws,
14 the building official shall, upon receipt of the required fee, issue the
15 permit to the applicant which shall specifically and clearly state any
16 terms or conditions or covenants imposed by the Guam Land Use
17 Commission or the Department of Public Works that are not stated as
18 mandates in the application, plans, or specifications.

19 (b) If an application for a permit or the plans and specifications
20 submitted therewith, describe proposed work not in conformity with all
21 the requirements of this and other applicable laws or not in conformity
22 with Guam Land Use Commission terms and conditions on approval of
23 conditional use, variance, ~~or zone change,~~ or do not contain sufficient
24 information to enable the building official to reach a decision, he shall
25 not issue a permit, but shall return the plans and specifications to the
26 applicant, together with his refusal to issue such permit, and reason

1 therefor. The building official, upon request of the applicant, shall make
2 such refusal, containing the reasons therefor, in writing.”

3 **Section 7. Terms and Conditions of Approval by GLUC To Be Enforced**
4 **With Building Permit.** § 66212(a) of Chapter 66, Title 21, Guam Code Annotated,
5 is hereby amended to read:

6 “(a) The issuance of a building permit or approval of plans and
7 specifications shall not be construed to be a permit for, or approval of any
8 violation of the provisions of this Chapter or of the terms and conditions
9 imposed by the Guam Land Use Commission or the Department of Public
10 Works on the use of the property or project. Any building permit presuming
11 to cancel such provisions or condone such violations shall be entirely invalid
12 and void.”

13 **Section 8. Terms and Conditions of Approval by GLUC to be Enforced**
14 **upon Application for Certificate of Occupancy.** § 66303 of Chapter 66, Title 21,
15 Guam Code Annotated, is hereby amended to read:

16 “§ 66303. Same. Content.

17 In addition to the certification as to compliance with the
18 provisions of this Chapter, the Certificate of Occupancy shall state the
19 purposes for which the building may be used in its several parts, the
20 maximum permissible live loads on the several floors, the number of
21 individual persons that may be accommodated in the several stories, in
22 case such number is limited by provision of law or by the permit and
23 whether the structure is Fully Concrete Dwelling installed with
24 Typhoon Shutters, and shall clearly and specifically state any additional
25 terms or conditions imposed by the Guam Land Use Commission or the
26 Department of Public Works.”

1 **Section 9. Violation of Terms and Conditions of Approval by GLUC as**
2 **Grounds for Denial of Certificate of Occupancy.** § 66307 of Chapter 66, Title
3 21, Guam Code Annotated, is hereby amended to read:

4 **“§ 66307. Same: Issuance or Denial.**

5 (a) If after inspection as provided in § 66306, it is found that the
6 proposed work has been completed in accordance with the
7 requirements of the building permit, the terms and conditions set by the
8 Guam Land Use Commission for use of the property, and the provisions
9 of this Chapter, together with the certification issued by the Director of
10 the Department of Revenue and Taxation that the property and all the
11 improvements thereon have been entered into the tax assessment rolls,
12 the building official shall issue a certificate of occupancy. The building
13 official shall keep a permanent record of all certificates of occupancy
14 issued.

15 (b) If after inspection, as provided in § 66306, it is found that the
16 proposed work has not been completed in accordance with the building
17 permit, the terms and conditions set by the Guam Land Use
18 Commission for use of the property, or the provisions of this Chapter,
19 the building official shall refuse to issue a use permit and shall order
20 the work completed to comply with the building permit or this Chapter.

21 (c) The building official may issue a temporary use permit for
22 any portion or portions of the premises which may be safely occupied
23 prior to the issuance of a certificate of occupancy.”

24 **Section 10. Terms and Conditions of Approval by GLUC to be Enforced**
25 **During Construction or Other Work on Any Building.** § 66406 of Chapter 66,
26 Title 21, Guam Code Annotated, is hereby amended to read:

27 **“§ 66406. Stoppage of Work for Noncompliance.**

1 (a) Upon notice from the building official that work on any
2 building or structure is being prosecuted contrary to in violation of the
3 provisions of this or other applicable laws, or rules and regulations
4 issued pursuant thereto, or in violation of any condition imposed upon
5 the issuance of a ~~zone change~~, variance or conditional use permit
6 approved by the Guam Land Use Commission, or in an unsafe and
7 dangerous manner, such work shall be immediately stopped.

8 (b) The stopwork order shall be in writing and shall be given to
9 the owner of the property involved, or to the owner's agent, or to the
10 person in charge of the work; and shall state the conditions under which
11 work may be resumed.

12 (c) The building official may require that work be stopped on oral
13 notice, pending issuance of a written order, in these instances where he
14 deems immediate action is necessary for public safety.”

15 **Section 11. Violation of Terms and Conditions of Approval by GLUC as**
16 **Grounds for Revocation of Building Permit.** § 66407 of Chapter 66, Title 21,
17 Guam Code Annotated, is hereby amended to read:

18 **“§ 66407. Revocation of Permit.**

19 The building official shall revoke a permit or approval issued
20 under the provisions of this law

21 (a) in case of any false statement or misrepresentation as
22 to a material fact in any application or plans and specifications in
23 which the permit was issued or approval given,

24 (b) in any case in which a permit was issued in error and
25 conditions are such that a permit should not have been issued,
26 and

1 (c) in any case where a building permit owner refuses to
2 comply with a stop order issued under the provisions of § 66406,
3 and

4 (d) in any case of noncompliance with a term or condition
5 of a ~~zone change~~, variance or conditional use permit by the Guam
6 Land Use Commission.”

3 February 2021

The Honorable Speaker Therese M. Terlaje
Chair for the Committee on Land
Guam Congress Building, 163 Chalan Santo Papa
Hagåtña, Guam 96910

Håfa Adai Speaker Terlaje,

Thank you for the opportunity to provide written testimony for the public hearings on the following bills:

- 14-36 (COR) An Act To Amend §61309(C) (4) (A) Of Chapter 61, Title 21, Guam Code Annotated Relative To Fast Tracking Guam Land Use Commission Conditional Use Applications For Temporary Workers Housing Facilities During Pandemic Conditions Of Readiness

Do not concur.

This bill proposes a very dangerous precedent to waive the regular GLUC permitting process for Temporary Workers Housing Facilities during a pandemic, and specifically calls out the Department of Defense build-up projects as the catalyst to waive a process in our zoning law that is in place to ensure the protection of the public's interests, safety and welfare. Amending our zoning law for temporary workforce housing applications when a PCOR restricts public assembly is contrary to this process.

Land use planning is a deliberate process and the build-up involved long-range planning at our national and local governments. Ergo, our GLUC, ARC Agencies, and contractors providing temporary workers to the build-up projects also need to plan accordingly.

As a result of the COVID-19 pandemic, we have adapted to our new working environment and embraced technology to accomplish our work. Our government agencies are also adapting. For example, the public hearing for this bill will be made available via Zoom for those wishing to provide live testimony. This technology, or similar alternative, can also be used for the GLUC application review and permitting process.

If this bill becomes law, it will create unintended consequences where land developers and other interest groups will seek to amend our zoning law that promote their interests. I have witnessed the GLUC application review and conditional approval for a controversial project that residents opposed. Eventually, the GLUC's conditional approval and Notice of Action were revoked after 2 years of opposing the project's approval and the filing of a lawsuit to stop the project. Our fellow residents should not have to resort to these actions. Our government is responsible for protecting the public's interests, safety, and welfare. This bill proposes to do the opposite and will deny us, the people of Guam, our fundamental right to voice our concerns.

- 38-36 (COR) An Act To Amend § 61106(B) Of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative To Establishing An Administrative Fine For The Director Of A Member-Agency Of The Application Review Committee That Fails To Provide Required Reports Or Position Statements On Land Use Applications.

Concur.

- 39-36 (COR) An Act To Amend §§ 61303(A), 61620, 61634, And 61645 Of Chapter 61 And To Amend §§ 66208, 66212(A), 66303, 66307, 66406, And 66407 Of Chapter 66, All Of Title 21, Guam Code Annotated, Relative To Enforcing The Terms And Conditions Of Conditional Use Permits, Variances, And Zone Changes.

Concur.

Honorable Speaker Terlaje, thank you for your time. I can be reached at [REDACTED]@gmail.com or [REDACTED].

Senseramente,
Adrian Gogue



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 39-36 (COR), "AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES," was introduced on January 25, 2021 by Therese M. Terlaje and was subsequently referred by the Committee on Rules to the Committee on Health, Land, Justice and Culture on January 26, 2021.

The Committee on Health, Land, Justice and Culture convened a virtual public hearing on Bill No. 39-36 (COR) on Thursday, February 4, 2021 at 11:00 AM via Zoom Virtual Conference Platform.

Public Notice Requirements

Notices for the virtual public hearings were disseminated via email to all Senators and all main media broadcasting outlets on Thursday, January 28, 2021 (5-Day Notice) and again on Tuesday, February 2, 2021 (48- Hour Notice). The notice was also published in the Guam Daily Post on Thursday, January 28, 2021 and Tuesday, February 2, 2021.

Senators Present

Senator Therese M. Terlaje, Committee Chairperson
Senator Sabina Flores Perez, Vice Chairperson of Health, Land and Culture
Senator Telo T. Taitague, Committee Member
Senator Joanne Brown, Committee Member
Senator Christopher Duenas, Committee Member
Senator V. Anthony Ada

BILL NO. 39-36 (COR) COMMITTEE REPORT DIGEST

SENATOR THERESE M. TERLAJE, CHAIRPERSON, COMMITTEE ON HEALTH, LAND, JUSTICE AND CULTURE

THURSDAY, FEBRUARY 4, 2021

Appearing Before the Committee

Chairperson Dr. Anita Enriquez, Guam Land Use Commission (GLUC)

Joe Borja, Director, Department of Land Management (DLM)

Edwin Reyes, Administrator, Bureau of Statistics and Plans (BSP) Coastal Management Program and Application Review Committee (ARC) Member

John Dueñas- President, Dueñas, Camacho & Associates, Inc.

Adrian Gogue, Vice Chairperson, Save Southern Guam

Written Testimony Submitted by:

John Dueñas- President, Camacho & Associates, Inc.

Adrian Gogue, Save Southern Guam

II. SUMMARY OF TESTIMONY & DISCUSSION

The Virtual Public Hearing was called-to-order at 11:06 AM. Chairperson Therese M. Terlaje informed of public notices, the Guam Legislature's virtual hearing guidance and the agenda items. Bill 39-36 (COR) was the only item on the agenda.

Chairperson Therese M. Terlaje: Hafa Adai. So, for this morning's hearing, there's only one bill that's Bill No. 39-36 (COR). It's introduced by myself, Therese Terlaje. It's AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

I'd like to thank my colleagues for attending this morning's hearing beginning with Senator V. Anthony Ada, Senator Joanne Brown, Senator Christopher Dueñas. Thank you, colleagues, for being here.

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I'd also like to acknowledge, we have present with us today, the Chairperson of the Guam Land Use Commission, Anita Borja Enriquez; Director, Joe Borja of the Department of Land Management, Mr. Edwin Reyes, who is the administrator of the Bureau of Statistics and Plans, Coastal Management Program. He is also an ARC member. And we have Mr. John Duenas, who is the President of Duenas Camacho and Associates.

Because I am the sponsor of the bill, I'm just going to give a very brief introduction of it. Bill 39-36 is relative to enforcing the terms and conditions of conditional use permits, variances and zone changes. The Guam Land Use Commission is tasked with consideration and approval of zone changes, variances or conditional use applications among other things. These approvals are sometimes given under specific terms and conditions designed to alleviate harm to the community or to ensure regulatory compliance. These conditions can be difficult to enforce after building permits and occupancy permits are issued, which can result in unfulfilled obligations that adversely impact the adjacent properties and the general public. This bill would increase the enforcement of specific terms and conditions by authorizing the Department of Land Management and the Department of Public Works to withhold approval of building permits, occupancy permits, or licenses for noncompliance with the Guam Land Use Commission terms and conditions of approval.

Ultimately, the bill would allow revocation of the conditional use permit if the applicant is not in compliance with the terms set forth by the commission. The Guam Land Use process is in place to ensure projects are safe for the community and the environment. The proposed policy adds teeth and closes some gaps for enforcement of the Guam Land Use Commission by the Department of Land Management.

We will now accept testimony from those on the panel. Beginning with Chairperson Dr. Anita Enriquez, GLUC who is the Guam Land Use Commission Chairperson, Dr. Enriquez...

Chairperson Dr. Anita Enriquez, GLUC: Si Yu'os Ma'åse' and Manana Si Yu'os , Madam Speaker and Chair Terlaje, members of the committee and members of the 36th Guam Legislature. Thank you for this opportunity to be here. Present with me is Mr. Joseph Borja

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who serves not only as Director at the Department of Land Management, but also as Executive Secretary of the GLUC. I do not have a written testimony to present. I do want to state orally, that I've read through Bill No. 39 - 36. I understand on behalf of the commission, the intent of the language that is being proposed to amend this particular statute, Madam chair and I am here to respond to any questions that the members of the committee and yourself may have, but I would like to turn it over to our Executive Secretary Mr. Borja for further testimony. Thank you very much.

Chairperson Therese M. Terlaje: Thank you very much Chairperson Enriquez. Mr. Borja, thank you Director for being here this morning.

Director Joe Borja, Department of Land Management (DLM) : Thank you very much, Madam Speaker. Let me just go through the bill page by page. There's really, some very common items there that we put in. And just as a confirmation on the drafting style the narrative underlined are additions to the law and the sections of the bill where there's no underline, those are in existing statute. On the first page, which is really, we generally support the bill, of course, we'd like to see what is the end product of the bill. However, on Line 19 on page 2 of the bill or the Guam Land Use Commission is authorized to revoke approval, we feel that that's a, that's a nuclear option. And before it gets to that point, the building official has authority to issue a stop order on that project immediately on verbal, doesn't even have to be a written order, he can stop it verbally and like that. But the reason why I say that is because the building official, according to the statute, is the one that's authorized to enforce the zoning code, the zoning law. And it says that in statute that they are. And there is an appeal process, section 61615, appeals involving administrative enforcement. So, in one of them it's a, to hear and decide appeals where it's that there's an error and refusal of a building permit certificate of occupancy or any other order, in that case, and I think at that point when that building official says to the contractor, you've got a problem here because you're not abiding by you know, by the laws, the regulations, then that certainly gets the attention of the contractor, the builder. And if he has an appeal, I mean, if he has something to say about the refusal to be granted the order, that contractor can then take the appeal before the GLUC or if the GLUC upholds the decision of the building official, then he's not issued the building permit and there are sanctions for a building without a

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building permit of course. So that option, I think, is already in there and it fully recognizes that the building official is the one that enforces the zoning code.

The only other item here then in support of course, is when notices of actions are approved by the commission, they are recorded with the Department of Land Management and a copy is given to the ARC committee members, especially the ones, of course, that impose certain conditions on it. I think putting it in statute, that it has to be recorded and given to DPW for the building official to review at the time an application was made, I think that's great, that's good. We do it now, but we don't do it by statute. So making it a requirement by statute, certainly. And I also would include not only DPW, but the other agencies. We do that now, but this statute of course, would make it a shall requirement to give it to those agencies, to make sure that, they are informed, that the applicant has been informed of these conditions and that the building official or any other member of ARC, should they be passing in the area and see a project going on and say, well, you know, I didn't approve a four-story building there and that was one of the conditions that they don't build a four-story or a laundromat in some cases, then that building official, you know, should be able to take action, stop the work order, use issue the work order verbally or in writing. And then if that contractor doesn't go back and fulfill the requirements of the conditions imposed upon him, then certainly the commission will support that decision by the building official. So there is a due process already for something like that.

That would be basically all for me. One mention that the building official is the one in charge of enforcement of the zoning code. And there are items in 61602, the following section where he gets his authorization on those items.

The revocation, it's already there. GLUC revocation is already there in the appeals process in section 61615. And we do agree that recording transmitting and informing DPW should be a requirement under the law rather than just say, a process that the Department of Land Management uses. And other than that, on line 23 on the second page where the Director of Land Management, shall withhold approval of the endorsement of any building permit, certificate of occupancy, since the building official is the one that has enforcement powers, I

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might recommend that you add or replace the Land Management Director with the DPW Director who is the building official. Of course he delegates that to the building inspectors to do that rather than Land Management, because the Director of a Department of Public Works will probably be the third one to know of the non-compliance. The first one would be the building inspector, the second one would be the contractor, and the third one is that the Director of DPW should be informed by the building official that they are refusing an endorsement of a permit, or an application, or a certificate of occupancy in the sense that they not fulfill the conditions imposed upon them.

And again, like I said on line 19, the revocation is a, it's a, it's a nuclear option. It's a very, very serious thing to revoke that because if you revoke it that person, contractor, if he wants to do it he is going to have to go and apply through the whole process, which probably in his opinion, took a long time to do it the first time. So I would go with the appeals process rather than , you know, the adding in there, the authorization to revoke.

That's the end of my testimony. And I'm welcome to any questions.

Chairperson Therese M. Terlaje: Thank you, Mr. Borja, Director Borja. I agree with you regarding the nuclear option. It's meant to be a last resort and after, if you would notice in the bill, just for my colleagues, so I've tried to affect the process at three stages. And this is at the approval stage and anything prior to the building permit. Or if it comes to Land Management for endorsement on the building permit, Land Management is familiar with the terms and conditions and they are just a second check, in addition to DPW, to take a look at the terms and conditions and compliance under the building permit. And then the bill also affects the building permit process and then the certificate of occupancy process.

So at three different steps for zone changes, variances and conditional use applications. And we'll talk more about this later, Thank you very much, Mr. Director. So we'll hear now from... oh yes, Director Borja...

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Director Joe Borja, DLM: Just one other item on, I don't know what page this is, Section 5 under recording. The notice of actions are always recorded, but I think in this particular case, not only recording, but transport.

Chairperson Therese M. Terlaje: Director Borja, I can't hear you right now.

Director Joe Borja, DLM: Yeah, testing, good?

Chairperson Therese M. Terlaje: Okay, Director Borja, we were not able to hear you, if you could, you said you had another.

Director Joe Borja, DLM: Yes. Just section 5, line 4, concerning recording. Not only make it that it should be recorded at Land Management, of course it's recorded at Land Management. But I think it is a point that Land Management transmits that information directly, that recorded information, directly to the Department of Public Works. Otherwise, the only time that Public Works would be seeing that would be when something comes in and they have to come down and record it and see what the issues are. So I think, make it also a requirement that should be sent to the Department of Public Works specifically the building official.

That's it. Thank you, Madam chair.

Chairperson Therese M. Terlaje: Thank you very much. We'll now hear from Mr. John Duenas, President of Duenas, Camacho and Associates, Mr. Duenas.

John Dueñas: Thank you very much, Madam Speaker. I think my concerns are in my written testimony and they, there are two concerns that I have. The other is that it sort of allows maybe not, I shouldn't say sort of, it allows the planning commission to set conditions for zone change in a zone change. Actually in the past. And I, I thought it was a good system, a zone change was permanent. Once a zone change is affected, a property, say, goes from agriculture to commercial then the uses that are defined under the statute, the uses that are allowed in that zone, can be, those are the uses that are allowed. If you will want to have a conditional use

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within that zone, then you have to submit another application and get a conditional use application.

I think allowing the planning commission. Or anyone to actually attach additional terms and conditions and covenants to a particular zone, I think it's inappropriate. I believe that the process sets up zone changes as something stable.

For example, I just want to give you an example, if a property is rezoned to multifamily and then the commission, decides either whimsically or for some reason, decides to, to change the density requirements, I believe now in a multi-family zone, you can have one unit per 12, 50 square feet, that's the density requirements. But what if the convention says one unit for 50,000 square feet, just to be, you know, to be extreme in the example. That, that, to me, is out of bounds. I mean, once you have a density requirement in that particular zone, in order to change that, you should go through a conditional use application or a zone variance. Zone variance, yes. You can attach terms and conditions and covenants and to me, that's fine. But once you change a zone you are subject to the requirements of that zone. That is by statute. The other comment that I had, and let me pull up my markup copy here, is the part under conditional use. And then there's a statement in there that was inserted that says, no use shall be permitted which is inconsistent or incompatible with the uses of adjacent property nor which would otherwise be detrimental to the public. I think the part about detrimental to the public is already in the context of that is already in the preceding provisions. But, no use should be permitted, what if the adjacent property has an illegal use? I mean, it doesn't address that. Right? I mean, you sort of presume that, but you can't be submitting presumptions in, when you're creating statute. I don't think that sentence is particularly necessary.

So those are the only two comments I had. I agree with Director Borja that the intent is really good. We see a lot of examples out there of conditional uses that are being violated. Or at least, or zone variances that are being violated. I think enforcing those will probably set a good example. But I think that these changes should not be extended to zone change. If a zone is being violated, I know the first stop is obviously whatever their licensing requirements are

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required to be able to, you're required to, to prove that whatever use you're proposing is consistent with that zone. If you're going to build something, the setbacks are set by statute. If you want to change the setbacks, you have to go in for a zone variance. That is when you can attach terms and conditions and covenants. That is all, Madam Speaker.

Chairperson Therese M. Terlaje: I appreciate that. I appreciate your testimony very much. It's very well taken. Will you be able to stay on mine for one more testimony and then some questions, Mr Duenas?

John Dueñas: Yes.

Chairperson Therese M. Terlaje: Thank you. Okay, so we will hear now from Mr. Edwin Reyes from the Bureau of Statistics and Plans, Coastal Management Program. He's the administrator. Thank you, Mr. Reyes, for being here.

Administrator Edwin Reyes, BSP: Hafa Adai Madam Speaker and Honorable Members of the 36th Guam Legislature. Thank you for the opportunity to provide testimony on this bill. I'm here today to speak of the intentions of the bill and I'm hoping that as the legal mechanisms kind of

work through the process at the end, end result, it does conclude with greater enforcement capabilities of the Guam Land Use Commission.

As you know, the Guam Coastal Management Program, we're responsible for various land use planning for the Bureau of Stats and Plans, but also provide technical review as part of our Application Review Committee responsibilities and, and hopeful, and we're hopeful that that review can provide insight and information useful to the Guam Land Use Commission to help them discharge their authorities and understand the implications of the decisions that are before that, of the matters that are before them.

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Typical of the ARC reviews, we usually look for various constraints and considerations, whether they're land use or environmental or built. But a lot of the conditions that we place on the applications with the conditions that we request to be placed on the approval, is related to flooding and stormwater. So, we have what we refer to the Guam Soil and Erosion Sediment Regulation. We refer to Guam/CNMI Stormwater Management Manual. And we encourage a lot of time for the applicant to implement green infrastructure or low-impact development or other tenets of smart planning that really tries to preserve as much, as much as the natural charm as possible. We know that things definitely, you know, in development they need, there is the process of the whole architect, engineering design, construction, that whole gamut. But if at some point we can get there early enough and instill these tenets of smart growth and smart development, we're hoping that can then shape the overall design plan. And so some of those ideas and standards, we try to incorporate into our position statements. And if I can, and the other conditions that we request to be put on, are for matters involving access to the seashore and to put things into context for this particular hearing, if I can ask the AV to pull up my two slides, please.

Administrator Edwin Reyes, BSP: Okay. So the first picture here, this was taken last week and this is a facility down in the Gun Beach area. I wasn't able to do the modeling and the mapping for this map, but I'm very confident that the structure is within the seashore reserve. As you know, the seashore reserve- the boundary is from the mean high watermark, which is 1.9 feet in elevation and 10 meters inward. So that's about 33 feet. It's pretty safe to say that this structure does fall within the seashore reserve, which is overseen by the Territory Seashore, basically the Guam Land Use Commission, which also serves as a Territorial Seashore Protection Commission.

So, the variants or conditional use was put in place, we would be able to look at the regulations that we stipulated that would be in there, such as the compliance with stormwater management and other environmentally based and stormwater management requirements, to go back to the structure and say, okay, here, there's some clear violations. But because there are, you know, trying to re-engage the Territorial Seashore Protection Commission has been difficult in the past, we really don't have any clear mechanism to come back and to try to

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resolve this through the Territorial Seashore Protection Commission. And may I also point out that the particular boundary in which this planning area falls under and also the regulatory oversight in 21 GCA Chapter 63 and 21 GCA Chapter 64, I believe, refers to the Territorial Seashore, the Territorial Planning Commission, which is now the Guam Land Use Commission.

So, the only mechanisms to enforce this in terms of shoreline area and encroachment into the seashore reserve is the commission itself. In the past we had written a letter to the former Chairperson of the Commission and had no response in terms of some of the issues that we had brought up. And so we're hopeful that as this bill strengthens the planner controls, that that mechanism for enforcement will be much more clearer to not only my division, but also the regulatory agencies of the government of Guam. If I can ask for the next slide, please.

Other issues that we have are public access and anytime there is a development by the shoreline, one of the conditions that we put in, regardless of if it's a zone change or a variance, is this protection, public access protection. And, and again, you know, once the decision is made, we have a hard time going back. And when we see fences being put up in violations, we do send, we have sent the letter in the past and unfortunately nothing was taken. So I think this speaks to the need for some clarity and some stronger language in which we can work through the mechanisms for the Territorial Seashore Protection Act, as well as the access to territorial beaches, which links up to the Guam Land Use Commission, and be able to get a resolve through that mechanism.

We understand that, of course, the building official does the permitting and then you have the whole business licensing and all that other ways that we regulate, you know, businesses and make sure that they're complying with things. But what I want to emphasize is that there are these laws on the books, 21 GCA 63 through 65, that provide that linkage to the Guam Land Use Commission and hoping to strengthen that. That's my presentation and that's my testimony for this hearing. And I'll stand by for questions.

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Chairperson Therese M. Terlaje: Thank you very much Mr. Reyes, for your testimony. For the record, we've also received written testimony. And so Mr. Duenas', his testimony has been submitted in writing and provided to my colleagues. We've also received written testimony from Adrian Gogue from Save Southern Guam in support of the bill. We received a fiscal impact note from the Bureau of Budget and Management Research. Their summary pretty much is that the bill is administrative in nature and poses no fiscal impact upon any of the funds of the government of Guam. And so that being said, I'm going to move on to the questions, and if I could just ask a couple, Director Borja, can you just state for the record, what current processes the Department of Land Management (inaudible) be involved regarding conditions or enforcing compliance with conditions that are set by the Guam Land Use Commission.

Director Joe Borja, DLM: I, you know, the conditions like I said, the enforcement of the building code, I mean, the zoning code is up to the building official at DPW. We don't do any by statute, any inspections. The only inspections we conduct are concerning the temporary workers, housing applications. When they come in for renewal, we do an inspection. It's not required by law, but for the case planner, they feel comfortable going up out at the time of renewal to see the conditions were made on those applications or those notices of actions where conditions were imposed upon them. But no, we do not do any inspections on that. Once it gets out of the Guam Land Use Commission, the enforcement of those conditions is something the building official. We do get complaints about, activities that may not seem

to be within the zone. And most of those, of course, we do attend and review. But a lot of those are conditional uses that were granted, previously granted, and then some of them were even without public hearing back in the 80's and those conditions, I don't know if we can make this law retroactive to those applications.

I think by and large, as Mr. Duenas said, there are violations out there and those violations should be covered or should be addressed to the building official.

Chairperson Therese M. Terlaje: All right. Does the Department of Land Management have a role in the building permit process?

Director Joe Borja, DLM: Yes, we do. We sign off on those building permits and business licenses, but only relative to zoning, you know, within the application for a particular project is in the correct zone that they are doing. So that is the process that we have. We're usually the second agency that reviews that application, the first one being DPW, where the issue on the application is made for that building permit there. And the other agency that is the initial agency is Revenue and Tax for those business licenses. After those two agencies accept the application, at that point Land Management steps in and says correct zoning or incorrect zoning and approves or disapproves based on those merits.

Chairperson Therese M. Terlaje: Okay. Well, that's what I'm trying to do by this bill because during the building permit process, Land Management does have review or a say in the building permit. That's what I meant by they would review at that point, whether it's in compliance with the conditions that had been set because Land Management is familiar with those. And just as an assistance to the Department of Public Works, that they could help to remind them that there were conditions or just to review, it's like a double-check to review that there were conditions and that they can be enforced at that time, or, you know, the developer is reminded.

And just for the record, I did invite the Department of Public Works to this hearing and I don't know what to say, but I guess we'll have to follow up with them. So that's part of it, Director, it's kind of like at that point where you are making your – do you have a similar role in the certificate of occupancy?

Director Joe Borja, DLM: I don't believe so.

Chairperson Therese M. Terlaje: Okay. All right.

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Director Joe Borja, DLM: I will check Madam Speaker to be absolutely sure on the certificate of occupancy.

Chairperson Therese M. Terlaje: And then Director, as to Mr. Duenas' point regarding zoning, even I was not sure whether conditions had ever been set on zoning, but could you tell us whether terms and conditions are ever set when they rezone a property, when the Guam Land Use Commission has rezoned a property or Chairperson Enriquez, either of you.

Director Joe Borja, DLM: You know, that in one case it is, in limited commercial. Limited commercial conditions are actually stipulated. And usually it's an application for example to, you know, open up a commercial facility. But the municipal planning council, the community doesn't want to open up to full commercial, like 24 hour operations, vaping bars, you know, things like that, lounges, nightclubs, usually in certain areas and like that. So there is a zoning where conditions are improved and that's in the limited commercial thing, which is actually relatively new for the commission to handle. I think the first land, limited commercial application was a couple of years ago. Previous to that all that was on the books. People didn't apply to that. But I think now the public and the consultants have found that there is a way to get rezoned commercial and still address the concerns of the community in the municipality, which is to that limited commercial zoning.

Chairperson Therese M. Terlaje: All right. So, you're saying if it's a limited commercial zone that you've seen the Guam Land Use Commission put terms and conditions? Maybe you could send some examples of those notices of actions or rezone with the conditions so I can also share that with my colleagues. So, I would just like to look at it myself, as well.

Director Joe Borja, DLM: I would also agree with John Duenas that once you zone these things, they're permanent. And even there was a question about conditional uses. Once you grant a conditional use permit and they're following the conditions, that at least counsel has advised that those are forever. Those are permanent there, you know?

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Chairperson Therese M. Terlaje: I haven't tried to put anything in the bill that would allow rezoning, but if there were conditions as you've described in limited commercial zones, then I'd like to take a look at that. Otherwise, I agree that zoning, once it's done, is permanent. However, the conditional use- that was intended to be a last resort, that after the building permit because... is it true that some of these conditions are meant to last for the duration of that specific use.

For example, if you're supposed to comply with flooding requirements, it has to last the entire time. So after the building official tries to enforce and is not able, or they appeal and they lose and they still do not comply, my intent was that that is a kind of last resort. That further enforcement that this conditional use should not be allowed anymore if they are absolutely unable or unwilling to comply.

My apologies. I'd like to recognize the presence of Vice Chairperson, Perez. Thank you, Senator Sabina F. Perez.

So Mr. Duenas, as to your second point... The first point I agree with you, except for that limited commercial use. I'm going to check with the Director on that. But as to the second point, I also agree with you. This language, I actually copied from another statute that was talking about when you split a zone on the same lot. And so they wanted it to make sure it was compatible with the adjacent lot, but I have no problem removing that sentence because I think you're right. It is taken care of during the regulatory process, all of these concerns.

John Dueñas: Yeah, I just wanted to offer some comments to what Edwin was testifying to. With regard to the beach, which is down at Gun Beach, you know, the fact that it's encroaching into the seashore protection zone, or into the seashore reserve should have been caught at the building permit phase. I mean that obviously, if they misrepresented the location of that building and their building permits and then build it where they shouldn't have the building official can go down there and cite a violation and then probably in the end require the building be taken down or cut back to allow the reserve to be unimpeded.

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Regarding storm drainage, the same thing applies, when you review a building permit, you have to submit storm drainage plans and if those plans are being violated, then you can issue a notice of violation. I think the EPA could do that too, issue notices of violation. I don't think, Edwin, that you can allow that thing to continue.

We don't need any additional laws. I think there are enough teeth already in our laws where you can actually get, force the owner of that structure to get out of the seashore reserve.

The second one, the fact that they put a gate there. I'm not sure about that. I don't know who put the gate there. It could be AT&T. AT&T has perpetual easement for their cables and it goes all the way down to the shoreline. But again, those things should require some kind of a permit. And during that permit review, then you can review whether you're impeding public access to the beach. So I think there are already remedies in there Edwin- that you can lean on either the Department of Public Works, the building official, or call the Attorney General's attention to these violations. I think there's something that you could do. However, if conditions that you recommend aren't adopted by the planning commission and it doesn't find its way into the notice of action then I guess there's nothing you can do. That's all, Madam Speaker.

Chairperson Therese M. Terlaje: Thank you. Yes, and I know that there are conditions that are set by law such as access, and there are conditions that are adopted through the Guam Land Use Commission process kind of added on.

All right. I'm going to open it up now to... Sorry, yes Mr. Reyes.

Administrator Edwin Reyes, BSP: So, ust in response to John, I just want to point out that while I do acknowledge that there are the requirements... the development of controls and permitting controls in place at DPW that relate to the permitting phase and the oversight phase, the statutes that I mentioned specifically refer to the Guam Land Use Commission's function as a regulatory involvement. So in this case, we are following due process and working our way up to the Guam Land Use Commission in both attempts for the Gun Beach

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closure that was met with no resolve. It fell on deaf ears. There was no action taken. So there certainly is some work that needs to be done.

In terms of the flooding regulations, there is a lot of work going on with the Silver Jackets Program that we are spearheading that also involves the Army Corps of Engineers, EPA, DLM and other regulatory folks. And flooding is confusing. There's work that needs to be done to improve how we manage storm drainage. You mentioned EPA. Well EPA doesn't get involved unless the actual water is contaminated.

And then there's a whole, you know, source of the water [inaudible], when it leaves the property and flows onto government easement, then government, easement now responsible for it. Then it flows downhill and then eventually it works its way down to Tumon which cuts this channel right through a once pristine beach, which there's no natural way for this to restore itself other than, you know, maybe waiting a hundred years for the sand to come back.

So that's all, Madam Speaker.

Chairperson Therese M. Terlaje: All right, Mr. Reyes, are you suggesting that, we review how GLUC's role in enforcement of those Seashore Protection Act provisions, whether they're able to, or not, or whether DPW or some other entity can also assist in enforcement of those provisions, perhaps not in this bill, but in another bill. But yeah, I understand what you're trying to say. It's that enforcement part. These are requirements that exist. And right now they're tagged to the Guam Land Use Commission to enforce. Is that right?

Administrator Edwin Reyes, BSP: That's right. I certainly agree with John that there is the enforcement mechanisms within the building officials that maybe could be applied a little bit more aggressively, but in terms of the regulatory functions in those three provisions that I've mentioned, I think it is worth an investigation?

Chairperson Therese M. Terlaje: All right, okay, appreciate that. Thank you very much. All right, I'm going to open it up to my colleagues right now. Senator Ada, you're recognized.

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Senator V. Anthony Ada: Thank you, Madam Speaker, just for Director Borja. This question's for you, sir. Director Borja, can you hear me?

Director Joe Borja, DLM: Yes, I can.

Senator V. Anthony Ada: Okay. Thank you, sir. No, I heard you earlier in your testimony about the, on page 2, line 19, the Guam Land Use Commission is authorized to revoke approval of conditional use for any failure to conform to the terms and conditions or covenants of the conditional use set by the Guam Land Use Commission in approving the conditional use permit pursuant to this chapter. So, you're saying that we don't need that section there as they're already a process for such a revocation of a permit. Right?

Director Joe Borja, DLM: I believe they are in section 61615.

Senator V. Anthony Ada: Right. Yeah. Okay. So yeah, I just wanted to clarify, because I think you were saying we didn't need that section in there and I'm not sure if Madam Speaker was alluding to that we'll go ahead and take it out or just keep it in there as the nuclear option. But, you're saying that we don't need it in there.

Director Joe Borja, DLM: I've said yes but I think that process is covered by section 61615.

Senator V. Anthony Ada: That, that's it. I just wanted clarification on that. Now that's the only question I have, Madam, Speaker. Thank you. Thank you, Director Borja.

Chairperson Therese M. Terlaje: Thank you, Senator Ada. Senator Taitague, you are recognized.

Senator Telo T. Taitague: Si Yu'os Ma'åse' Madam Speaker, for the opportunity. And thank you to everyone that's here. It's always good to see you, Edwin. I will recommend a song next time for you. And of course, Anita Borja, Chairwoman, thank you for being here today, as well

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and Director Borja. John, I'm hoping you'll be at the two o'clock public hearing on the ARC bill. So, looking forward to your testimony on that one, as well.

So, Mr. Borja, I do have a question with respect to the terms and conditions set forth by the Guam Land Use Commission. Does a developer have a certain amount of time after receiving approval from the Guam Land Use Commission to complete a project?

Director Joe Borja, DLM: I believe there is one year. If you don't turn dirt in one year, then you've got to come back and give a report on it.

Senator Telo T. Taitague: Okay, one year. So if a developer, for example, received approval for a project with terms and conditions in, say 2021, but never finished or even started the project after 10 years. Is it appropriate for the developer to have the right to work on the project in 2031 with the same terms and conditions?

Director Joe Borja, DLM: Well, you know, zoning, rezoning, those are permanent issues. And that's something that the legislature may want to look out. Usually community outcry and utility agency outcry usually puts those on hold. But there are some conditional use permits that were granted in the eighties that have not been implemented, construction hasn't started anything of the sort. Prime example is the Sirena Hotel over there in Agat, right across the Marina. I think it was called the Sirena Hotel. And approval had been given for a hotel down there, I believe in the 80's, and of course the surrounding area has changed tremendously since then. And, you know, the infrastructure has changed so much at the time, but generally zone changes, conditional use permits are permanent.

Senator Telo T. Taitague: I see. Okay. Well, thank you for that. And, and yes, I, I agree with you too, as well on, on that section from taking the authority from the Department of Land Management to DPW for the building permit. I saw that you mentioned that then I, I saw that as well, too. So it makes sense, you know, because they're the ones issuing out the permit. So other than that, I appreciate your time and those who are here, testifying on that. And Edwin, you know, if you need any help to go after those guys, down at the beach, let me know, fan.

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Okay. Okay. I think it's important too, Edwin. Thank you for looking into that. B- bye thank you.

Chairperson Therese M. Terlaje: Thank you, Senator Taitague. Senator Brown, you're recognized.

Senator Joanne Brown: Thank you very much Madam Speaker and Chairwoman. And certainly, thank you to everyone who's here to participate and testify with regards to this bill. You know, I share some of the concerns and I just want to provide for disclosure purposes, I probably have to resign my membership, but I'm one of the founding members of Save Southern Guam. And certainly, we had issues with regards to the construction of a high-rise condominium slash what was also intended to be a hotel in Pago Bay. And some of the frustrations from a public standpoint and a resident standpoint that we had to deal with regarding the commission and the ability of the public to have an input. And then also, because our group was very aggressive in following up with regards to compliance on that particular project, we found that as a result of that, there were a number of conditions and it's not uncommon in my 30+ now years of experience, certainly since I was at Guam EPA dealing with conditional use that have, have been authorized by the Guam Land Use Commission only to find out that there's no real aggressive steps being taken to ensure that after a zone change has been authorized or conditional use has been authorized, to ensure that the conditions set by the commission have been enforced.

One of the issues I know that we raised with considerable concern because we have the adjacent Pago Bay developed residential development that, my goodness, I think the groundwork for that was done 10 to 12 years ago. And yet we still don't know today, unless anyone has the information, whether or not there has been the proper re-interment of the remains, the ancestral remains that were extracted from that property. And as members of the community, we can never get an answer from the developer if that has since happened, nor could we get an answer from Land Management, to my knowledge, as to whether that particular re-internment ever occurred, and those were part of the conditions.

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So, what I have found is that there is inconsistent and lack of follow through with regards to ensuring that when conditions are set by the commission on the approval of a variance or a zone change for the construction, particularly with regards to major development projects the follow through and insurance of compliance is very, very weak. And I don't know if that's something, Director Borja, we need to look at specifically with regards to Land Management. Because I doubt the building, you know, the head of the building inspection at DPW is thinking about what these compliance lists are, or looking at it, or following up on it. And as time goes on you end up finding out that there's not that compliance.

I'll give you a very good project that I was so orientated to, was the construction of Ladera towers. At the time residents in that area, we're talking GCC, UOG, and a number of people that lived in apartment complexes and a number of residential homes in a very established part of the village. And when that particular condo project was constructed, it was constructed on barely a two inch, or authorized for occupancy on barely a two-inch waterline. It met none of the compliances for the sewer upgrades that were required. It met none of the requirements that Land Management had issued for them to construct two additional water wells, to be able to offset what was already in that circumstance, tremendous low water pressure and brown water that residents in that area were experiencing coming out of their tap.

And so, I have yet to see, and coming back years later, dealing with the Pago Bay project I don't see that level of aggressiveness. I don't know if it's because Land Management doesn't have the resources, Land Management doesn't have the teeth, or is nobody there going back to verify to make sure that these developers are complying.

There's a tendency with the Department of Land Management, historically with the commission to try to condition a project to meet requirements. Whether it's tangible, viable or not, I don't even think they look at that. Sometimes it's just put in there to make sure a project gets approved and then years down the road is there follow-up. And that should not be the case. I don't think any existing community here in this island, or any village in this island, or any residents should see a decrease in their quality of life because the construction project

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has been approved. And yet, if there are requirements put in place to address, upgrade to water, sewer, transportation because of traffic related issues, or anything of that nature to make things work for everyone involved, that the follow through doesn't happen.

So, I appreciate it, Madam Chair. I think this bill's a very important step. But again, I think we need to see how we can further strengthen that process to ensure that developers, when they make these commitments in order to get the approval from the government and approval from the community, that there's follow through that there's enforcement, that there's insurance that the file gets closed, so to speak, and that that particular project meets and addresses whatever those requirements are.

So, if I could ask that, that question of the Director of Land Management, Mr. Borja, if he could provide a response to that,

Director Joe Borja, DLM: About what you said about the follow up from Land Managements to see if these conditions are being implemented, no. That what you stated is true, Land Management doesn't have the capability right now. And it's not the teeth. It's basically well, the teeth are in the building official. If Land Management was to do these inspections, follow-up inspections, right now, we only have four planners. So that's the other side of the equation that you mentioned, is that we only have four planners. One of them is on the job one week, a new planner, and our planning division actually has our two senior planners on a retirement watch. They're eligible for retirement. So, if in order to do that, we still have, we still need to build capacity.

You could put something in the law requiring an application, rather a project to be inspected, maybe one year after the condition has been given after the approval has been given. And the only thing here that I would make sure to watch out for is that these people do not come to, the applicants themselves, don't come to the building permit section or the business license section to see if there've been complying. Because at that point, we can't make a determination right then and there. So, if you want to put something in there or regular inspection to see if they're adhering to that condition, to those conditions, certainly it's in there, but you know, I'd

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like to be able to follow that up with a bill, adding and funding, another planner to basically review that section.

Senator Joanne Brown: I appreciate your response, Mr. Borja, but then it still doesn't give me any comfort. The fact that the Land Use Commission goes through all these efforts and hurdles to, to review an application and all certainly the time that applicants and investors are putting in place to get such approvals, all the effort put into writing down lists and lists of conditions, and then there's no way to enforce them or no way to ensure that the community interest is protected. What is the objective here? And this is nothing that's changed. I'm talking over the last 30, now 32 years. Just from firsthand experience of seeing how this process operates I mean, if you can put a multimillion-dollar project in place but have no way of ensuring consistent compliance with regards to conditions that are set by the government, assuming that those conditions are set in the interest of the community, then I think we have a problem here. I think we have a significant problem that's been sitting for some time. I see complaints and certainly concerns about our natural resources being adversely affected with military construction on Guam. But I do not see the same issue of concern when it's the very same degree of ancestral resources and ancestral remains that are not taken into consideration and given proper and due respect and proper re-burial as we would expect of anyone else. And yet we sit and do nothing about it. I don't think that's acceptable. I don't think it has to be residents complaining or bringing up these issues to the government, for the government to enforce conditions that it has set in order to authorize the project. So I think we really need to look at this because it's pointless for the Land Use Commission to continue to operate, review applications, set conditions when there is no mechanism in place to ensure that there's compliance with those conditions.

Having worked at DPW, I know that the building, head of building inspections, I'm sure is very, very busy. I'm sure they're not going to be worried to be looking down the list of conditions set by the Department of Land Management. The Department of Land Management, if it's been given the authority to set these conditions, needs to have a mechanism in place in a way to ensure that it can enforce its conditions so that these projects are compliant.

It's very hard after a project is built. You know, once it's built, like in the case of Ladera, and I know I'm stretching back many, many years, but it's such a classic example. You look at the construction of that particular facility. That's totally inconsistent in, in size and capacity than any other building around it. But yet it was authorized. It had the capacity of up to a thousand people for occupancy. And yet that project was constructed without a building permit to begin with. That took enforcement action. The issue with regards to the water upgrade that was required was not addressed until many, many, many years later in many public issues being brought up before that company, finally, I believe they actually ended up providing the money, even though they were required to upgrade and build the water wells for that project. They ended up through pressure having to pay the money to depart, to the Guam Waterworks Authority, so Guam Waterworks Authority could identify and site and construct those water wells.

The upgrade, imagine the sewer upgrade that would be needed on BPM road. And yet you already had areas like the University of Guam, the Guam Community College, you have a number of apartment units that are there, where people couldn't get water to the second or third floor. That's not the kind of development that's in the interest of the project developers and the future occupants of those types of facilities. And it's not in the interest of the community because we're not bridging over to ensure that when we have to accommodate and address these concerns to deal, particularly with larger projects, who's left at the short end, probably both sides ultimately, but more importantly, my interest is the community interests, and I just see our people left at the short end of the stick

I mean, the fact that the Pago Bay project was allowed to move forward, was permitted. Of course, you have individual homeowners there that purchased a lot and built their homes, but they did not address the reburial within a timely manner of those ancestral remains. They tried to attach it to this new high-rise proposal that came up a few years ago with the adjacent property that they sold to a new investor to build this particular, you know, condo slash hotel project. Fortunately it took, gosh, almost two years and our consistent involvement before the

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Land Use Commission finally pulled back on that particular application, but that is not how it should be. That is not what our community should be subjected to.

So I think maybe, Director Borja, if there's a way collectively, if we can look at seeing what recommendations can come forth to actually give Land Management a greater say, because you're setting the conditions through your, your commission. You're setting these conditions, but you almost have no way of enforcing your conditions and those conditions consistently, consistently over the last, at least, like I said, my experiences 1990, are not being enforced. So what can be done besides giving you another planner? What can be done to take action or should there be penalties and fines put in place of a developer makes commitments to, to do these things. Because more than likely they're all infrastructure upgrades or to mitigate what has occurred, like you know, ancestral remains being re- interned. What can be done in your mind to help address this process so that we can all move forward collectively with a project that's being given approval?

Director Joe Borja, DLM: Well, you know, in the bill, like I said, or in the law, it's the building official that enforces this. If you want Land Management to enforce or at least review those conditions, you can put into statute "timely, regular routine inspections." to make sure that they are doing what they're supposed to do with the conditions. We do that with the temporary workers housing, but yet it's not mandated. So, I think that's one thing that you can do, to mandate it.

But I think as Mr. Duenas stated, that those two examples that Mr. Reyes brought up should have been caught at the building permit process. This bill wants to make sure that the Department of Public Works receives those conditions so that in review of any building permit, those can be addressed by the building official to look at that. Because if the building official doesn't know what conditions are applied to that particular lot or that particular project, then certainly he won't be able to enforce it. So the bill, I think is a very good start because it requires... although we do send to all the ARC members the conditions that were approved, the notice of action. I think this just further reinforces that it should go there. If you want Land Management, since it was the Land Use Commission, which the Department of

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Land Management provides the support to, if you want us to do it then certainly we would need manpower. We would need the tools to do it by a change in the law to do it, or an addition to the law to require Land Management, to do those conditions, then review those conditions.

Senator Joanne Brown: Thank you very much Mr. Borja. Sorry, Madam Chair. I'm so passionate about this issue, having been on the receiving end with regards to this process. But I just feel very much, Mr. Borja, somebody needs to be overseeing this once it's authorized. Someone needs to be going back in the file because some of these projects they're conditioned... to be able to meet the conditions it might happen over a period of time after the project's in place. There might've been some condition put that follow up needs to be done to ensure that they implement those conditions fully and to the point that all the check marks are made and that everyone is signing off on it and then we're able to move forward with that project. But that hasn't been done. And so I very much think somebody in the government needs to be overlooking this project to make sure that those conditions are met. And then I also wanted to ask Mr. Reyes from, from Bureau of Planning, Are you challenged or getting the impression, or what is your experience with regards to ensuring your sister agencies are able to respond when you do see a violation that maybe, you know, falls under certainly Bureau of Planning and your Coastal Zone, but the authority to address enforcement may be in Guam EPA, or maybe at DPW.

What is the response to the request coming out of your Bureau to address those concerns and maybe address joint enforcement or follow up or whatever the case may be that's needed on your end to ensure compliance with what falls under your jurisdiction?

Administrator Edwin Reyes, BSP: So, yeah, thank you for the question. For the two requests that we put in for the public access violations, that went unanswered. So, in terms of the Bureau's broad coordination authorities under our central planning mandates, we try to, we address the coordination aspect through various kinds of engagement situations where we can, we bring people together. We do it through the silver jackets program where we look at specific problems such as flooding, and the issues that some development, that development

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has on flooding, whether it's issues with the subdivision law or whether it's the parental subdivision, how this incremental and cumulative growth that happens very slowly, how that contributes to this larger change in affecting the landscape in terms of impervious development. So we have that coordination piece that works towards working with government agencies through this long-term planning process.

But what I would proffer to this group and thank you, Senator Brown for being so passionate, is perhaps maybe there could be language added to the bill, which requires the Chairperson of the Guam Land Use Commission to consider reports of violations that are brought to the commission and to take action on it. What this will do is it'll allow my letter that went to the prior Chair, a legal mechanism to be recognized and therefore have a timeline to be acted on.

So that could be one way of maybe other additional capacity in addition to Joe's shop, where we can come in through our planning mandates and be able to convey those issues to the Guam Land Use Commission directly, or whether it's constituents coming to us and we can convey that up after, of course, we do our investigation that will be done through various mapping exercise, mapping and modeling. It'll be done through visual inspections. It'll be done through, you know, various tool sets that we have available to us as planners to make the case that there is a coastal effect , based on that development.

Senator Joanne Brown: Madam Chair, I just have one other comment. I know I've taken up a lot of time, but I just have one other comment because that issue was brought up with regards to zone changes that perhaps were made years ago. And then the project never got off the ground. And mostly zone changes are requested because they're actually looking at constructing a particular project

I don't know if it should have a Cinderella clause and maybe we should look that, you know, it's conditional for a zone change and it has a timeframe, be it three years, four years or five years, if by that time, you know, a developer has not executed that project, has not started groundbreaking or construction, perhaps, you know, at midnight on a certain day, it just, you know, the pumpkin disappears and the zone change approval disappears. That way we don't

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end up in a situation where, you know, we're approving something today and they don't build it for 20 years and it's already authorized. And yet the surrounding community, the infrastructure issues may have changed. And I think that that sort of puts the onus on a developer, if they're serious about building a project that they do so within a specified timeline, unless they can come back and demonstrate to the commission as to why, whatever the conditions of, you know, like in the past it's been, because they've not been able to get the workers, you know, on Guam to do the construction work.

But there's gotta be a mechanism put in place so that we don't, we don't do these approvals and then the property and project sit and then 20, 30 years, you know, people have built up around and then they get surprised and the landscape has changed so much. So, I just think that's something we can dialogue on and probably also look into as well.

Thank you very much, Madam Speaker for the opportunity to ask questions and comment on this particular bill and the issues it's brought forth.

Chairperson Therese M. Terlaje: Thank you, Senator Brown. Yes. And I want to thank Director Borja and Mr. Reyes for their responses. The last point is not covered in the bill, the Cinderella clause as you called it, that's not covered in this bill. But the other parts, we are trying by this bill to increase enforcement beyond the Department of Public Works, building permit and occupancy permit stages, when they come to the Department of Land Management for signing off on those permits as well, that they are both obligated to review the terms and conditions. That they both have notice of the terms and conditions, and they are both kind of mandated by this statute to review the terms and conditions, to make sure there's compliance.

Now that doesn't ensure compliance for years after the occupancy permit is issued. That's of course, Mr. Duenas described, the DPW Director has that authority by statute to always go in and inspect to make sure they are in compliance with their building permit, their occupancy permit, but hence the... what did we call it earlier? Senator Ada and Mr. Duenas, the nuclear option, I guess as Director Borja referred to it. That's just a second protection in case we have a director that's not enforcing things. And I was hoping, as you described, that we could

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establish a process where the Guam Land Use Commission can re-examine, particularly for conditional use applications, not for rezoning, you know, or anything else, but conditional use applications, that they examine those conditions.

But all right, we'll move on to Senator Christopher Dueñas and then Senator Perez. Senator Duenas.

Senator Christopher Dueñas: Yes. Thank you. Madam chair. I have no questions. This has been an excellent dialogue from this distinguished panel, and I just look forward to working with you and the committee for the proposed changes and whatever else may happen on the floor. So thank you to this very distinguished panel. Excellent presentation. Thank you, Madam Chair.

Chairperson Therese M. Terlaje: Thank you, Senator Duenas. Vice-chair, Senator Sabina F. Perez, you're recognized.

Senator Sabina F. Perez: Thank you, Madam Speaker. And thank you for this measure. I think this is long overdue in regards to conditional permits. I know that in the past, when I asked the question of who oversees the conditional permits, the answer was pretty much there wasn't anybody really assigned to this. So, I do appreciate this measure. And I do share a lot of the concerns of my colleagues in regards to enforcement actions. And I know this is a good first step and I'm looking forward to more dialogue with BSP, Department of Land Management. And I know we have the Application Review Committee, which deals with zone changes, variances. And I was wondering, you know, perhaps maybe this could be a different discussion, but expanding the purview of the Application Review Committee to, to apply it towards conditional use. Is that something that is recommended or feasible? So, I don't know. This question can go to Edwin Edwin Reyes.

Administrator Edwin Reyes, BSP: So I'll answer this question in terms of the lens of the ARC membership. And right now, my understanding is that our function is to serve as this technical review body and then to provide, you know, the various insights of an action of a particular

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development to a body, which is above us, which is a Guam Land Use Commission, to, you know, ensure that we articulate any issues that we have. And that's kind of it.

I think if we were to add maybe an additional function, which will allow us to convene to review a violation and make a determination among this body whether or not a violation does exist, we would have to have some other mechanism to do something with that determination from our ARC. Whether that's elevated up to the GLUC or whether we're empowered to take stronger action ourselves. But that mechanism is not in statute.

Senator Sabina F. Perez: Okay. And then the other thing is the land use policies...

Chairperson Therese M. Terlaje: Sorry, Senator Perez. Can we let Mr. John Duenas also answer that question, if you don't mind.

Senator Sabina F. Perez: Okay. Surely.

John Dueñas: Any application for GLUC action has to go to the agency review committee and so yes, conditional use applications go through the agency review committee. But just a little bit of history, way back when I was at the Department of Public Works, back in the seventies, we had a committee called the Subdivision and Development Review Committee. The ARC is sort of an outgrowth of that. But I want to tell you what the problem is with ARC right now and I think this afternoon, Senator Taitague, you mentioned about having a hearing on the ARC, an ARC bill. That when I was participating, and I was the Chief Engineer at Public Works, I attended the meetings. If you look at the ARC now there might be some representatives that are actually, I would say occupy the upper echelon of management in those agencies. But if you look at the representatives at the ARC now, many of them are just delegates. They're just people that have the time or are designated to go attend an ARC meeting. You don't receive high level thought, comments, considerations, from the agencies. All you end up having is somebody reading a list of requirements that they want to see rather than actually, other than actually telling you what it is that you need to do. So if there are any teeth to be put at the ARC, I think there should be a requirement that higher level management

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employees of that agency attend the commission in person. For example, the Chief Engineer at Public Works, ought to be attending these agency review committee meetings, rather than just some, somebody who had the time to do it. Because then you can get more insightful comments and then the conditions that come out of that deliberation would be something that, you know, well thought out. That's my, really, that's my comment.

The other thing that I wanted to point it out is that there are two, at least two zoning , zones that allow conditions to be placed. One of them is the planned development district. You can pretty much dictate what you want in the planned development district. I'm talking about the commission. You can put conditions. There are open space requirements. So there are, there's a lot of leeway for the government to actually dictate how a development should take place. The other is the hotel zone. For a hotel zone, you really have to make a presentation and there are sunset clauses. I believe, in a planned development district, if you don't turn over dirt or start your development within a year or within some specified timeframe. Then the planned development, suspended. So, yes, but we're talking about commercial multifamily, R1, or a single family residential. Those are pretty much static zones that should remain the way they are.

Thank you.

Senator Sabina F. Perez: Thank you. Thank you so much. Okay, so a question for the land use policies. So, I guess, first of all, for these conditional permits, is there a review of whether it complies with the land use policies? Is that review in place?

Administrator Edwin Reyes, BSP: We do conduct our reviews against the land use policies and the two policies that we reference are the Kabales Na Planu Para Guahan and then the Northern Guam Central Land Use Plan.

Senator Sabina F. Perez: Okay. And should that be a part of what Department of Land Management or for these conditional permits, should that be included as part of their review as well? Or is it already integrated into the process?

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Administrator Edwin Reyes, BSP: I think that because we are in attendance that we represent the land use policies at that forum. So, it wouldn't maybe be the best fit if the other agency would be required to have this additional lens, although I'm certainly in favor of expanding the rigor of review. And so, you know, it would have benefits, but it may be duplicative.

Senator Sabina F. Perez: Okay. Yeah. Do we have an inventory of... I'm sorry, Mr. Duenas, you, you had your hand up, you wanted to comment.

John Dueñas: Yes, I wanted to say that if you look at the zones, there are permitted uses, which allow you to use without having to go to the planning commission or getting any kind of permit other than development permit, building permit. But there are conditional uses that are allowed in those zones. You can apply for a conditional use in that zone. And there are obviously, there are incompatible uses. For example, if you had a multi-family residential, having a heavy industrial use is not permitted. But there are conditional uses in a multi-family residential zone. And you can apply for that conditional use and the conditional use goes through the ARC, goes to Land Management. Land Management actually conducts a pretty thorough review. I'm quite familiar with the planners down at Land Management. I think some of them have retired already, unfortunately Director Borja, you don't have that resource any longer. But yes, there's a planning division that reviews that, but it has to be an allowed conditional use. I mean, it is specified in the zoning law.

Senator Sabina F. Perez: Okay. The other question I have is do we have an inventory of how many conditional permits that have not been satisfied at this time? Or is there like a, a database of. that information? This question could be for a Director Borja.

Director Joe Borja, DLM: Not of the ones that have not complied. No. Not of the ones that have complied. We do have a database of conditional use as authorized or approved, but we don't have a list of those that may not be in conformance with the conditions as set by the Guam Land Use Commission.

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Senator Sabina F. Perez: That information could be retrieved, correct?

Director Joe Borja, DLM: Which one, the ones that do not meet or are not conforming to the condition imposed by...

Senator Sabina F. Perez: Yes, that has... basically are still outstanding. So the conditional permit was given, but the project was... the condition was never met. Is that retrievable information?

Director Joe Borja, DLM: Not to my knowledge, no.

Senator Sabina F. Perez: Okay. So we don't have an inventory of projects that have been approved conditionally and they did not satisfy their condition. Director Joe Borja, DLM: Correct. Okay, that's definitely, I think this bill would definitely address that issue and okay. Thank you. That's all my questions. Madam chair.

Chairperson Therese M. Terlaje: Thank you, Senator Perez. I've often thought of whether an audit needs to be done, but knowing the personnel Department of Land Management, I wouldn't impose that myself on them right now until we are able to address their staffing. But colleagues, we have one more person who has joined us to testify, Mr. Adrian Gogue. Mr. Gogue, you're recognized.

Adrian Gogue: Thank you, Madam Speaker. This is my first time actually attending a public hearing via zoom so I'm not sure if my microphone is working.

Chairperson Therese M. Terlaje: Yes. We hear you loud and clear.

Adrian Gogue: Okay, thank you for the opportunity and to all the other Senators out there. And I see some of the GLUC members and agency directors out there. Okay. So I'm Adrian Gogue. I'm providing testimony as a private citizen. I'm also the Vice-chair for Save Southern Guam, Inc.

If I could use the Pago Bay resort project development as a basis for my testimony, first off, this bill is a great start for holding those accountable for those conditions that are listed in any GLUC notice of action, and conditional approval for zone variances and the like.

So if you're familiar with the Pago Bay resort development, that development started in 2008 and all of the ARC agencies provided their feedback, which are captured in the notice of action. To this date, we don't know what are the statuses for those conditions that were imposed on the project when it was given the go ahead. Subsequently another variance was submitted in 2015. It was approved by the GLUC in May, or April, May of 2016. It also listed a whole list of recommendations and terms and conditions for the project to move forward. Going back to 2008, 2016, and here we are starting off 2021. Who's being held accountable for enforcing those conditions? And in the end, we, the private citizens, the residents of the area, and ultimately the people of Guam are all impacted because a project was approved, the conditions were not met. And here we are many years later, wondering what is the resolution to correcting this?

I'll give you one very good example. The remains of our ancestors were unearthed as part of the survey for the 2008 project. And to this date, to our knowledge, those remains have not been interred. It was a condition going back to the 2008 approval.

So again, in closing, I think this bill is a great start, Madam Speaker, for enforcing the conditions for any action that the Guam Land Use Commission approves. Thank you.

Chairperson Therese M. Terlaje: Thank you very much, Mr. Gogue. Did any of my colleagues, Senators, have any questions for Mr. Gogue? All right. If not then, there being no other person to testify, I'm going to close on this bill and I want to thank Mr. Duenas, Mr. Gogue, Mr. Borja, Chairperson Enriquez, for testifying today and for your suggestions, recommendations. I very much appreciate those, as well as those of my colleagues. And I want to acknowledge that we have many developers and businesses who have complied with the conditions set by the GLUC and that there are no problems.

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However, there are examples of some that we are very aware that they have not complied with the conditions set by the Guam Land Use Commission. And we are trying to remedy that here by appointing the Department of Land Management, since it is a part of the building permit and certificate of occupancy permit process, to be another check as to whether those conditions or terms are being applied in the project. And also by putting a little bit more towards the Department of Public Works to also ensure compliance when they are doing their permitting as well.

We have regulatory agencies in the application review committee who can enforce the statutes and rules that are in place. But when it comes to enforcing conditions and terms that might've been set as part of the Guam Land Use Commission process, that's not been very clear whether they have that ability to enforce those and of course they can only even try to enforce the ones that have been approved by the Guam Land Use Commission. Many times they've made requests that are just not part of the conditions. So in addition to those agencies looking for the help of the Department of Land Management on behalf of the Guam Land Use Commission to enforce the terms and conditions that it sets.

There being no additional individuals to present testimony, the committee will consider this bill duly heard. The time is now 12:33. Si Yu'os Ma'åse' for your time and your attention to this. Thank you.

Public Hearing Adjourned: 12:33 p.m.

III. FINDINGS & RECOMMENDATIONS

Bill No. 39-36 (COR) seeks to strengthen enforcement relative to the terms and conditions of conditional use permits, variances and zone changes imposed upon projects by the Guam Land Use Commission. Because these conditions are difficult to enforce after the project has been completed, the measure would amend the law to increase the opportunity to enforce the conditions at three stages of the proposed projects: at the Guam Land Use Commission approval process, during the building permit phase, and at the certificate of occupancy phase.

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The Committee finds that the Department of Land Management has testified that the authority under current statute to enforce the zoning code falls to the Building Official as designated in 61 GCA Chapter 61 §61602 and that the revocation of permits is covered through the appeals process in §61615. In addition, the Department of Land Management supports mandating transmittal of the terms and conditions set forth by the GLUC to the Building Official under Section 5 of the bill which would facilitate enforcement through the Department of Public Works.

The Committee was able to confirm with Director Joe Borja, DLM that the Department of Land Management does sign off in the occupancy permit process. During the building permit phase, currently, DLM only reviews if the project is properly zoned and the bill would mandate DLM to also review if GLUC terms and conditions have been complied with.

John Duenas, President of Duenas, Camacho and Associates, registered his support for the bill with the exception of zone changes, because terms and conditions are not normally set for zone changes. However, he clarified that Planned Development District and Hotel Zones have the potential for terms, conditions and covenants. The Director of DLM also clarified that Limited Commercial Zones can also have conditions attached.

Bureau of Statistics and Plans Coastal Management Program testified that there is no clear mechanism to enforce compliance for stormwater management and environmentally based requirements other than directly through the Territorial Seashore Protection Commission, which is the Guam Land Use Commission, and asked that TSPC enforcement be strengthened as well.

The Department of Land Management has disclosed that although they have a compilation of projects that were approved with conditions, they do not have any list of projects that did not comply with their conditions.

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Although regulatory agencies are involved in the application review process, responsibility of enforcement of terms and conditions imposed by the Guam Land Use Commission has not been very clear. The Department of Land Management's role is central to the imposition and enforcement of these covenants as the Director serves as the Executive Secretary of the Commission and provides the support services to the GLUC.

Bill No. 39-36 (COR) was amended by the Committee to incorporate the stylistic suggestions of the Guam Legislature's Legal Bureau and feedback provided at the public hearing.

The Committee on Health, Land, Justice and Culture hereby reports out **Bill No. 39-36 (COR)** - *As Amended by the Committee on Health, Land, Justice and Culture*- Introduced by Senator Therese M. Terlaje- **"AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES,"** with the recommendation TO DO PASS.

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 39-36 (COR)

Introduced by:

Therese M. Terlaje *Tmt*

AN ACT TO AMEND §§ 61303(a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND §§ 66208, 66212(a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that terms or conditions placed by the Guam Land Use Commission on approval of
4 zone changes, variances, or conditional use applications are difficult to enforce after
5 building permit and occupancy permit are issued, resulting in unfulfilled obligations
6 or projects that impose hardship on adjacent properties or the public that should have
7 been mitigated. Adding provisions to the law which clearly tie said conditions of
8 approval to land records and building permits will make it easier for both the
9 Department of Land Management and the Department of Public Works to keep track
10 of and enforce the terms and conditions as obligations that run with the property and
11 with the building or occupancy permit.

12 **Section 2. Terms and Conditions of Approval by GLUC for Conditional**
13 **Use.** § 61303(a) of Chapter 61, Title 21, Guam Code Annotated, is hereby amended
14 to read:

1 **“§ 61303. Conditional Use.**

2 (a) In addition to permitted uses in each of the zones, specified
3 uses are permitted upon approval by the Commission of the site plan
4 including, but not limited to, disposal of sewage, access, parking,
5 structure location and dimensions of buildings, impact of the proposed
6 use on adjacent land uses, and accompanying covenants that may
7 include performance standards. The Commission shall also consider
8 such other elements as may be reasonably related to the health, safety
9 and general welfare of the community. No use shall be permitted which
10 is inconsistent or incompatible with the uses of adjacent property, nor
11 which would otherwise be detrimental to the public. Copies of the
12 decision by the Commission shall be filed in the records of the
13 Department of Land Management’s Office of the Registrar and in the
14 records of the Department of Public Works. Terms and conditions or
15 covenants imposed by the Commission upon approval of a conditional
16 use permit shall run with the land in perpetuity for that specific
17 conditional use, whereupon the maintenance of special conditions
18 imposed by the permit, shall be the responsibility of the property owner.
19 The Guam Land Use Commission is authorized to revoke approval of
20 a conditional use, for any failure to conform to the terms and conditions
21 or covenants of the conditional use as set by the Guam Land Use
22 Commission in approving the conditional use permit pursuant to this
23 chapter. The Director of Land Management shall withhold approval or
24 endorsement of any building permit, certificate of occupancy, or license
25 for use of said property for any failure to conform to the terms and
26 conditions of the conditional use as set by the Commission in approving
27 the conditional use.”

1 **Section 3. Terms and Conditions of Approval by GLUC for Variances.** §

2 61620 of Chapter 61, Title 21, Guam Code Annotated, is hereby amended to read:

3 **“§ 61620. Decision by Territorial Guam Land Use Commission.**

4 If, from the facts presented with the application at the hearing, or
5 by investigation by or at the instance of the Commission, the
6 Commission makes the findings set forth in § 61617, it may grant the
7 variance in whole or in part, upon such terms and conditions as it deems
8 necessary to conform to the general intent and purpose of this law. If
9 the Commission fails to make said findings, it shall deny the
10 application. Each decision by the Commission authorizing a variance
11 from the regulations herein established must be by resolution adopted
12 by a majority of its membership, setting forth in writing the findings
13 required by § 61617, except that no written findings shall be required
14 in granting minor variances from the height, yard, lot width, lot area or
15 lot area per dwelling unit requirements. The Commission shall make its
16 decision on each variance application within a reasonable time and shall
17 forthwith furnish a copy thereof to the applicant and to other parties in
18 interest who have requested to be notified. Additional copies of the
19 decision shall be filed in the records of the Department of Land
20 Management’s Office of the Registrar and in the records of the
21 Department of Public Works. If the decision filed involves a variance
22 granted by the Commission, said variance shall be the authority for the
23 Director of Land Management to endorse and to issue any building
24 permit or certificate of occupancy in conformance thereto and for the
25 approval of any application for the approval of a required license. The
26 Director of Land Management shall withhold approval, endorsement,
27 or issuance of building permit, certificate of occupancy, or license for

1 any failure to conform to the terms and conditions of the variance as set
2 by the Guam Land Use Commission in granting the variance.”

3 **Section 4. Terms and Conditions of Approval for Zone Change.** §61634
4 of Chapter 61, Title 21, Guam Code Annotated is amended to read:

5 **“§ 61634. Decision by Commission.**

6 (a)The Commission shall consider the proposed change of zone
7 and may approve or disapprove the same, in whole or in part. The
8 Commission shall make its findings and determination within forty (40)
9 days from the date of the hearing thereon and shall forward notice of
10 such decision to the applicant, if any. If the application is approved in
11 whole or in part by the Commission, the same shall be forwarded to the
12 Governor who may approve or disapprove the proposed change in
13 whole or in part.

14 (b) Copies of the decision adopted by the Commission and
15 approved by the Governor shall be filed in the records of the
16 Department of Land Management’s Office of the Registrar and in the
17 records of the Department of Public Works. Terms and conditions or
18 covenants imposed by the Commission and the Governor upon
19 approval of a change of zone shall run with the land in perpetuity,
20 whereupon the maintenance of special conditions imposed shall be the
21 responsibility of the property owner. The Director of Land
22 Management shall withhold approval or endorsement of any building
23 permit, certificate of occupancy, or license for use of said property for
24 any failure to conform to the terms and conditions of the change of zone
25 as set by the Commission and the Governor.”

1 **Section 5. Terms and Conditions of Approval of Zone Change to be**
2 **Recorded.** § 61645 of Chapter 61, Title 21, Guam Code Annotated is amended to
3 read:

4 “§ **61645. Recording.** Upon the approval of any Zoning Map or
5 amendment thereto, a copy of same together with any terms and conditions of
6 said approval shall be recorded in the Department of Land Management.”

7 **Section 6. Terms and Conditions of Approval by GLUC to be Recorded**
8 **with Building Permit.** § 66208 of Chapter 66, Title 21, Guam Code Annotated, is
9 hereby amended to read:

10 “§ **66208. Same: Action Upon.**

11 (a) The building official shall act upon each application for a
12 building permit without unreasonable or unnecessary delay. On finding
13 conformity with all the requirements of this and other applicable laws,
14 the building official shall, upon receipt of the required fee, issue the
15 permit to the applicant which shall specifically and clearly state any
16 terms or conditions or covenants imposed by the Guam Land Use
17 Commission or the Department of Public Works that are not stated as
18 mandates in the application, plans, or specifications.

19 (b) If an application for a permit or the plans and specifications
20 submitted therewith, describe proposed work not in conformity with all
21 the requirements of this and other applicable laws or not in conformity
22 with Guam Land Use Commission terms and conditions on approval of
23 conditional use, variance, or zone change, or do not contain sufficient
24 information to enable the building official to reach a decision, he shall
25 not issue a permit, but shall return the plans and specifications to the
26 applicant, together with his refusal to issue such permit, and reason

1 therefor. The building official, upon request of the applicant, shall make
2 such refusal, containing the reasons therefor, in writing.”

3 **Section 7. Terms and Conditions of Approval by GLUC To Be Enforced**
4 **With Building Permit.** § 66212(a) of Chapter 66, Title 21, Guam Code Annotated,
5 is hereby amended to read:

6 “(a) The issuance of a building permit or approval of plans and
7 specifications shall not be construed to be a permit for, or approval of any
8 violation of the provisions of this Chapter or of the terms and conditions
9 imposed by the Guam Land Use Commission or the Department of Public
10 Works on the use of the property or project. Any building permit presuming
11 to cancel such provisions or condone such violations shall be entirely invalid
12 and void.”

13 **Section 8. Terms and Conditions of Approval by GLUC to be Enforced**
14 **upon Application for Certificate of Occupancy.** § 66303 of Chapter 66, Title 21,
15 Guam Code Annotated, is hereby amended to read:

16 “§ 66303. Same. Content.

17 In addition to the certification as to compliance with the
18 provisions of this Chapter, the Certificate of Occupancy shall state the
19 purposes for which the building may be used in its several parts, the
20 maximum permissible live loads on the several floors, the number of
21 individual persons that may be accommodated in the several stories, in
22 case such number is limited by provision of law or by the permit and
23 whether the structure is Fully Concrete Dwelling installed with
24 Typhoon Shutters, and shall clearly and specifically state any additional
25 terms or conditions imposed by the Guam Land Use Commission or the
26 Department of Public Works.”

1 **Section 9. Violation of Terms and Conditions of Approval by GLUC as**
2 **Grounds for Denial of Certificate of Occupancy.** § 66307 of Chapter 66, Title
3 21, Guam Code Annotated, is hereby amended to read:

4 **“§ 66307. Same: Issuance or Denial.**

5 (a) If after inspection as provided in § 66306, it is found that the
6 proposed work has been completed in accordance with the
7 requirements of the building permit, the terms and conditions set by the
8 Guam Land Use Commission for use of the property, and the provisions
9 of this Chapter, together with the certification issued by the Director of
10 the Department of Revenue and Taxation that the property and all the
11 improvements thereon have been entered into the tax assessment rolls,
12 the building official shall issue a certificate of occupancy. The building
13 official shall keep a permanent record of all certificates of occupancy
14 issued.

15 (b) If after inspection, as provided in § 66306, it is found that the
16 proposed work has not been completed in accordance with the building
17 permit, the terms and conditions set by the Guam Land Use
18 Commission for use of the property, or the provisions of this Chapter,
19 the building official shall refuse to issue a use permit and shall order
20 the work completed to comply with the building permit or this Chapter.

21 (c) The building official may issue a temporary use permit for
22 any portion or portions of the premises which may be safely occupied
23 prior to the issuance of a certificate of occupancy.”

24 **Section 10. Terms and Conditions of Approval by GLUC to be Enforced**
25 **During Construction or Other Work on Any Building.** § 66406 of Chapter 66,
26 Title 21, Guam Code Annotated, is hereby amended to read:

27 **“§ 66406. Stoppage of Work for Noncompliance.**

1 (a) Upon notice from the building official that work on any
2 building or structure is being prosecuted contrary to in violation of the
3 provisions of this or other applicable laws, or rules and regulations
4 issued pursuant thereto, or in violation of any condition imposed upon
5 the issuance of a zone change, variance or conditional use permit
6 approved by the Guam Land Use Commission, or in an unsafe and
7 dangerous manner, such work shall be immediately stopped.

8 (b) The stopwork order shall be in writing and shall be given to
9 the owner of the property involved, or to the owner's agent, or to the
10 person in charge of the work; and shall state the conditions under which
11 work may be resumed.

12 (c) The building official may require that work be stopped on oral
13 notice, pending issuance of a written order, in these instances where he
14 deems immediate action is necessary for public safety.”

15 **Section 11. Violation of Terms and Conditions of Approval by GLUC as**
16 **Grounds for Revocation of Building Permit.** § 66407 of Chapter 66, Title 21,
17 Guam Code Annotated, is hereby amended to read:

18 **“§ 66407. Revocation of Permit.**

19 The building official shall revoke a permit or approval issued
20 under the provisions of this law

21 (a) in case of any false statement or misrepresentation as
22 to a material fact in any application or plans and specifications in
23 which the permit was issued or approval given,

24 (b) in any case in which a permit was issued in error and
25 conditions are such that a permit should not have been issued,
26 and

1 (c) in any case where a building permit owner refuses to
2 comply with a stop order issued under the provisions of § 66406,
3 and

4 (d) in any case of noncompliance with a term or condition
5 of a zone change, variance or conditional use permit by the Guam
6 Land Use Commission.”

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 39-36 (COR)

As Amended by the Committee on Health,
Land, Justice and Culture.

Therese M. Terlaje

**AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645
OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303,
66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE
21, GUAM CODE ANNOTATED, RELATIVE TO
ENFORCING THE TERMS AND CONDITIONS OF
CONDITIONAL USE PERMITS, VARIANCES, AND ZONE
CHANGES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that terms or conditions placed by the Guam Land Use Commission on approval of
4 zone changes, variances, or conditional use applications are difficult to enforce after
5 building permit and occupancy permit are issued, resulting in unfulfilled obligations
6 or projects that impose hardship on adjacent properties or the public, which should
7 have been mitigated. Adding provisions to the law which clearly tie said conditions
8 of approval to land records and building permits will make it easier for both the
9 Department of Land Management and the Department of Public Works to keep track
10 of and enforce the terms and conditions as obligations that run with the land and with
11 the building or occupancy permit.

1 **Section 2. Terms and Conditions of Approval by GLUC for Conditional**
2 **Use.** § 61303(a) of Chapter 61, Title 21, Guam Code Annotated, is hereby *amended*
3 to read:

4 **“§ 61303. Conditional Use.**

5 (a) In addition to permitted uses in each of the zones, specified
6 uses are permitted upon approval by the Commission of the site plan
7 including, but not limited to, disposal of sewage, access, parking,
8 structure location and dimensions of buildings, impact of the proposed
9 use on adjacent land uses, and accompanying covenants that may
10 include performance standards. The Commission shall also consider
11 such other elements as may be reasonably related to the health, safety
12 and general welfare of the community. Copies of the decision by the
13 Commission shall be filed with Department of Land Management’s
14 Office of the Registrar and in the records of the Department of Public
15 Works. All terms and conditions imposed by the Commission upon
16 approval of a conditional use permit shall be covenants that run with
17 the land in perpetuity for that specific conditional use. Maintenance of
18 terms and conditions imposed by the permit, shall be the responsibility
19 of the property owner. The Guam Land Use Commission is authorized
20 to revoke approval of a conditional use permit for any failure to comply
21 with the terms and conditions of the conditional use. The Director of
22 Land Management shall withhold approval or endorsement of any
23 building permit, certificate of occupancy, or license for use of said
24 property for any failure to comply with the terms and conditions of the
25 conditional use as set forth by the Commission in approving the
26 conditional use permit.”

1 **Section 3. Terms and Conditions of Approval by GLUC for Variances.** §
2 61620 of Chapter 61, Title 21, Guam Code Annotated, is hereby *amended* to read:

3 **“§ 61620. Decision by Territorial Guam Land Use Commission.**

4 If, from the facts presented with the application at the hearing, or
5 by investigation by or at the instance of the Commission, the
6 Commission makes the findings set forth in § 61617, it may grant the
7 variance in whole or in part, upon such terms and conditions as it deems
8 necessary to conform to the general intent and purpose of this law. If
9 the Commission fails to make said findings, it shall deny the
10 application. Each decision by the Commission authorizing a variance
11 from the regulations herein established must be by resolution adopted
12 by a majority of its membership, setting forth in writing the findings
13 required by § 61617, except that no written findings shall be required
14 in granting minor variances from the height, yard, lot width, lot area or
15 lot area per dwelling unit requirements. The Commission shall make its
16 decision on each variance application within a reasonable time and shall
17 forthwith furnish a copy thereof to the applicant and to other parties in
18 interest who have requested to be notified. Additional copies of the
19 decision shall be filed in the records of the Department of Land
20 Management’s Office of the Registrar and in the records of the
21 Department of Public Works. If the decision filed involves a variance
22 granted by the Commission, said variance shall be the authority for the
23 Director of Land Management to endorse and to issue any building
24 permit or certificate of occupancy in conformance thereto and for the
25 approval of any application for the approval of a required license. The
26 Director of Land Management shall withhold approval of or
27 endorsement for the issuance of a building permit, certificate of

1 occupancy, or license for any failure to conform to the terms and
2 conditions of the variance as set by the Guam Land Use Commission
3 in granting the variance.”

4 **Section 4. Terms and Conditions of Approval for Zone Change.** § 61634
5 of Chapter 61, Title 21, Guam Code Annotated is *amended* to read:

6 **“§ 61634. Decision by Commission.**

7 (a) The Commission shall consider the proposed change of zone
8 and may approve or disapprove the same, in whole or in part. The
9 Commission shall make its findings and determination within forty (40)
10 days from the date of the hearing thereon and shall forward notice of
11 such decision to the applicant, if any. If the application is approved in
12 whole or in part by the Commission, the same shall be forwarded to the
13 Governor who may approve or disapprove the proposed change in
14 whole or in part.

15 (b) Copies of the decision adopted by the Commission and
16 approved by the Governor shall be filed in the records of the
17 Department of Land Management’s Office of the Registrar and in the
18 records of the Department of Public Works. Terms and conditions or
19 covenants imposed by the Commission and the Governor upon
20 approval of a change of zone shall be covenants that run with the land
21 in perpetuity, whereupon the maintenance of special conditions
22 imposed compliance with such covenants shall be the responsibility of
23 the property owner. The Director of Land Management shall withhold
24 approval of or endorsement for the issuance of any building permit,
25 certificate of occupancy, or license for use of said property for any
26 failure to conform to the terms and conditions of the change of zone as
27 set by the Commission and the Governor.”

1 **Section 5. Terms and Conditions of Approval of Zone Change to be**
2 **Recorded.** § 61645 of Chapter 61, Title 21, Guam Code Annotated, is *amended* to
3 read:

4 “§ 61645. **Recording.** Upon the approval of any Zoning Map or
5 amendment thereto, a copy of same together with any terms and conditions of
6 said approval shall be recorded in the Department of Land Management’s
7 Office of the Registrar.”

8 **Section 6. Terms and Conditions of Approval by GLUC to be Recorded**
9 **with Building Permit.** § 66208 of Chapter 66, Title 21, Guam Code Annotated, is
10 hereby *amended* to read:

11 “§ 66208. **Same: Action Upon.**

12 (a) The building official shall act upon each application for a
13 building permit without unreasonable or unnecessary delay. On finding
14 conformity with all the requirements of this and other applicable laws,
15 the building official shall, upon receipt of the required fee, issue the
16 permit to the applicant which shall specifically and clearly state any
17 terms and conditions imposed by the Guam Land Use Commission or
18 the Department of Public Works that are not stated as mandates in the
19 application, plans, or specifications.

20 (b) If an application for a permit or the plans and specifications
21 submitted therewith, describe proposed work not in conformity with all
22 the requirements of this and other applicable laws or not in compliance
23 with Guam Land Use Commission terms and conditions on approval of
24 conditional use, variance, or zone change, or do not contain sufficient
25 information to enable the building official to reach a decision, he shall
26 not issue a permit, but shall return the plans and specifications to the
27 applicant, together with his refusal to issue such permit, and reason

1 therefor. The building official, upon request of the applicant, shall make
2 such refusal, containing the reasons therefor, in writing.”

3 **Section 7. Terms and Conditions of Approval by GLUC To Be Enforced**
4 **With Building Permit.** § 66212(a) of Chapter 66, Title 21, Guam Code Annotated,
5 is hereby amended to read:

6 “(a) The issuance of a building permit or approval of plans and
7 specifications shall not be construed to be a permit for, or approval of any
8 violation of the provisions of this Chapter or of the terms and conditions
9 imposed by the Guam Land Use Commission or the Department of Public
10 Works on the use of the property or project. Any building permit presuming
11 to cancel such provisions or condone such violations shall be entirely invalid
12 and void.”

13 **Section 8. Terms and Conditions of Approval by GLUC to be Enforced**
14 **upon Application for Certificate of Occupancy.** § 66303 of Chapter 66, Title 21,
15 Guam Code Annotated, is hereby *amended* to read:

16 “§ 66303. Same. Content.

17 In addition to the certification as to compliance with the
18 provisions of this Chapter, the Certificate of Occupancy shall state the
19 purposes for which the building may be used in its several parts, the
20 maximum permissible live loads on the several floors, the number of
21 individual persons that may be accommodated in the several stories, in
22 case such number is limited by provision of law or by the permit and
23 whether the structure is Fully Concrete Dwelling installed with
24 Typhoon Shutters, and shall clearly and specifically state any additional
25 terms and conditions imposed by the Guam Land Use Commission or
26 the Department of Public Works.”

1 **Section 9. Violation of Terms and Conditions of Approval by GLUC as**
2 **Grounds for Denial of Certificate of Occupancy.** § 66307 of Chapter 66, Title
3 21, Guam Code Annotated, is hereby *amended* to read:

4 **“§ 66307. Same: Issuance or Denial.**

5 (a) If after inspection as provided in § 66306, it is found that the
6 proposed work has been completed in accordance with the
7 requirements of the building permit, the terms and conditions set by the
8 Guam Land Use Commission for use of the property, and the provisions
9 of this Chapter, together with the certification issued by the Director of
10 the Department of Revenue and Taxation that the property and all the
11 improvements thereon have been entered into the tax assessment rolls,
12 the building official shall issue a certificate of occupancy. The building
13 official shall keep a permanent record of all certificates of occupancy
14 issued.

15 (b) If after inspection, as provided in § 66306, it is found that the
16 proposed work has not been completed in accordance with the building
17 permit, the terms and conditions set by the Guam Land Use
18 Commission for use of the property, or the provisions of this Chapter,
19 the building official shall refuse to issue a use permit and shall order
20 the work completed to comply with the building permit or this Chapter.

21 (c) The building official may issue a temporary use permit for
22 any portion or portions of the premises which may be safely occupied
23 prior to the issuance of a certificate of occupancy.”

24 **Section 10. Terms and Conditions of Approval by GLUC to be Enforced**
25 **During Construction or Other Work on Any Building.** § 66406 of Chapter 66,
26 Title 21, Guam Code Annotated, is hereby *amended* to read:

27 **“§ 66406. Stoppage of Work for Noncompliance.**

1 (a) Upon notice from the building official that work on any
2 building or structure is being prosecuted ~~contrary to~~ in violation of the
3 provisions of this or other applicable laws, or rules and regulations
4 issued pursuant thereto, or in violation of any of the terms and
5 conditions imposed upon the issuance of a zone change, variance, or
6 conditional use permit approved by the Guam Land Use Commission,
7 or in an unsafe and dangerous manner, such work shall be immediately
8 stopped.

9 (b) The stopwork order shall be in writing and shall be given to
10 the owner of the property involved, or to the owner's agent, or to the
11 person in charge of the work; and shall state the conditions under which
12 work may be resumed.

13 (c) The building official may require that work be stopped on oral
14 notice, pending issuance of a written order, in these instances where he
15 deems immediate action is necessary for public safety.”

16 **Section 11. Violation of Terms and Conditions of Approval by GLUC as**
17 **Grounds for Revocation of Building Permit.** § 66407 of Chapter 66, Title 21,
18 Guam Code Annotated, is hereby *amended* to read:

19 “§ 66407. **Revocation of Permit.**

20 The building official shall revoke a permit or approval issued
21 under the provisions of this law

22 (a) in case of any false statement or misrepresentation as
23 to a material fact in any application or plans and specifications in
24 which the permit was issued or approval given,

25 (b) in any case in which a permit was issued in error and
26 conditions are such that a permit should not have been issued,
27 and

1 (c) in any case where a building permit owner refuses to
2 comply with a stop order issued under the provisions of § 66406,
3 and

4 (d) in any case of noncompliance with any of the terms and
5 condition of a zone change, variance, or conditional use permit
6 by the Guam Land Use Commission.”

COMMITTEE MARKUP ON BILL NO. 39-36 (COR)

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 39-36 (COR)

As Amended by the Committee on Health,
Land, Justice and Culture.

Therese M. Terlaje

**AN ACT TO *AMEND* §§ 61303(a), 61620, 61634, AND 61645
OF CHAPTER 61 AND TO *AMEND* §§ 66208, 66212(a), 66303,
66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE
21, GUAM CODE ANNOTATED, RELATIVE TO
ENFORCING THE TERMS AND CONDITIONS OF
CONDITIONAL USE PERMITS, VARIANCES, AND ZONE
CHANGES.**

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BE IT ENACTED BY THE PEOPLE OF GUAM:

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

that terms or conditions placed by the Guam Land Use Commission on approval of
zone changes, variances, or conditional use applications are difficult to enforce after
building permit and occupancy permit are issued, resulting in unfulfilled obligations
or projects that impose hardship on adjacent properties or the public, ~~which that~~
should have been mitigated. Adding provisions to the law which clearly tie said
conditions of approval to land records and building permits will make it easier for
both the Department of Land Management and the Department of Public Works to
keep track of and enforce the terms and conditions as obligations that run with the
~~property-land~~ and with the building or occupancy permit.

1 **Section 2. Terms and Conditions of Approval by GLUC for Conditional**

2 **Use.** § 61303(a) of Chapter 61, Title 21, Guam Code Annotated, is hereby *amended*
3 to read:

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4 **“§ 61303. Conditional Use.**

5 (a) In addition to permitted uses in each of the zones, specified
6 uses are permitted upon approval by the Commission of the site plan
7 including, but not limited to, disposal of sewage, access, parking,
8 structure location and dimensions of buildings, impact of the proposed
9 use on adjacent land uses, and accompanying covenants that may
10 include performance standards. The Commission shall also consider
11 such other elements as may be reasonably related to the health, safety
12 and general welfare of the community. ~~No use shall be permitted which~~
13 ~~is inconsistent or incompatible with the uses of adjacent property, nor~~
14 ~~which would otherwise be detrimental to the public health, safety, and~~
15 ~~welfare.~~ Copies of the decision by the Commission shall be filed ~~in the~~
16 ~~records of the~~with Department of Land Management’s Office of the
17 Registrar and in the records of the Department of Public Works. ~~All~~
18 ~~t~~Terms and conditions ~~or covenants~~ imposed by the Commission upon
19 approval of a conditional use permit shall ~~be covenants that run with~~
20 ~~the land in perpetuity for that specific conditional use.; whereupon the~~
21 ~~M~~aintenance of ~~terms and special~~ conditions imposed by the permit,
22 shall be the responsibility of the property owner. ~~The Guam Land Use~~
23 ~~Commission is authorized to revoke approval of a conditional use~~
24 ~~permit; for any failure to~~ ~~conform~~ ~~comply with~~ the terms and
25 conditions of ~~r~~ ~~covenants of~~ the conditional use ~~as set by the Guam Land~~
26 ~~Use Commission in approving the conditional use permit pursuant to~~
27 ~~this chapter.~~ The Director of Land Management shall withhold approval

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1 or endorsement of any building permit, certificate of occupancy, or
2 license for use of said property for any failure to ~~conform-comply to~~
3 with the terms and conditions of the conditional use as set forth by the
4 Commission in approving the conditional use permit.”

5 **Section 3. Terms and Conditions of Approval by GLUC for Variances.** §

6 61620 of Chapter 61, Title 21, Guam Code Annotated, is hereby *amended* to read:

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7 **“§ 61620. Decision by Territorial Guam Land Use Commission.**

8 If, from the facts presented with the application at the hearing, or
9 by investigation by or at the instance of the Commission, the
10 Commission makes the findings set forth in § 61617, it may grant the
11 variance in whole or in part, upon such terms and conditions as it deems
12 necessary to conform to the general intent and purpose of this law. If
13 the Commission fails to make said findings, it shall deny the
14 application. Each decision by the Commission authorizing a variance
15 from the regulations herein established must be by resolution adopted
16 by a majority of its membership, setting forth in writing the findings
17 required by § 61617, except that no written findings shall be required
18 in granting minor variances from the height, yard, lot width, lot area or
19 lot area per dwelling unit requirements. The Commission shall make its
20 decision on each variance application within a reasonable time and shall
21 forthwith furnish a copy thereof to the applicant and to other parties in
22 interest who have requested to be notified. Additional copies of the
23 decision shall be filed in the records of the Department of Land
24 Management’s Office of the Registrar and in the records of the
25 Department of Public Works. If the decision filed involves a variance
26 granted by the Commission, said variance shall be the authority for the
27 Director of Land Management to endorse and to issue any building

1 permit or certificate of occupancy in conformance thereto and for the
2 approval of any application for the approval of a required license. The
3 Director of Land Management shall withhold approval of or
4 endorsement f-or the issuance of a building permit, certificate of
5 occupancy, or license for any failure to conform to the terms and
6 conditions of the variance as set by the Guam Land Use Commission
7 in granting the variance.”

8 **Section 4. Terms and Conditions of Approval for Zone Change.** § 61634
9 of Chapter 61, Title 21, Guam Code Annotated is *amended* to read:

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10 **“§ 61634. Decision by Commission.**

11 (a) The Commission shall consider the proposed change of zone
12 and may approve or disapprove the same, in whole or in part. The
13 Commission shall make its findings and determination within forty (40)
14 days from the date of the hearing thereon and shall forward notice of
15 such decision to the applicant, if any. If the application is approved in
16 whole or in part by the Commission, the same shall be forwarded to the
17 Governor who may approve or disapprove the proposed change in
18 whole or in part.

19 (b) Copies of the decision adopted by the Commission and
20 approved by the Governor shall be filed in the records of the
21 Department of Land Management’s Office of the Registrar and in the
22 records of the Department of Public Works. Terms and conditions or
23 covenants imposed by the Commission and the Governor upon
24 approval of a change of zone shall be covenants that run with the land
25 in perpetuity, whereupon the maintenance of special conditions
26 imposed compliance with such covenants shall be the responsibility of
27 the property owner. The Director of Land Management shall withhold

1 approval of or endorsement for the issuance of any building permit,
2 certificate of occupancy, or license for use of said property for any
3 failure to conform to the terms and conditions of the change of zone as
4 set by the Commission and the Governor.”

5 **Section 5. Terms and Conditions of Approval of Zone Change to be**
6 **Recorded.** § 61645 of Chapter 61, Title 21, Guam Code Annotated, is *amended* to
7 read:

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8 “§ 61645. **Recording.** Upon the approval of any Zoning Map or
9 amendment thereto, a copy of same together with any terms and conditions of
10 said approval shall be recorded in the Department of Land Management’s
11 Office of the Registrar.”

12 **Section 6. Terms and Conditions of Approval by GLUC to be Recorded**
13 **with Building Permit.** § 66208 of Chapter 66, Title 21, Guam Code Annotated, is
14 hereby *amended* to read:

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15 “§ 66208. **Same: Action Upon.**

16 (a) The building official shall act upon each application for a
17 building permit without unreasonable or unnecessary delay. On finding
18 conformity with all the requirements of this and other applicable laws,
19 the building official shall, upon receipt of the required fee, issue the
20 permit to the applicant which shall specifically and clearly state any
21 terms ~~and~~ conditions imposed by the Guam Land Use Commission
22 or the Department of Public Works that are not stated as mandates in
23 the application, plans, or specifications.

24 (b) If an application for a permit or the plans and specifications
25 submitted therewith, describe proposed work not in conformity with all
26 the requirements of this and other applicable laws or not in ~~conformity~~
27 compliance with Guam Land Use Commission terms and conditions on

1 approval of conditional use, variance, or zone change, or do not contain
2 sufficient information to enable the building official to reach a decision,
3 he shall not issue a permit, but shall return the plans and specifications
4 to the applicant, together with his refusal to issue such permit, and
5 reason therefor. The building official, upon request of the applicant,
6 shall make such refusal, containing the reasons therefor, in writing.”

7 **Section 7. Terms and Conditions of Approval by GLUC To Be Enforced**
8 **With Building Permit.** § 66212(a) of Chapter 66, Title 21, Guam Code Annotated,
9 is hereby amended to read:

10 “(a) The issuance of a building permit or approval of plans and
11 specifications shall not be construed to be a permit for, or approval of any
12 violation of the provisions of this Chapter or of the terms and conditions
13 imposed by the Guam Land Use Commission or the Department of Public
14 Works on the use of the property or project. Any building permit presuming
15 to cancel such provisions or condone such violations shall be entirely invalid
16 and void.”

17 **Section 8. Terms and Conditions of Approval by GLUC to be Enforced**
18 **upon Application for Certificate of Occupancy.** § 66303 of Chapter 66, Title 21,
19 Guam Code Annotated, is hereby *amended* to read:

20 “§ 66303. Same. Content.

21 In addition to the certification as to compliance with the
22 provisions of this Chapter, the Certificate of Occupancy shall state the
23 purposes for which the building may be used in its several parts, the
24 maximum permissible live loads on the several floors, the number of
25 individual persons that may be accommodated in the several stories, in
26 case such number is limited by provision of law or by the permit and
27 whether the structure is Fully Concrete Dwelling installed with

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1 Typhoon Shutters, and shall clearly and specifically state any additional
2 terms ~~and~~ conditions imposed by the Guam Land Use Commission
3 or the Department of Public Works.”

4 **Section 9. Violation of Terms and Conditions of Approval by GLUC as**
5 **Grounds for Denial of Certificate of Occupancy.** § 66307 of Chapter 66, Title
6 21, Guam Code Annotated, is hereby *amended* to read:

7 **“§ 66307. Same: Issuance or Denial.**

8 (a) If after inspection as provided in § 66306, it is found that the
9 proposed work has been completed in accordance with the
10 requirements of the building permit, the terms and conditions set by the
11 Guam Land Use Commission for use of the property, and the provisions
12 of this Chapter, together with the certification issued by the Director of
13 the Department of Revenue and Taxation that the property and all the
14 improvements thereon have been entered into the tax assessment rolls,
15 the building official shall issue a certificate of occupancy. The building
16 official shall keep a permanent record of all certificates of occupancy
17 issued.

18 (b) If after inspection, as provided in § 66306, it is found that the
19 proposed work has not been completed in accordance with the building
20 permit, the terms and conditions set by the Guam Land Use
21 Commission for use of the property, or the provisions of this Chapter,
22 the building official shall refuse to issue a use permit and shall order
23 the work completed to comply with the building permit or this Chapter.

24 (c) The building official may issue a temporary use permit for
25 any portion or portions of the premises which may be safely occupied
26 prior to the issuance of a certificate of occupancy.”

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1 **Section 10. Terms and Conditions of Approval by GLUC to be Enforced**
2 **During Construction or Other Work on Any Building.** § 66406 of Chapter 66,
3 Title 21, Guam Code Annotated, is hereby *amended* to read:

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4 **“§ 66406. Stoppage of Work for Noncompliance.**

5 (a) Upon notice from the building official that work on any
6 building or structure is being prosecuted ~~contrary to~~ in violation of the
7 provisions of this or other applicable laws, or rules and regulations
8 issued pursuant thereto, or in violation of any ~~of the term~~ ~~term~~ ~~and~~ ~~or~~
9 conditions imposed upon the issuance of a zone change, variance, or
10 conditional use permit approved by the Guam Land Use Commission,
11 or in an unsafe and dangerous manner, such work shall be immediately
12 stopped.

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13 (b) The stopwork order shall be in writing and shall be given to
14 the owner of the property involved, or to the owner’s agent, or to the
15 person in charge of the work; and shall state the conditions under which
16 work may be resumed.

17 (c) The building official may require that work be stopped on oral
18 notice, pending issuance of a written order, in these instances where he
19 deems immediate action is necessary for public safety.”

20 **Section 11. Violation of Terms and Conditions of Approval by GLUC as**
21 **Grounds for Revocation of Building Permit.** § 66407 of Chapter 66, Title 21,
22 Guam Code Annotated, is hereby *amended* to read:

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23 **“§ 66407. Revocation of Permit.**

24 The building official shall revoke a permit or approval issued
25 under the provisions of this law

1 (a) in case of any false statement or misrepresentation as
2 to a material fact in any application or plans and specifications in
3 which the permit was issued or approval given,

4 (b) in any case in which a permit was issued in error and
5 conditions are such that a permit should not have been issued,
6 and

7 (c) in any case where a building permit owner refuses to
8 comply with a stop order issued under the provisions of § 66406,
9 and

10 (d) in any case of noncompliance with any of the any terms
11 and/or condition of a zone change, variance, or conditional use
12 permit by the Guam Land Use Commission.”



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

January 29, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Fiscal Note Waiver**

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 39-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

JAN 29 2021

Vice Speaker Tina Muña Barnes
Chairperson, Committee on Rules
I Mina'trentai Sais Na Liheslaturan Guåhan
Thirty-Sixth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai Vice Speaker Barnes:

The Bureau requests that Bill No. 39-36 (COR) be granted a waiver pursuant to Public Law 12-229, as amended for the following reason(s):

BILL NO.39-36 (COR) IS "AN ACT TO AMEND § 61303 (a), 61620, 61634, AND 61645 OF CHAPTER 61 AND TO AMEND § 66208, 66212 (a), 66303, 66307, 66406, AND 66407 OF CHAPTER 66, ALL OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENFORCING THE TERMS AND CONDITIONS OF CONDITIONAL USE PERMITS, VARIANCES, AND ZONE CHANGES.

The proposed legislation intends to require conditional use permits issued by the Guam Land Use Commission (GLUC) to be consistent/compatible with the approved use of adjacent properties. Approval of conditional use permits shall run with the land in perpetuity for that specific conditional use, but shall be subject to being revoked by the GLUC for any failure to conform to the terms and conditions of the approved conditional use. The Director of the Department of Land Management (DLM) shall have the authority to withhold the approval or endorsement of any building permit, certificate of occupancy, or license for use of said property for any failure to conform to terms and conditions of approved conditional uses by the GLUC. Lastly, copies of all decisions adopted by the GLUC shall be filed in the records of the DLM's Office of the Registrar and in the records of the Department of Public Works.

As such, the bill is administrative in nature and poses no fiscal impact upon any of the funds of Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.



Office of the Speaker THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE VOTE SHEET

Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje - “An Act to amend §§ 61303(a), 61620, 61634, and 61645 of Chapter 61 and to amend §§ 66208, 66212(a), 66303, 66307, 66406, and 66407 of chapter 66, all of Title 21, Guam Code Annotated, relative to enforcing the terms and conditions of conditional use permits, variances, and zone changes.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Speaker Therese M. Terlaje Chairperson	<i>Therese M. Terlaje</i> 02/09/21	✓				
Senator Sabina Flores Perez Vice Chairperson of Health, Land and Culture	E-vote 2-9-21	✓				
Senator Telena C. Nelson Vice Chairperson of Justice						
Vice Speaker Tina Muña Barnes Member						
Senator Joanne M. Brown Member	E-vote 2-10-21	✓				
Senator Christopher M. Dueñas Member	E-Vote 2-10-21	✓				
Senator Amanda L. Shelton Member						
Senator Telo T. Taitague, Member	E-Vote 2-10-21			✓		
Senator Jose “Pedo” Terlaje Member						

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE: BILL NO. 39-36 (COR) AS AMENDED BY THE COMMITTEE

1 message

Sabina Perez <sabina@senatorperez.org>
To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Tue, Feb 9, 2021 at 7:37 PM

To do pass.

On Tue, Feb 9, 2021 at 7:26 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai Committee Members:

Please see the attached Committee Report for Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje - “An Act to amend §§ 61303(a), 61620, 61634, and 61645 of Chapter 61 and to amend §§ 66208, 66212(a), 66303, 66307, 66406, and 66407 of chapter 66, all of Title 21, Guam Code Annotated, relative to enforcing the terms and conditions of conditional use permits, variances, and zone changes.”

Please indicate your preferred action, based on the following options.

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 39-36 (COR)- As Amended by the Committee, which will be filed with the Committee on Rules.

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Senator Sabina Perez

Office of Senator Sabina Perez

36th Guam Legislature • *I Mina'Trentai Sais na Liheslaturan Guåhan*

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,
Research, and Planning

Tel: (671) 989-2968

Email: sabina@senatorperez.org

Website: senatorperez.org



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE: BILL NO. 39-36 (COR) AS AMENDED BY THE COMMITTEE

1 message

Office of Senator Joanne M. Brown <office@senatorjoannebrown.com>
To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Wed, Feb 10, 2021 at 9:03 AM

Hafa Adai Speaker,
To Do Pass.

Very Respectfully,

Joanne M. Brown*Senator | I Mina' Trentai Sais Na Liheslaturan Guåhan (36th Guam Legislature)*[120 Father Dueñas Avenue](#)

Capitol Plaza Building, Suite 103

Hagåtña, Guam 96932

Hafa Adai! Except with respect to public records exempt from disclosure by express provisions of the law, please be advised that, as an official office of the Legislative Branch of the Government of Guam, this electronic communication, is subject to the laws, rules and regulations governing the Sunshine Reform Act, and any other processes and procedures carried out in the spirit of an open and transparent government.

On Tue, Feb 9, 2021 at 7:26 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai Committee Members:

Please see the attached Committee Report for Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje - “An Act to amend §§ 61303(a), 61620, 61634, and 61645 of Chapter 61 and to amend §§ 66208, 66212(a), 66303, 66307, 66406, and 66407 of chapter 66, all of Title 21, Guam Code Annotated, relative to enforcing the terms and conditions of conditional use permits, variances, and zone changes.”

Please indicate your preferred action, based on the following options.

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- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 39-36 (COR)- As Amended by the Committee, which will be filed with the Committee on Rules.

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

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36th Guam Legislature
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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE: BILL NO. 39-36 (COR) AS AMENDED BY THE COMMITTEE

1 message

Senator Telo Taitague <senatortelot@gmail.com>

Wed, Feb 10, 2021 at 9:27 AM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

To Report Out Only.

Si Yu'os Ma'åse,***Create a Great Day!****Senator Telo T. Taitague*

36th Guam Legislature

Suite 309 DNA Building

[238 Archbishop Flores St.](#)[Hagatna, Guam 96910](#)

Tel: (671) 989-8356

Email: senatortelot@gmail.comOn Tue, 9 Feb 2021 at 19:26, Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai Committee Members:

Please see the attached Committee Report for Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje - “An Act to amend §§ 61303(a), 61620, 61634, and 61645 of Chapter 61 and to amend §§ 66208, 66212(a), 66303, 66307, 66406, and 66407 of chapter 66, all of Title 21, Guam Code Annotated, relative to enforcing the terms and conditions of conditional use permits, variances, and zone changes.”

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- To Report Out Only;
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Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE: BILL NO. 39-36 (COR) AS AMENDED BY THE COMMITTEE

1 message

Chris Duenas <senatorchrisduenas@gmail.com>
 To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Wed, Feb 10, 2021 at 9:30 AM

To do pass

On Tue, Feb 9, 2021 at 7:26 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai Committee Members:

Please see the attached Committee Report for Bill No. 39-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture – Therese M. Terlaje - “An Act to amend §§ 61303(a), 61620, 61634, and 61645 of Chapter 61 and to amend §§ 66208, 66212(a), 66303, 66307, 66406, and 66407 of chapter 66, all of Title 21, Guam Code Annotated, relative to enforcing the terms and conditions of conditional use permits, variances, and zone changes.”

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Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 39-36 (COR)- As Amended by the Committee, which will be filed with the Committee on Rules.

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

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Si Yu'os Ma'åse',



Office of Senator Christopher M. Dueñas

36th Guam Legislature

I Mina'trentai Sais Na Liheslaturan Guåhan

(671) 989-9554 - 116 Chalan Santo Papa, Hagatna

senatorchrisduenas@gmail.com

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Gumai pribilehu yan konfedensia este siha na mensáhi. Solo espesiátmente para hágu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespátcha. Yanggen lachi rinisibu-mu nu este na mensáhi , put fabot ago' guatu gi I numa'huyong gi as senatorchrisduenas@gmail.com yan despues destrosa todú siha I kopian mensáhi. Si Yu'os ma'áse'.