

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 20, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-076
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 1/21/11
Time 2:35 PM
Received by [Signature]
2011 JAN 21 PM 5: [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 471-30 (COR) "AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172, AGRICULTURAL SUBDIVISION OF LOT NO. 10065, MOGFOG, DEDEDO TO PUBLIC FACILITY (PF) ZONE, PURSUANT TO §61313 OF ARTICLE 3, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, FOR THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE COMMUNITY CENTER FOR PUBLIC USAGE", which I signed into law on January 20, 2011 as **Public Law 30-238**.

Senseramente,

[Signature]
EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

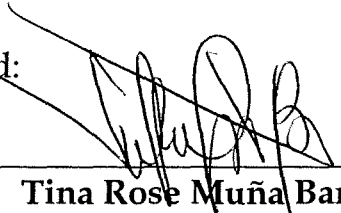
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 471-30 (COR), "AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172, AGRICULTURAL SUBDIVISION OF LOT NO. 10065, MOGFOG, DEDEDO TO PUBLIC FACILITY (PF) ZONE, PURSUANT TO §61313 OF ARTICLE 3, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, FOR THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE COMMUNITY CENTER FOR PUBLIC USAGE,"** was on the 22nd day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'laken Guåhan* this _____ day of _____, 2010, at
_____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALYO

I Maga'laken Guåhan

Date: **JAN 20 2011**

Public Law No. 30-238

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 471-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement and Land,
and amended.

Introduced by:

Adolpho B. Palacios, Sr.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3,
TRACT 172, AGRICULTURAL SUBDIVISION OF LOT
NO. 10065, *MOGFOG, DEDEDO* TO PUBLIC FACILITY
(PF) ZONE, PURSUANT TO §61313 OF ARTICLE 3,
CHAPTER 61 OF TITLE 21, GUAM CODE
ANNOTATED, FOR THE PURPOSE OF
CONSTRUCTING A MULTI-PURPOSE COMMUNITY
CENTER FOR PUBLIC USAGE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Ilocano Association of Guam (ILOAG), a non-profit civic organization,

1 was established in Guam on November 16, 1955, and has distinguished itself
2 throughout the years as one of the most active and assistive Filipino non-profit
3 civic organizations on Guam.

4 *I Liheslaturan Guåhan* further finds that the ILOAG has frequently donated
5 medical equipment to the Guam Memorial Hospital Authority, and has also
6 provided financial contributions to both the University of Guam and the Guam
7 Community College for their scholarship programs. The ILOAG has also donated
8 to other non-profit organizations on Guam, including the donations of picnic
9 shelters for public usage at *Ypao* Beach and at the Mayor's Office in *Tamuning*, the
10 tennis court, and the statue of John F. Kennedy at the John F. Kennedy High
11 School.

12 *I Liheslaturan Guåhan* further finds that the ILOAG has a one (1) acre lot
13 property in the *Macheche* Subdivision in *Dededo*, which is approximately two
14 hundred fifty (250) feet across the PGD Condominiums, and approximately one
15 hundred (100) feet away on the side of Alegeta Road (Calumbo Avenue). The
16 ILOAG, with the wholehearted and strong support of the *Dededo* Municipal
17 Planning Council by resolution, and after initial discussion with the Guam Housing
18 and Urban Renewal Authority (GHURA), has come into an understanding with the
19 two (2) governmental entities to construct a multi-purpose community center for
20 public usage to serve the thousands of low and moderate income residents of the
21 *Macheche* Subdivision and other neighboring areas.

22 *I Liheslaturan Guåhan* further finds that as a result of this cooperative
23 understanding, the ILOAG has submitted a grant application to GHURA in 2010
24 for federal funding under the Community Development Block Grant Program
25 (CDBG) of the Agency. The ILOAG has recently and officially been awarded the
26 sum of Eight Hundred Thousand Dollars (\$800,000) for the construction of a
27 multi-purpose community center, complete with a basketball court and another

1 small facility for public functions, such as meetings, small gatherings, health
2 education classes, and similar activities. This multi-purpose community center
3 will be utilized as a senior citizens center for the elderly residents of *Macheche* and
4 adjoining neighborhoods. The ILOAG has also culminated discussions with the
5 Division of Senior Citizens of the Department of Public Health and Social Services
6 (DPHSS) relative to the operation, management, and funding of the proposed
7 senior citizens center.

8 *I Liheslaturan Guåhan* further finds that this proposed project has been
9 extensively discussed by ILOAG with the residents of the *Macheche* Subdivision,
10 who gave the Association their strong and undivided endorsement and support.
11 The *Macheche* Subdivision has no available vacant governmental land for the
12 construction of this much needed multi-purpose community center.

13 *I Liheslaturan Guåhan* further finds that the GHURA agency requires that
14 this proposed multi-purpose community center be constructed on a Public Facility
15 (PF) zoned property. The ILOAG property is presently zoned Agricultural (A)
16 zone. The grant award requires that the property on which the community center is
17 to be constructed must be zoned Public Facility (PF). The status of the grant will
18 be jeopardized as a result of delay associated with the rezoning of the said
19 property, if the rezoning were to go through the Guam Land Use Commission
20 (GLUC). The traditional and governmental process of rezoning such property
21 under the GLUC may take four (4) to six (6) months, and maybe even longer
22 because of the upcoming change of administration. The grant, if not used by the
23 end of Fiscal Year 2011, will lapse and may cease to be available.

24 Therefore, it is the intent of the *I Liheslaturan Guåhan* to rezone Lot No. 5,
25 Block No. 3, Tract 172, Agricultural Subdivision of Lot No. 10065, *Mogfog*,
26 *Dededo* to Public Facility (PF) zone, for the purpose of constructing a multi-
27 purpose community center.

1 **Section 2. Rezoning.** Lot No. 5, Block No. 3, Tract 172, Agricultural
2 Subdivision of Lot No. 10065, *Mogfog*, Municipality of *Dededo*, is hereby rezoned
3 from Agricultural (A) zone to Public Facility (PF) zone, pursuant to §61313 of
4 Article 3, Chapter 61 of Title 21, Guam Code Annotated, for the purpose of
5 constructing a multi-purpose community center for public usage.

6 **Section 3.** Notwithstanding any law to the contrary, the Ilocano
7 Association of Guam *shall* be exempted from paying property taxes on the
8 aforementioned property for the duration of the utilization of the facility as a multi-
9 purpose community center for public usage.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 12/22/10

VOTING SHEET

SBill No. 471-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



The People

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

DEC 16 2010

DEC 17 PM 5:07

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trenta na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 471-30 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 471-30 (COR) As Substituted: "An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to ~~Commercial zone "C"~~ Public Facility "PF" pursuant to § 61313, article 3, chapter 61, 21 GCA, for the purpose of constructing a multi-purpose community center for public usage.", which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land

Committee votes are as follows:

4

TO PASS

NOT TO PASS

1

TO REPORT OUT ONLY

TO ABSTAIN

TO PLACE IN INACTIVE FILE

Si Yu'us Ma'ase,

vicente c. pangelinan
Chairman

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

COMMITTEE REPORT ON

Bill No. 471-30 (COR) As Substituted

An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to ~~Commercial zone "C"~~ Public Facility "PF" pursuant to § 61313, article 3, chapter 61, 21 GCA, for the purpose of constructing a multi-purpose community center for public usage.



Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

DEC 16 2010

MEMORANDUM

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

To: All Members
Committee on Appropriations, Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

From: Senator vicente "ben" c. pangelinan
Committee Chairperson

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Subject: Committee Report on Bill No. 471-30 (COR) As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 471-30 (COR) As Substituted "An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to ~~Commercial zone "C"~~ Public Facility "PF" pursuant to § 61313, article 3, chapter 61, 21 GCA, for the purpose of constructing a multi-purpose community center for public usage."sponsored by Senator A.B. Palacios, Sr. / Senator T.R. Muna-Barnes

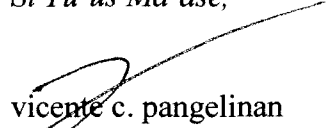
Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 471-30 (COR)
4. Copy of Bill No. 345-30 (COR) As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR referral Bill No. 471-30 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Notes

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

Si Yu'us Ma'ase,


vicente c. pangelinan
Chairman

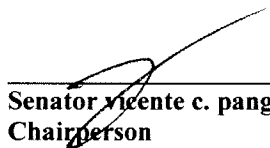
I MINA' TRENTA NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land**

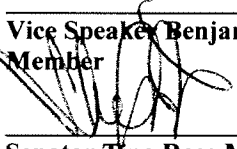
Bill No. 471-30 (COR): As Substituted An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to ~~Commercial zone~~ "C" Public Facility "PF" pursuant to § 61313, article 3, chapter 61, 21 GCA, for the purpose of constructing a multi-purpose community center for public usage.

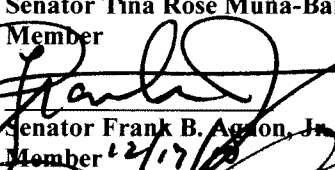
Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
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 Senator Vicente C. Pangelinan Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Speaker Judith T. Won Pat, Ed.D Vice Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Vice Speaker Benjamin J. F. Cruz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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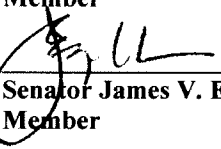
 Senator Tina Rose Muña-Barnes Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Senator Frank B. Aguiar, Jr. Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Senator Judith E. Guthertz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Senator Frank F. Blas, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Senator Telo T. Taitague Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Senator James V. Espaldon Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Bill No. 471-30 (COR): “An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to Commercial zone "C", for the purpose of constructing a multi-purpose community center for public usage.”

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing December 3, 2010, at *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and email to all senators and all main media broadcasting outlets on November 26 (5 day notice), and again on December 1 (48 hour notice).

(a) Committee Members and Senators present:

Senator vicente “ben” pangelinan, Chairman
Senator Tina Muna-Barnes, Member
Senator Tom Ada, Member

(b) Appearing before the committee:

Melissa Savarez, Mayor of Dededo
Bernardo Gines, President of the Ilocano
Association of Guam
Ernie Cid, the Ilocano
Association of Guam
Sabina Tamundo, Vice President, Ilocano
Association of Guam
Zenny Pilarca the Ilocano
Association of Guam
Edwin Aranza, Member Application Review Committee
Albert Santos, Chief Engineer, GHURA

(c) Written Testimony Submitted:

Ernie Cid, the Ilocano Association of Guam
Christopher M. Duenas, Dept. of Land Management
Alberto A. Lamorena, Bureau of Statistics and Plans
Joaquin Flores, Guam Power Authority
Edwin Aranza, Member Application Review Committee
Elisabeth T. Cruz, Guam EPA
Raymond Blas, GHURA
Melissa Savarez, Dededo Manicipal Planning Council
C.C. Perez, Dept. of Land Management
Carmencita & Crispin Estrada, Warranty Deed

II. COMMITTEE PRECEEDINGS

(a) Bill Sponsor Summary

Senator pangelinan: We will proceed with Bill No. 471-30 (COR): “An act to rezone lot no. 5, block no. 3, tract 172 Agricultural subdivision of lot no. 10065 Mogfog, Dededo to Commercial zone "C", for the purpose of constructing a multi-purpose community center for public usage.”

The author of the bill, Senator Palacios, is not here but the co-author of the bill, Senator Tina Rose Muna-Barnes, is here. Before she begins we will call up the individuals that have signed up. I have here Edwin Aranza, Mayor Savares, Ernie Cid and Ms. Sabina.

We will have Senator Barnes just briefly give us the synopsis of the bill.

Senator Muna-Barnes: Thank you again Mr. Chairman for giving me the opportunity to speak on behalf of this bill and with Senator Palacios to rezone Lot No. 5, Block No. 3 for the purpose of a multi-purpose community center to rezone this for a commercial zone.

As you know we’ve been working closely with the Guam Housing Urban Renewal Authority and the Ilocano organization has been given the grant of \$800,000.00 to do this multi-purpose facility for the Dededo center and of course everyone else here. The important thing is for us to receive the proper zoning of the land that needs to be rezoned to be used to build that a multi-purpose community center.

Senator pangelinan: Thank you very much Senator Muna-Barnes. Mayor?

(b) Testimony

1. Melissa Savares, Mayor of Dededo

Mayor Savares: Thank you. Again for the record my name is Melissa Savares, Mayor of Dededo. I'll give you a little brief history of the situation. What has happened in the community. I approached GHURA to find out if we can build a third senior citizen / community center within our growing community.

As you know I currently have two senior citizen centers that are full to their capacity. We do have waiting lists in both centers. I was advised by our representatives at GHURA that if we were to build a third facility we would need to look at the south side of Marine Corps. Drive so we can have a facility in that particular area.

The mayor's office did not have any inventory of property in that particular area. Chamorro Land Trust Commission was leasing out to families for both agricultural and residential. We came across the Ilocano Association of Guam that did have property and did have a constructed shell building there but they did not have any money to continue their project.

What we did was I have Mr. Bernie Gines here as part of my municipal planning council as well as Mr. Ernie Cid and they have already made dialog with GHURA, Mr. Mike Duenas and Albert Santos. We came to the consensus with members of my municipal planning council, that we partner with the organization, We had representatives from the families surrounding the property and had a meeting with members of the municipal planning council and families that we support the application of the Ilocano Association of Guam in their grant to request from GHURA.

So that was a little bit of the history. The GHURA application, the resolution of support was attached from the municipal planning council. It is property 200 feet away from the Macheche avenue and about 100 feet from the Alegeta road construction. Alegeta road is being resurfaced at this time. So it will be in an area improved area and they will upgrade their community facility for a meeting house. It can also be used as a community center and within the property they can still have space for an outdoor basketball court / recreational facility not just for their use but also the neighboring community.

Senator pangelinan: Thank you very much Mayor. Bernie?

2. Bernardo Gines, President of the Ilocano Association of Guam

Bernardo Gines: Good afternoon Mr. Chairman and Acting Speaker Tina Muna-Barnes and Senator Ada. I like to introduce myself for the record. I am Bernie or Bernardo Gines the current president of the Ilocano Association of Guam. My term of two years will be completed and have assigned Mr. Ernie Cid to find out if we can get a grant to support our dreams for a community center for public use.

I am a architect by profession I like to serve the community through volunteer work by making the plans for the community center but if we don't have the money we cannot

build, so we went to our associations application and Mr. Ernie Cid will be the one to complete the application. I'd like to support this project.

Senator pangelinan: Thank you very much Mr. Gines. Ernie?

3. Ernie Cid, Ilocano Association of Guam

Ernie Cid: Thank you Mr. Chairman, Senator Muna-Barnes and Senator Tom Ada. For the record I have written testimony and I would like to speak from the heart. I am use to that and I think its better if I do it that way. For those who are not here perhaps my written testimony will show rational behind this grant and the reason why the Ilocano Association of Guam is pursuing it.

Mr. Chairman and Senator Tina Muna-Barnes on behalf of the Ilocano Association our greatest gratitude for you and Senator Palacios for sponsoring this bill for us. In your capacity as Chairperson of GHURA your total support even before we applied for the grant, we give you our thanks and everlasting gratitude.

Mr. Chairman we purchased the property, let me give you a little history. In 1976 when that place was a subdivision it was just starting to grow. It was still an agricultural zoning. Ironically the first family to move in there are my relatives and followed by others and it grew over the years. It was not a planned subdivision. So this place just grew by itself and the roads were not even planned and that's why as you go in there you see a lot roads and some of them are still unpaved and its sad to say that as this subdivision is urbanized center of Dededo.

It's very close to the nice homes across the street in Macheche the 2 story homes where some of the judges reside and the luxurious Las Palmas condominiums and the beautiful houses of Latte Heights. Macheche subdivision remains hardly developed. Up till now, it is still agricultural and they stayed that way a reason. A lot of the residences are of low income. Some are moderate and in accordance with the last census that we had of the locality I think 57% are below the poverty level.

The Ilocano Association purchased a one acre property by Pat Sagisi. Although the Ilocano Association wanted to build something for themselves, in the beginning it took so long. It was in 1994, I built the clubhouse as the centerpiece of what we wanted to do in the future. Unfortunately money is tight and it has been eighteen years down the road and the place has not been completed.

As the good Mayor has mentioned I did approach her regarding going into a joint effort in an attempt to help out a subdivision which sad to say has been neglected by this government. I have been a vocal advocate of the extension of sewer facilities to the area, because right under that is drinking water reservoir of this island the northern side of Guam. That place is still agricultural. There is no sewer system and there are already hundreds of houses in there.

I think there are close to 10,000 residences. This place is even bigger than the smaller municipalities in the south and yet there was no plan at all to deal with it. The mayor said there is no government land available in the area. I am surprised that the mayor wanted to help them out by pushing for a senior citizen center and maybe a basketball court and recreational facility and it could not be done.

So here we are the Ilocano Association and a non-profit organization. We feel Mr. Chairman if the government is unable to help the people of the island I think we as a non-profit organization in our attempt to live in this island that was very accommodating to us because this association is generally most of the members as Ilocano from the Philippines. We appreciate that we are seen as brothers and sisters of the island and we want to help.

We made an organizational decision on this type of project. We offer our property as the location of the multi-purpose center. Not for us Mr. Chairman. Not for the Ilocano Association of Guam and certainly not for Ernie Cid or Bernie Gines. It's for the people of Guam. Specifically for the people of the Macheche subdivision.

On their behalf Mr. Chairman the bill is very self explanatory. I beg this committee to consider, favorable consideration for this bill. I have taken the liberty of submitting to you not a substitute bill but a bill where there are minor changes. The only major changes that instead of asking the property to be zoned commercial we had a meeting with GHURA and the Mayor after meeting with Dept. of Land Management we decided to go for what you call a public facility zone.

It is already permitted under existing law in fact that's the zone this body has established as the zoning designation for community center, police station, senior citizen center, recreational facilities and other public facilities on the island.

I think the legislature was looking at government land. This is private property and I think we are dealing with uncharted territory. We felt that we had to go before this body to get our property legally rezoned for public facility zoning. That is what we are asking in Bill 471, that this body please consider this expeditiously as possible because the grant that has been awarded to us \$800,000.00 must be spent in FY 2011. Not only that, but much more on behalf of the residence of the Macheche subdivision who have been waiting for so long for something like this to happen. I think we owe it to them; you owe it to them as public servants that you listen to their cries for help.

There is one thing, section 3 in the bill. It is a little controversial and I leave it in your kind heart Mr. Chairman. Section 3 of the bill simple request that we are requesting that this committee make a stipulation in the law that we are exempt from paying property taxes for all the years that we will be using this facility to serve the people of Macheche.

With the agreement that we negotiated with GHURA and which we will formalize in paper later on, in accordance with the Memo of Understanding we will negotiate with the

Mayor of Dededo, there are certain things we need to follow. One of them is that the Ilocano's will operate this as a public facility for the next 15 years as a minimum.

I hope that the Ilocano's will continue to make this facility available to the people of Macheche for as long as they want it. The other reason that I am asking for an exemption to the property tax. There are a lot of things that the grant does not cover, even if we get money from Dept. of Public Health. The negotiation with Mr. Art San Augustine the administrator for the division of senior citizens, service salary is not covered in the operation of the senior citizen center.

The other day I was at the Dededo Senior Citizen Center looking for Bernie. I could hardly get in. The place was jammed pack. There is a waiting list according to the mayor and ironically I am on the waiting list. There are a lot of things not covered in the grant senior citizens program. Furnishings are to be purchased by us. Appliances are purchased by us as well as utilities.

Senator pangelinan: They are not going to pay you rent?

Ernie Cid: No its free Mr. Chairman. This is our service to the people of Guam. The money is given to us by GHURA and we open the doors of this facility and freely to the residence of Macheche. To help us defray the cost of utilities GHURA is allowing us to charge some minimal fees for reimbursement of electricity. But not for the senior citizen center. This is only after 5pm when its used by the community as a social or the residents as a place for a party or barbecuing other social functions. We won't charge the elderly for coming there.

Although this is only a zoning bill and explaining why section three of the bill was incorporated by the sponsors of the bill the exemption from the property tax it's not much to ask on behalf of the residence of Macheche.

Thank you Mr. Chairman for the opportunity to testify. At this time our Vice President of the project committee is Sabina Tamundo.

4. Sabina Tamundo, Vice President, Ilocano Association of Guam

Sabina Tamundo: Good afternoon. For the record my name is Sabina Tamundo and I am here to support the zoning for our lot in Macheche. In conjunction with our objective as a non-profit organization we wanted to leave a legacy to our next generation if this project will materialize that will be something that we will be proud. Thank you very much.

5. Zenny Pilarca

Zenny Pilarca: I am Zenny Pilarca and I am here also to support this project which will benefit Dededo residence. Thank you.

Panel Comments and Questions

Senator pangelinan: Thank you very much. Senator Ada?

Senator Tom Ada: Can you just clarify Ernie you said \$800,000.00 grant asked to be expended or encumbered?

Ernie Cid: That as much as possible certainly on you start the project it has been awarded to us and attached to my testimony is the letter of award on the \$800,000.00 but as much as possible they want us to finish...oh here is my good friend from GHURA. I think he can best respond to your question.

Senator pangelinan: Mr. Santos please identify yourself for the record.

<Mr. Santos' microphone is not turned on>

Senator Tom Ada: Because it was stated here that it has to be that FY 2011 so two years will take us into 2012. I just wanted to know what kind of urgency there was.

Senator pangelinan: Thank you very much.

Senator Tom Ada: Now because these public funds are being used to build a building will the organization be able to charge fees for the use of these facilities that were built with public funds?

Albert Santos: For seniors they cannot be charged anything. Outside the core hour which is 8 to 5pm Monday thru Friday. The partnership they have with Public Health there are going to be items with Public Health that they will be providing them with resources to pay utilities and the maintenance cost. Other than that they cannot be charging for public use in terms of those core hours.

Senator Tom Ada: You are the Chief Engineer for GHURA?

Albert Santos: Yes.

Senator Tom Ada: With what's being contemplated to be built on this property and this area does not have sewer?

Albert Santos: Yes.

Senator Tom Ada: Can the facility in question be constructed that doesn't have sewer services?

Albert Santos: There is a sewer line on the main road about 200 feet away and we are working with Guam WaterWorks Authority in getting that request to tap into that line.

Senator Tom Ada: Does the \$800,000.00 cover the expense of tying in?

Albert Santos: Yes.

Senator Tom Ada: Thank you.

Senator pangelinan: Thank you very much. Would there be any restrictions to tap into that sewer line?

Albert Santos: Like everything else, as long as those individuals meet the income requirements then they could tap into it.

Senator pangelinan: Thank you very much. There being no other testimony on Bill No. 471-30 that concludes our public input. Thank you.

III. COMMITTEE FINDINGS AND RECOMMENDATIONS:

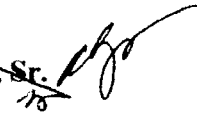
The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 471-39 (COR), As Substituted by the Committee, with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 471-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr.
T. R. Muña-Barnes



2010 OCT -6 PM 2:59



**AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172
AGRICULTURAL SUBDIVISION OF LOT NO. 10065
MOGFOG, DEDEDO TO COMMERCIAL ZONE "C", FOR
THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE
COMMUNITY CENTER FOR PUBLIC USAGE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

that the Ilocano Association of Guam (ILOAG), a non-profit civic organization
was established in Guam on November 16, 1955, and has distinguished itself
throughout the years as one of the most active and assistive Filipino non-profit,
civil organization on Guam.

I Liheslaturan Guåhan further finds that the ILOAG has frequently donated
medical equipment to the Guam Memorial Hospital Authority and has also
provided financial contributions to both the University of Guam and the Guam
Community College for their scholarship programs. The ILOAG has also
donated to other non-profit organizations on Guam, including the donations of
picnic shelters for public usage at Ipao Beach and at the Mayor's Office in

1 Tamuning, including the tennis court, and the statue of John F. Kennedy at the
2 John F. Kennedy High School.

3 *I Liheslaturan Guåhan* further finds that the ILOAG has a one (1) acre lot
4 property in the Macheche Subdivision in Dededo, which is about 250 feet across
5 the PGD Condominiums and about 100 feet away on the side of Alegeta Road
6 (Calumbo Avenue). The ILOAG, with the wholehearted and strong support of
7 the Dededo Municipal Planning Council by resolution, and after lengthy
8 discussion with the Guam Housing and Urban Renewal Authority (GHURA),
9 has come into a cooperative and joint venture agreement with the two
10 governmental entities to construct a multi-purpose community center for public
11 usage to serve the thousands of low and moderate income residents of the
12 Macheche Subdivision and other neighboring areas.

13 *I Liheslaturan Guåhan* further finds that as a result of this cooperative
14 understanding, the ILOAG has submitted a grant application to GHURA in 2010
15 for federal funding under the Community Development Block Grant Program
16 (CDBG) of the Agency. The ILOAG has recently and officially been awarded the
17 sum of Eight Hundred Thousand Dollars (\$800,000) for the construction of a
18 multi-purpose community center, complete with a basketball court and another
19 small facility for public functions such as meetings, small gatherings, health
20 education classes, and similar activities. This multi-purpose community center

1 will be utilized as a senior citizens center for the elderly residents of Macheche
2 and adjoining neighborhoods. The ILOAG has also culminated discussions with
3 the Division of Senior Citizens of the Department of Public Health and Social
4 Services (DPHSS) relative to the operation, management, and funding of the
5 proposed senior citizens center.

6 *I Liheslaturan Guåhan* further finds that this proposed project has been
7 extensively discussed by ILOAG with the residents of the Macheche Subdivision
8 who gave the Association their strong and undivided endorsement and support.
9 The Macheche Subdivision has no available vacant governmental land for the
10 construction of this much needed multi-purpose community center.

11 *I Liheslaturan Guåhan* further finds that the federal HUD agency requires
12 that this proposed multi-purpose community center be constructed on a
13 commercial zone property. The ILOAG property is zoned "Agricultural". The
14 grant award requires that the property on which the community center is to be
15 constructed must be zoned "Commercial". The status of the grant will be
16 jeopardized as a result of delay associated with the rezoning of the said property,
17 if the rezoning were to go through the Guam Land Use Commission (GLUC).
18 The traditional and governmental process of rezoning such property under the
19 GLUC may take four to six months, and maybe even longer because of the

1 upcoming change of administration. The grant if not used by the end of Fiscal
2 Year 2011 will lapse and may cease to be available.

3 Therefore, it is the intent of the *I Liheslaturan Guåhan* to rezone Lot No. 5,
4 Block No. 3, Tract 172 Agricultural Subdivision of Lot No. 10065 Mogfog,
5 Dededo to Commercial Zone, for the purpose of constructing a multi-purpose
6 community center.

7 **Section 2. Rezoning.** Lot No. 5, Block No. 3, Tract 172 Agricultural
8 Subdivision of Lot No. 10065 Mogfog, Municipality of Dededo is hereby rezoned
9 from Agricultural "A" to Commercial "C" for the purpose of constructing a
10 multi-purpose community center for public usage.

11 **Section 3.** Notwithstanding any law to the contrary, the Ilocano
12 Association of Guam shall be exempted from paying property tax on the
13 aforementioned property for the duration of the utilization of the facility as a
14 multi-purpose community center for public usage.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 471-30 (COR)
As Substituted by the Committee on
Appropriations, Taxation, Banking, Insurance,
Retirement and Land

Introduced by:

Adolpho B. Palacios, Sr.
T. R. Muña-Barnes

**AS SUBSTITUTED "AN ACT TO REZONE LOT NO. 5, BLOCK
NO. 3, TRACT 172 AGRICULTURAL SUBDIVISION OF LOT
NO. 10065 MOGFOG, DEDEDO TO ~~COMMERCIAL ZONE~~
"C" PUBLIC FACILITY "PF" PURSUANT TO § 61313,
ARTICLE 3, CHAPTER 61, 21 GCA, FOR THE PURPOSE OF
CONSTRUCTING A MULTI-PURPOSE COMMUNITY
CENTER FOR PUBLIC USAGE."**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that the Ilocano Association of Guam (ILOAG), a non-profit civic organization
was established in Guam on November 16, 1955, and has distinguished itself
throughout the years as one of the most active and assistive Filipino non-profit,
civil organization on Guam.

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medical equipment to the Guam Memorial Hospital Authority and has also
provided financial contributions to both the University of Guam and the Guam
Community College for their scholarship programs. The ILOAG has also

1 donated to other non-profit organizations on Guam, including the donations of
2 picnic shelters for public usage at Ipao Beach and at the Mayor's Office in
3 Tamuning, ~~including~~ the tennis court, and the statue of John F. Kennedy at the
4 John F. Kennedy High School.

5 *I Liheslaturan Guåhan* further finds that the ILOAG has a one (1) acre lot
6 property in the Macheche Subdivision in Dededo, which is about 250 feet across
7 the PGD Condominiums and about 100 feet away on the side of Alegeta Road
8 (Calumbo Avenue). The ILOAG, with the wholehearted and strong support of
9 the Dededo Municipal Planning Council by resolution, and after ~~lengthy~~ initial
10 discussion with the Guam Housing and Urban Renewal Authority (GHURA),
11 has come into a ~~cooperative and joint venture agreement~~ an understanding with
12 the two governmental entities to construct a multi-purpose community center for
13 public usage to serve the thousands of low and moderate income residents of the
14 Macheche Subdivision and other neighboring areas.

15 *I Liheslaturan Guåhan* further finds that as a result of this cooperative
16 understanding, the ILOAG has submitted a grant application to GHURA in 2010
17 for federal funding under the Community Development Block Grant Program
18 (CDBG) of the Agency. The ILOAG has recently and officially been awarded the
19 sum of Eight Hundred Thousand Dollars (\$800,000) for the construction of a
20 multi-purpose community center, complete with a basketball court and another

1 small facility for public functions such as meetings, small gatherings, health
2 education classes, and similar activities. This multi-purpose community center
3 will be utilized as a senior citizens center for the elderly residents of Macheche
4 and adjoining neighborhoods. The ILOAG has also culminated discussions with
5 the Division of Senior Citizens of the Department of Public Health and Social
6 Services (DPHSS) relative to the operation, management, and funding of the
7 proposed senior citizens center.

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9 extensively discussed by ILOAG with the residents of the Macheche Subdivision
10 who gave the Association their strong and undivided endorsement and support.
11 The Macheche Subdivision has no available vacant governmental land for the
12 construction of this much needed multi-purpose community center.

13 *I Liheslaturan Guåhan* further finds that the ~~federal HUD~~ GHURA agency
14 requires that this proposed multi-purpose community center be constructed on a
15 ~~commercial~~ Public Facility "PF" zone property. The ILOAG property is zoned
16 "Agricultural". The grant award requires that the property on which the
17 community center is to be constructed must be zoned "~~Commercial~~" Public
18 Facility "PF". The status of the grant will be jeopardized as a result of delay
19 associated with the rezoning of the said property, if the rezoning were to go
20 through the Guam Land Use Commission (GLUC). The traditional and

1 governmental process of rezoning such property under the GLUC may take four
2 to six months, and maybe even longer because of the upcoming change of
3 administration. The grant if not used by the end of Fiscal Year 2011 will lapse
4 and may cease to be available.

5 Therefore, it is the intent of the *I Liheslaturan Guåhan* to rezone Lot No. 5,
6 Block No. 3, Tract 172 Agricultural Subdivision of Lot No. 10065 Mogfog,
7 Dededo to ~~Commercial Zone~~ Public Facility "PF", for the purpose of constructing
8 a multi-purpose community center.

9 **Section 2. Rezoning.** Lot No. 5, Block No. 3, Tract 172 Agricultural
10 Subdivision of Lot No. 10065 Mogfog, Municipality of Dededo is hereby rezoned
11 from Agricultural "A" to ~~Commercial "C"~~ Public Facility "PF" pursuant to § 61313,
12 Article 3, Chapter 61, 21 GCA for the purpose of constructing a multi-purpose
13 community center for public usage.

14 **Section 3.** Notwithstanding any law to the contrary, the Ilocano
15 Association of Guam shall be exempted from paying property tax on the
16 aforementioned property for the duration of the utilization of the facility as a
17 multi-purpose community center for public usage.



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
Friday, December 3, 2010
Bill No. 471-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Edwin Aranza				✓			
Melissa Savares					✓	✓	
BERTHE F. GILLES, AAIA						YES	
Ernie S. L							

Guam
wpc

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING

Friday, December 3, 2010

Bill No. 471-30 (COR)

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Sabina Tawudo						

324 W. Soledad Ave. Hagatna, Guam 96910

Ph. 473-4236 Fax. 473-4238

Email: senbenp@guam.net

December 3, 2010

Senator vicente “ben” c. pangelinan
Chairman, Committee on Appropriation, Taxation,
Banking, Insurance, and Land
30th Guam Legislature
Hagatna, Guam 96910

Dear Senator Pangelinan:

Hafa Adai! I am writing to provide testimony on Bill No. 471-30 which proposes to rezone a one-acre property owned by the Illocano Association of Guam. This property will be utilized as the location of the planned multi-purpose community center by the Association to serve the residents of the Macheche Subdivision and other neighboring areas in Dededo. The Association has been awarded recently Eight Hundred Thousand Dollars (\$800,000) by the Guam Housing and Urban Renewal Authority (GHURA) through its Community Development Block Grant Program. This grant has to be used in Fiscal Year 2011.

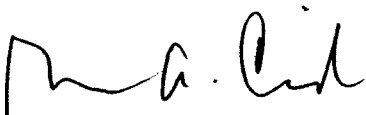
The Illocano Association of Guam is exceedingly appreciative to Senator Adolpho Palacios, the primary sponsor of this Bill and his co-sponsor Senator Tina Muna-Barnes for introducing Bill No. 471-30. We also extend our gratitude to you, Mr. Chairman, for your expeditious scheduling for the public hearing on Bill No. 471-30.

I have taken the liberty of attaching relevant documents to my testimony for facilitated review and information of the Committee. Most important of all is a suggested revised version of Bill 471-30 incorporating some proposed

Mr. Chairman, the philosophy of the Illocano Association is that when our local government has some difficulties in implementing needed programs and services, private non-profit civic organizations should come to assist. This is the reason de tre of our project and the benevolent impetus which made us decide to apply for federal funds from GHURA to construct the multi-purpose center. But in order for us to proceed with the construction, our one-acre property has to be rezoned to Public Facility zone, as embodied in Section 2 of the Bill.

Finally, we are also asking for your favorable consideration of Section 3 of the Bill to alleviate to some degree the Association's financial burden of operating the center which includes purchasing furnishings, insurance on the building, and payment of utilities. In closing, Mr. Chairman, may I respectfully reiterate our request for the Committee's favorable action of this Bill on behalf of the thousands of residents of the Macheche Subdivision in Dededo.

Thank you so much.



ERNIE CID

President, Illocano Association of Guam CY2011



DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guahan)



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

FELIX P. CAMACHO
Governor of Guahan

CHRISTOPHER M. DUENAS
Director

MICHAEL W. CRUZ, M.D.
Lieutenant Governor of Guahan

MICHAEL C. JAMES
Deputy Director

October 13, 2010

I Mina'Trenta na Liheslaturán Guáhan
Honorable Senator Adolpho B. Palacios, Sr.
Suite 104
155 Hesler St.
Hagåtña, Guam 96910

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlmdir@dlm.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

Ref: DLM Comment on Bill: 471-30 (COR) - BILL 471 (COR) – AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172 AGRICULTURAL SUBDIVISION OF LOT NO. 10065 MOGFOG, DEDEDO TO COMMERCIAL ZONE “C”, FOR THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE COMMUNITY CENTER FOR PUBLIC USAGE

Bueñas Yan Hafa Adai:

We have reviewed Bill 471-30 (COR) and submit our comment as follows:

The intended use of a “Multi-Purpose Community Center” for public use is certainly a noble act on the part of the Ilocano Association of Guam (ILOAG) and we also extend our appreciation for their unselfishness to assist the residents in the MogFog and Macheche areas.

It is our position that having a Multi-Purpose Community Center and most importantly, for securing the needed individual and public benefit services such as from the Division of Senior Citizens relative to operations, management and funding of the proposed center, strengthens and enhances the viability and livability of the residents in the area.

This Multi-Purpose Community Center situated in this vast residential and major subdivision neighborhood, is an asset. Given the magnitude and enormity of the population in the immediate and surrounding neighborhood, critical community facilities such as this center should have been planned and made an integral part of the development in its initial growth.

Continuation of Letter

RE: DLM Comment on Bill 471-30(COR)

October 13, 2010

Page 2 of 3

As the name "Multi-Purpose Community Center" eloquently state, is intended to serve a wide range of residents; and by this intent, such a center is an invaluable asset. With close monitoring, proper staffing and management, and funding of the facility, the residents in the MogFog, Macheche, Latte Heights Subdivision and the Dededo Community as a whole, stand to gain from the use of the facility and services that are planned to be made available.

While ILOAG would be exempt from paying property tax on the parcel, and therefore not contribute to the Government's tax base, however, the fact that the Association has secured HUD funding via a federal grant; and the fact that the Association will build the facility, saves the Government from having to find funding sources for the facility's construction; and that we are all well aware that the Government has a budget deficit going into the new Fiscal Year. Thus, the proposed facility comes at a pivotal point in time where we can realize its existence.

Through a private-public cooperation, a much needed community facility would be made available that undoubtedly benefits the immediate, surrounding and Dededo Community. While there may be no monetary gain for the Government; the Government will see positive results relative to services to senior citizens, a place for community recreation and interaction, a center that has the potential for providing other after school-work programs for adolescents and young adults among numerous other possibilities. These are invaluable services and public benefits that will not only extend critical Government services in the Dededo Community, but will assist the Government from having to find funding sources for real property purchase or lease; and for having to fund development and construction plans for the physical facility. In addition, there is that potential to reduce vandalism and other personal or property crimes in the area; for more community involvement; and for introducing new public or special programs to the area based on the proposed services offered or planned. This proposed Multi-Purpose Community Center in this location can only be viewed positively.

Relative to the rezoning action, we understand HUD's requirement that the parcel must be rezoned to "C" Commercial zone; and we do not object to such zone. However, our zoning code does not allow a "multi-purpose" center as a permitted use. Community facilities is a "Conditional Use" in which said use must be approved by the Guam Land Use Commission. Thus, the justification that the property be rezoned by the Legislature due to time constraints will only be partially met.

Continuation of Letter
RE: DLM Comment on Bill 471-30(COR)
October 13, 2010
Page 3 of 3


The other part which is for the "use of a community center" that if the Bill remained as it is with no other legislative authorization to allow for its existence, will require Guam Land Use Commission review and approval; and thus, the goal of attempting to minimize the lengthy review process may not be achieved.

Therefore, our recommendation is to add a new section to the Bill. We propose the following language:

"Section 4. The use of the "Multi-Purpose Community Center" shall be exempt from the Requirements of 21GCA, Chapter 61, Article 3. Use Regulations, §61303(a)(b)(c).

We appreciate the opportunity to provide our comments. Contact Planning Division at 649-5263, should you have additional questions or need further clarification.

Senseramente,


cm Christopher M. Duenas
Director

Cc: Planning Division, DLM

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam



Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

TESTIMONY BEFORE THE COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE AND LAND

BY THE BUREAU OF STATISTICS AND PLANS

Guam Legislature Public Hearing Room

Friday, December 3, 2010



Honorable Chairman and Committee Members:

This testimony is provided on behalf of the Bureau of Statistics and Plans in regards to the Bill Nos. 449-30 (COR), 458-30(COR), 471-30(COR), and 493-30(COR). We have reviewed the said bills and offer the following comments and concerns:

The Bureau has always had concerns with regards to the rezoning of properties by the Guam Legislature. We strongly believe that there is already a process that is in place that works which affords the surrounding neighbors as well as the general public the opportunity to provide comments on proposed zone changes. As you know, the Guam Land Use Commission (GLUC) in conjunction with the Application Review Committee (ARC) is tasked to be responsible for this process. With the technical assistance of the various government agencies and departments, the GLUC has the ability to come to a reasonable decision in the changing of zoning designations. Unlike the legislative zone change process, the GLUC guarantees that the affected surrounding neighborhood within 500 feet of the property proposed to be rezoned is informed by registered mail of the proposal and is invited to attend the GLUC Hearing to discuss any comments or concerns that they may have. Not everybody has access to the printed media to see the public announcements of upcoming public hearings. Furthermore, unlike the legislative process, the GLUC receives technical comments from appropriate government agencies on the impacts of a proposed zone change which is standard policy, prior to arriving to a decision.

For example, based on our Land Use Planning Section, information that they have on land cover shows that Lot No.165-R4 seems to be encumbered by Palustrine Forested Wetlands and possibly Palustrine Emergent Wetlands. Furthermore, the FEMA Flood Insurance Rate Maps show that the lot may possibly be encumbered by a flood zone that is characterized as 0.2 Percent annual chance floodplain. The Bureau does not have the exact location of Lot 165-R4 however, available information dictates that there is a high possibility that this area may pose environmental considerations. Certain industrial land uses may be inappropriate uses in wetland or areas that may be prone to flooding. Therefore, a determination has to be made if the subject lot falls within these boundaries before the Government of Guam authorizes a change in zoning that may have adverse effects to the environment. Does the government take on the responsibility on mitigation if they approve such zone changes?

The Bureau would also like to comment that Lot 165-R4 is not "previously unzoned". It is a general understanding that all properties in the Official Guam Zoning Map that do not appear to have a zoning designation are "A" agricultural zoned. This excludes the military and recent federally released properties (Ancestral Lands).

The Bureau recognizes that the legislature has the authority to approve zone changes however involvement and feedback from the public and private sector alike are received through the GLUC process. We feel the legislative route needs to include more input from all stakeholders to receive a thorough review and include technical assistance from the ARC members. Until the process is amended, the Bureau will provide similar comments to all zone changes being routed and processed in this fashion. Thank you for the opportunity to comment on the above mentioned bills.

A handwritten signature in black ink, appearing to read 'A. Lamorena', with a stylized flourish at the end.

ALBERTO A. LAMORENA V



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

December 2, 2010

The Honorable Vicente C. Pangelinan
Senator, 30th Guam Legislature
324 W. Soledad Ave. Suite 101
Hagatna, Guam 96910

Subject: Lot 5, Block 3, Tract 172 of Lot 10065, Municipality of Mogfog, Dededo, to re-zone from "A" (Agricultural) to "C" (Commercial). **Bill No. 471-30**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

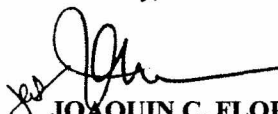
1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electrical Code, National Electrical Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection
 - Provide scheduling and magnitude of project power demand requirements for new loads
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.



Sincerely,


JOAQUIN C. FLORES, P.E.
General Manager



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAH PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

03 DEC 2010

Honorable Vincente C. Pangelinan
Senator, Guam Legislature
Chairman, Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and
Land
155 Hesler St.
Hagatna, GU 96910

Dear Mr. Chairman:

Buenas yan Saluda.

Please find enclosed my testimony for the Guam Environmental Protection Agency on
Bills: 440-30 (COR), 449-30 (COR), 458-30 (COR), 471-30 (COR), and 493-30 (COR).

Thank you and the Executive Committee for this opportunity to present our comments on
the bills related to zoning, rezoning and the sale of portion of property under the
inventory of the Chamorro Land Trust.

Dangkolo ns Si Yu'os Ma'ase.


ELISABETH T. CRUZ
Administrator

Enclosure

"ALL LIVING THINGS OF THE EARTH ARE ONE"

Testimony of

Edwin Aranza, Member Application Review Committee (ARC)

on behalf of: Administrator

Guam Environmental Protection Agency before the Committee on Appropriations,

Taxation, Banking, Insurance, Retirement and Land

December 3, 2010

PUBLIC HEARING ON BILLS: 440-30 (COR): AN ACT TO AUTHORIZE THE SALE OF A PORTION OF LOT NO. 87-4-2-R1, BILL 449-30 (COR): AN ACT TO RELATIVE RE-ZONING LOT NO. 10117-R6. ; LOCATED IN THE MUNICIPALITY OF DEDEDO FROM COMMERCIAL ("C") TO LIGHT INDUSTRIAL (M1); BILL NO.458-30 (COR): AN ACT TO REZONE LOT NOS. 3261-R4,3261-2,3261-1-R3, 3261-1-2 AND 3261-1-1 R1 A; ALL IN THE MUNICIPALITY OF CHALAN PAGO FROM RESIDENTIAL "R-1" TO LIGHT INDUSTRIAL "M1" ZONE, BILL 471-30 (COR): AN ACT TO REZONE LOT NO.5, BLOCK NO.3 TRACT 172 AGRICULTURAL SUBDIVISION OF LOT NO.10065 MOGFOG, DEDEDO TO COMMERCIAL ZONE "C", AND BILL NO 493-30 (COR): AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NO. 165-R4 IN THE MUNICIPALITY OF PITI TO LIGHT INDUSTRIAL (M1) ZONE.

Buenas yan Saluda, Chairman Pangelinan and Committee Members. In response to your invitation, I am pleased to have the opportunity to provide ARC member of Guam Environmental Protection Agency testimony on the above subject Bills.

BILL 440-30 (Lot no. 87-4-2-R1, Hagatna) under the inventory of the Chamorro Land Trust Commission. The impact to water and wastewater infrastructure is minimal. The Agency has no environmental concerns with the Bill.

BILL 449-30 (Lot No. 10117-R6, Dededo) from Commercial ("C") to Light Industrial (M1) for purposes of establishing business related to construction and warehouse activities. The subject lot area is approximately 21.4 acres would have a major impact to the existing water and sewer infrastructure. Wastewater from the area is treated at the Northern District Sewage Treatment Plant which is over capacity at the present time. The sewage treatment plant is not in compliance with the Clean Water Act and Guam Waterworks Authority is under court order to get the facility into compliance.

The water supply and water sources serving this service area currently are inadequate and cannot accommodate current and future housing developments and changes in increased industrial zoning that will be connected to the existing water and wastewater system. Adverse impacts such as low water and low flow to existing customer's down-stream and up-stream of the service area is anticipated by allowing the parcel to be re-zoned to a higher density from its current use.

BILL 458-30 (Lot Nos. 3261-R4, 3261-2, 3261-1-R3, 3261-1-2 and 3261-1-1 R1 all in the Municipality of Chalan Pago) from Residential "R-1" to Light Industrial "M1" zone. Subject lots total approximately 21 acres. By allowing the subject lots to be re-zoned to a higher density will contribute to the existing low water and low flow from this area both upstream of the service area (Mangilao) and down-stream of the service area and up-stream of the service area.

Mangilao has a history of low to no water pressure during high demand. Furthermore, current and future housing (Pago Bay Development) within the service area will contribute to water shortages without up-grades to the system.

Wastewater capacity is a concern with the higher density. The Agency has reports of overflowing sewers affecting water wells. Portions of the water source (wells) has a history of high chlorides from over pumping and bacteria contamination from overflowing sewage.

BILL 471-30 (Lot No. 5, Block No. 3 Tract 172 Agricultural Subdivision Lot, Mogfog Dededo to Commercial Zone "C". The impact to water and sewer infrastructure is

minimal for the proposed multi-purpose community center activity. The applicant must confirm the availability of public sewer and water serving the subject area.

BILL 493-30 (Lot No. 165-R4, Piti) un-zoned lot to Light Industrial (M-1) zone. Lot area is approximately 22.6 acres. The proposed zoning would impact the existing wastewater and water infrastructure.

The wastewater collector, force main and pump station servicing the area is inadequate to accommodate increased discharges from the higher density Light Industrial Zone. Future development within the service area (Nimitz Hill Housing) may limit the available capacity and the adequacy of the Agana Wastewater Treatment Plant. The existing Wastewater Treatment Plant has a current capacity that can accommodate 1MGD, according to Guam Waterworks Authority, however the auxiliary wastewater components mentioned above are inadequate to accommodate additional wastewater from the proposed zoning intensity increase.

Water infrastructure demand from approximately 21 acres of Light Industrial activities would impact up-stream and down-stream of the service area. The Navy water supplies to GWA has reached its full capacity. Piti is dependent from the Navy water supply at Nimitz Hill (up-stream). Historically, low to no water pressure has been experienced for existing water customers during high demand periods. Any additional demand for water has to be supplied from other sources by GWA. There are no wells except one spring (not being utilized) that can directly serve the area. The A-series wells that normally supply this area have a history of bacterial contamination and high chloride concentrations.

Avoidance of wetlands shall be required for any development on the subject property. Wetland delineation of the subject property is required if wetlands are found on the property. Clearing and grading permits will be required for any site preparation activities. In addition, on-site storm water disposal will be required for industrial facilities.



GHURA

Guahan Housing and Urban Renewal Authority
 Aturidat Ginima' Yan Rinueban Siudad Guahan
 117 Bien Venida Avenue, Sinajana, GU 96910
 Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701



**EQUAL HOUSING
 OPPORTUNITY**

September 24, 2010

Mr. Bernardo F. Gines, President
 Mr. Ernie A. Cid, Chairperson, Special Projects Committee
 Ilocano Association of Guam (ILOAG)
 159 S. Gabgab Ct., Ligan Terrace
 Deddo, GU 96929

FELIX P. CAMACHO
 Governor of Guahan

MICHAEL W. CRUZ, M.D.
 Lt. Governor of Guahan

RAYMOND F.Y. BLAS
 Executive Director

MICHAEL J. DUENAS
 Deputy Director (Acting)

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NORMA JEAN B. FLORES
 Member

ROLAND M. SELVIDGE
 Resident Member

Subject Macheche Neighborhood Multipurpose Center
 Application for Program Year 2010 Annual Action Plan funds

Hafa Adai Mr. Gines and Mr. Cid,

Congratulations to the Ilocano Association of Guam. The Guam Housing and Urban Renewal Authority (GHURA) has selected your application for inclusion in the Guam Program Year 2010 Annual Action Plan. The source of funds is the U.S. Dept. of Housing and Urban Development (HUD), Community Development Block Grant (CDBG). CDBG funds are used to develop projects identified to address housing and community needs identified in Guam's current Consolidated Plan.

The ILOAG has been selected to receive funds totaling \$800,000 to construct a multipurpose community facility to serve the residents of the low/mod neighborhood of Macheche, Deddo.

We commend the ILOAG's commitment to providing a venue to bring quality community facilities to the residents of Macheche and for supporting the operations of the new facility. GHURA was greatly encouraged by the pledges of working relationships with your various partners to provide services in the facility.

In the application, the ILOAG identified Mr. Ernie Cid to act as primary point-of-contact for this project. In the coming weeks, GHURA staff will contact Mr. Cid to coordinate the next steps in our process. Foremost of these processes is a mandate of federally-funded activities, the conduct of an environmental assessment of your proposed project site. As has been GHURA's practice with past facilities projects of similar size and scope, GHURA will fulfill the role of development manager and construction manager for the project.

We look forward to working with the ILOAG on the successful completion of the new **MACHECHE NEIGHBORHOOD MULTIPURPOSE CENTER**.

Should you have any questions, please contact GHURA Acting Chief Planner Katherine Taitano at 475-1322. Thank you and again, our congratulations.

Sincerely,

RAYMOND F.Y. BLAS
 Executive Director

**DEDEDO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF DEDEDO**

RESOLUTION NO. 2009-05

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Co-Chairperson

MEMBERS

Acda, Romeo

Artero, Pascual

Chan, Jose Arthur Jr.

Cruz, Ricardo P.

Gines, Bernardo

Mafnas, Frank

San Nicolas, Joseph

San Nicolas, Laura

Tainatongo, Carmen

Wusstig, Ernie

HONORARY MEMBERS

734th AMS-AAFB Representative

NCTS Representative

Relative to the Dededo Municipal Planning Council (DMPC) supporting the Ilocano Association of Guam (ILOAG) Guan Housing and Urban Renewal Agency Community Development Block Grant Application to construct a Clubhouse and Community Center in the Municipality of Dededo; and

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF DEDEDO:

WHEREAS, on May 19, 2009, the Dededo Municipal Planning Council discussed the GHURA Community Development Block Grant Application of the ILOAG to construct a Clubhouse and Community Center on property owned by the association at the corner of Ahua Lane and Corenoso Lane Macheche Dededo; and

WHEREAS, the property was purchased by the association in the late 1970's with the intention to raise funds to build this clubhouse and community center structure; and

WHEREAS, plans to access sewer and water infrastructure from Macheche Avenue will included in the construction of this new facility; and

WHEREAS, in addition to the clubhouse and community center, an outdoor recreation facility will be constructed to be used and shared with residents living in the immediate neighborhood; and

WHEREAS, the ILOAG will make this facility available for other community events and activities; and

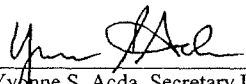
WHEREAS, the ILOAG will acquire additional property adjacent to the current lot to provide additional parking for clubhouse and community center activities; and

BE IT RESOLVED, that the Dededo Municipal Planning Council supports the GHURA Community Development Block Grant Application of the Ilocano Association of Guam (ILOAG); and therefore be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the Secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Director of Guam Housing and Urban Renewal Authority, Department of Land Management and the Department of Public Works.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 19th DAY OF MAY 2009.


MELISSA B. SAVARES, Chairperson DMPC


Yvonne S. Acda, Secretary DMPC

To All To Whom These Presents May Come, Greetings:

Donnie V. Bunnagat
Donnie V. Bunnagat
 Notary public in and for
 the territory of Guam.
 My commission expires 4/16/80

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 471-30(COR)**

AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172 AGRICULTURAL SUBDIVISION OF LOT NO. 10065 MOGFOG, DEDEDO TO COMMERCIAL ZONE "C", FOR THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE COMMUNITY CENTER FOR PUBLIC USAGE.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Christopher M. Duenas
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Land Survey Revolving Fund) appropriation(s) to date:	\$3,364,411
Total Department/Agency Appropriation(s) to date:	\$3,364,411

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2009 Unreserved Fund Balance	\$0	\$0	\$0
FY 2010 Adopted Revenues	\$0	\$0	\$0
FY 2010 Appro. (P.L. 30-55 thru 30-112)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x / No
If Yes, see Attachment. 1/
2. Is amount appropriated adequate to fund the intent of the appropriation? /x / N/A / / Yes / / No
If no, what is the additional amount required? \$ /x / N/A
3. Does the Bill establish a new program/agency? / / Yes /x / No
If yes, will the program duplicate existing programs/agencies? / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x / No
4. Will the enactment of this Bill require new physical facilities? /x / Yes / / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x / Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: Evelyn G. Fernandez Date: 10/14/10 Director: Bertha M. Duenas Date: OCT 18 2010
Evelyn G. Fernandez Bertha M. Duenas, Director, BBMR

Footnotes:

1/ See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note for Bill No. 471-30 (COR)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	1/	1/	1/	1/	1/

Comments:

1/ There is a potential for loss revenues as Section 3 of Bill No. 471-30 (COR) provides that notwithstanding any law to the contrary, the Ilocano Association of Guam shall be exempted from paying property tax on the aforementioned property for the duration of the utilization of the facility as a multi-purpose community center for public usage. However, in the Bill's present form that potential loss cannot be determined at this time.

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

September 7, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B470-30 (COR)	J. P. Guthertz, DPA	An act to add a new sub Item (m) to Sub Section 26203 of Article 2, Chapter 26, Title 11, Guam Code Annotated to establish an annual education gross receipts tax holiday in Guam.	10/06/10 11:28 a.m.	10/7/10		Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B471-30 (COR)	A. B. Palacios, Sr., T. R. Muña-Barnes	An act to rezone Lot No. 5, Block No. 3, Tract 172 Agricultural Subdivision of Lot No. 10065 Mogfog, Dededo to Commercial Zone "C", for the purpose of constructing a multi-purpose community center for public usage.	10/06/10 2:59 p.m.	10/7/10		Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B472-30 (COR)	T. C. Ada	An act to authorize the Governor of Guam to convey Lot 5412-2 in the municipality of <i>Mangilao</i> to the Guam Power Authority to provide necessary land for the development of a consolidated central office.	10/06/10 5:01 p.m.	10/7/10		Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			

2010 OCT -3 PM 10:29



COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

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LEGISLATIVE SECRETARY**

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**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

October 7, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 470-30 (COR) to 472-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 470-30(COR) to 472-30 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 OCT -8 AM 10:29



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

November 26, 2010

Memorandum

To: All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice – FIRST NOTICE

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **8:30am, Friday, December 3, 2010** at the Guam Legislature's Public Hearing Room. The following bills are the agenda;

Bill No. 421-30 (COR): An Act to create a Festival of Pacific Arts Revolving Fund

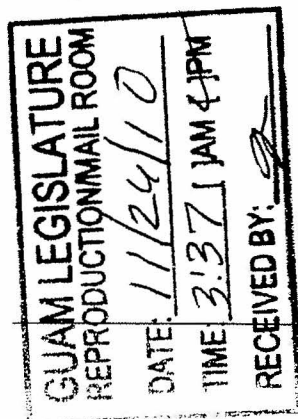
Bill No. 429-s0 COR): An act to amend §26404 of Chapter 26 Title 11 Guam Code Annotated to eliminate the tax exemption on liquid fuels transshipped through Guam, and to create an environmental risk mitigation fund.

Bill No. 430-30 (COR: An Act to appropriate the sum of One Hundred Forty-One Thousand Dollars from the General Fund for FY 2011 to the Guam Election Commission to pay for prior year's obligation.

Bill No. 440-30 (COR): An Act to authorize the sale of a portion of Lot No. 87-4-2-R1, not to exceed 114± Square meters, under the inventory of Chamorro Land Trust

Bill No. 449-30 (COR): An Act to Relative to re-zoning Lot No. 10117-R6, located in the Municipality in Dededo, From Commercial ("C") to Light Industrial (M1) for purposes of establishing business related to construction and warehouse activities.

Bill No. 458-30 (COR): An Act to rezone Lot Nos. 3261-R4, 3261-2, 3261-1-R3, 3261-1-2 and 3261-1-1 R1 all in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" zone.



324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Memo to: All Senators
November 26, 2010
Page 2

Bill No. 462-30 (COR): An act to add a new Section 9 and 10 to Chapter VIII of Public Law 30-196 Relative to providing to the Mayors Council of Guam continuing appropriation and an authorization for payments of prior year obligations.

Bill No. 471-30 (COR): An act to rezone Lot No. 5, Block No. 3 Tract 172 Agricultural Subdivision of Lot No. 10065 Mogfog, Dededo to Commercial Zone "C" for the purpose of constructing a multi-purpose community center for public usage.

Bill No. 472-30 (COR): An act to authorize the Governor of Guam to convey Lot 5412-2 in the municipality of Mangilao to the Guam Power Authority to provide necessary land for the development of a consolidated central office.

Bill No. 484-30 (COR): An act to appropriate funds for the repairs to the Agat Gym.

Bill No. 491-30 (COR): An act to amend §26201 and §26202(e) of Chapter 6 Title 11 of The Guam Code Annotated, Relative to the Business Privilege Tax on Contractors

Bill No. 492-30 (COR): An Act to distribute additional COLA Award payments for certifications of claim issued and to authorize the sale of General Obligation Promissory Notes for payments to "COLA" Awardees in reference to Superior Court Case No. SP0206-93.

Bill No. 493-30 (COR): An Act to zone the previously unzoned Lot No. 165-R4 in the Municipality of Piti to Light Industrial (M-1) Zone.

Bill No. 494-30 (COR): An Act to zone Apra Harbor Reservation Lot F-12-1 and Lot F-12-R1, in the Municipality of Piti, to Light Industrial ("M-1") Zone.

cc: Tom Unsiong, Sergeant-at-Arms
Clerks Office
MIS
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+ ■ ■ Lisa Cipollone

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Public Hearing - FIRST NOTICE

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from ■ Lisa Cipollone <cipo@guamlegislature.org>

to Tom Ada <tom@senatorada.org>, fbaugon.guam@hotmail.com, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Edward J B. Calvo" <sencalvo@gmail.com>, Benjamin JF Cruz <senadotb/cruz@gmail.com>, Jimmy Espaldon <senatore@espaldon.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, "Adolpho B. Palacios" <senabpalacios@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Ray Tenorio <ray@raytenorio.com>, Telo Taitague <senatortelo@gmail.com>, Judi Won Pat <info@judiwonpat.com>

cc Jay Sunga <ajsunga@senatorada.org>, Frances Lizama <lizama.frances@gmail.com>, jamespcastro@gmail.com, epgogue@hotmail.com, Peter Leon Guerrero <peterlg@gmail.com>, roberto.phil@gmail.com, Doctor Wyttensbach-Santos <doc.wyttensbachsantos@gmail.com>, Chelsea Muna-Brecht <cmunabrecht@guamlegislature.org>, patrick cepeda <patrickcepeda@hotmail.com>, Elaine Tajalle <elainevtl@gmail.com>, phil@raytenorio.com, michael.bumagat@gmail.com, Frank Torres <fbtorres@yahoo.com>, Yong Pak <yong@guamlegislature.org>, Joe Leon Guerrero <sgtarms@guamlegislature.org>, tunslog@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>

data Fri, Nov 26, 2010 at 4:00 PM

subject Public Hearing - FIRST NOTICE

mailed-by guamlegislature.org

Please see attached

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
[cipo@guamlegislature.org](#)

Public Hearing_FIRST Notice_120310.pdf
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wealthy neighbor tried any provocations.”

The sudden spike in tension between the world’s fastest growing economic region is putting mounting pressure on China to be in its prickly ally. South Korean media reports said Tuesday’s artillery attack was personally ordered by elusive North Korean leader Kim Jong-il.

(North Korea) will wage second and even third rounds of attacks without any hesitation, warmongers in South Korea like reckless military provocations again,” the North’s KCNA news agency, using typically evasive language, quoted a statement from the military as saying.

The U.S. cannot evade the blame for the recent shelling,” it added. “If the U.S. truly desires

The United States and South Korea are to hold joint military exercises next week, with the aircraft carrier USS George Washington participating, although KCNA made no mention of that.

“Over telephone talks with Secretary (of State) Hillary Clinton, we agreed that through the drill, we will be able to send a clear message to the North in relation to the recent situation,” a South Korean Foreign Ministry spokesman said.

North Korean leader Kim Jong-un, and his son and designated heir, Jong-un, visited the Yellow Sea coastal artillery base from where shells were fired at a South Korean island near the disputed maritime boundary just hours before the attack, newspapers in Seoul said.

South Korea’s military was

The government decided to do this



**Mina' Trenta Na Lihelaturan Guahan
THIRTIETH GUAM LEGISLATURE**
Senator vicente “ben” pangelinan
Office of the People

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

Betnes, gi diha 3 gi Disembre 2010
(Friday, December 3, 2010)

Kuáttion Inekungok Pupbleko gi Lihelelaturan Guahan
(Guam Legislature Public Hearing Room)

Gi alas 8:30 gi ega'an (8:30 AM)

TAREHA (AGENDA)

I Priniponi Siha:

Bill No. 421-30 (COR): An Act to create a Festival of Pacific Arts Revolving Fund

Bill No. 429 (Ada): An act to amend §26404 of Chapter 26 Title 11 Guam Code Annotated to eliminate the tax exemption on liquid fuels transshipped through Guam, and to create an environmental risk mitigation fund.

Bill No. 430-30 (COR): An Act to appropriate the sum of One Hundred Forty-One Thousand Dollars from the General Fund for FY 2011 to the Guam Election Commission to pay for prior year's obligation.

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Joaquin C. Flores, P.E.
General Manager

NOTICE FOR BID

by the GUAM POWER AUTHORITY Bond Funds.

TIME:	DESCRIPTION:
10 2:00 P.M.	GPA Upgrade Fire Protection and Smoke Alarm Systems at Dededo Diesel Power Plant (\$150.00 non-refundable payment)
10 2:00 P.M.	GPA Upgrade Fire Protection and Smoke Alarm Systems at Yigo CT Power Plant (\$150.00 non-refundable payment)

Procurement Office, 1st Floor, GPA Central Office, 1911 Route 16, Harmon, must be made at our GPA Customer Services Department prior to issuance of roster with GPA's Procurement Division to be able to participate in the bid. 3055 to register. Registration is required to ensure that all "Amendments" to all bidders throughout the bid process.

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Senator ben pangelinan will hold a public hearing on Friday, December 3 beginning at 8:30am. Below is the agenda.

**INEKUNGOK PUBBLEKO
(PUBLIC HEARING)**

**Betnes, gi diha 3 gi Disembre 2010
(Friday, December 3, 2010)**

**Kuáttion Inekungok Pubbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)**

**Gi alas 8:30 gi ega'an
(8:30 AM)**

**TAREHA
(AGENDA)**

I Priniponi Siha:

Bill No. 421-30 (COR): An Act to create a Festival of Pacific Arts Revolving Fund

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

December 1, 2010

Memorandum

To: All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **8:30 am, December 3, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 492-30 (COR): An Act to distribute additional COLA Award payments for certifications of claim issued and to authorize the sale of General Obligation Promissory Notes for payments to "COLA" Awardees in reference to Superior Court Case No. SP0206-93.

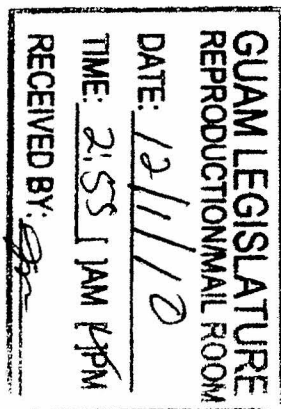
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Memo to Senators
December 1, 2010
Page 2

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cc: Tom Unsiong, Sergeant-at-Arms
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Yong Pak <yong@guamlegislature.org>,
Scott Mendiola <smendiola@guamlegislature.org>,
Stephanie Mendiola <sem@guamlegislature.org>
date Wed, Dec 1, 2010 at 12:35 PM
subject 2nd Notice - Public Hearing
mailed-by guamlegislature.org

Please see attached memo regarding public hearing by Senator pangelinan for Friday, December 3, 2010 beginning at 8:30am at the Guam Legislature Public Hearing Room.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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**Mina' Trenta Na Lhesiaturan Guahan
THIRTIETH GUAM LEGISLATURE**

**Senator vicente "ben" c. pangellinan
Office of the People**

**MEKUNGOK PUPLEKO
(PUBLIC HEARING)**

**Betnes, gi dina 3 gi Disiembre 2010
(Friday, December 3, 2010)**

**Kaldon Inokungok Pupbleko gi Lhesiaturan Guahan
(Guam Legislature Public Hearing Room)**

**Gi alas 8:30 gi aga'an
(8:30 AM)**

**DAREHA
(AGENDA)**

I Phiponit Sira

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Yanggen un nisisla espesik na setbisio put labot Agang i Alieinan Senador Ben Pangellinan gi 473-4236/7, Email si senbenp@guam.net, paisina halom gi i uepsat gi <http://www.senbenp.com>. Esto na nulisu inapisi na i fendon gubetramento.

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Mina' Trenta Na Lihelaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicepte "ben" pangelinan
Office of the People



INEKUNGOK PUPBLEKO (PUBLIC HEARING)

Betnes, gi diha 3 gi Disembre 2010
 (Friday, December 3, 2010)

Kudtton Inekungok Pubbleko gi Lihelaturan Guahan
 (Guam Legislature Public Hearing Room)

Gi alas 8:30 gi aga'an (8:30 AM)

TAREHA (AGENDA)

I Priniponi Siha:

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date Wed, Dec 1, 2010 at 12:28 PM

subject Second Public Hearing Notice

mailed-by guamlegislature.org

Senator ben pangelinan will conduct a public hearing on Friday, December 3, 2010. The following bills are on the agenda:

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**Betnes, gi diha 3 gi Disembre 2010
(Friday, December 3, 2010)**

**Kuáttón Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)**

**Gi alas 8:30 gi ega'an
(8:30 AM)**

**TAREHA
(AGENDA)**

I Priniponi Siha:

Bill No. 492-30 (COR): An Act to distribute additional COLA Award payments for certifications of claim issued and to authorize the sale of General Obligation Promissory Notes for payments to "COLA" Awardees in reference to Superior Court Case No. SP0206-93.

Bill No. 421-30 (COR): An Act to create a Festival of Pacific Arts Revolving Fund

Bill No. 429-30 (COR): An act to amend §26404 of Chapter 26 Title 11 Guam Code Annotated to eliminate the tax exemption on liquid fuels transhipped through Guam, and to create an environmental risk mitigation fund.

Bill No. 430-30 (COR): An Act to appropriate the sum of One Hundred Forty-One Thousand Dollars from the General Fund for FY 2011 to the Guam Election Commission to pay for prior year's obligation.

Bill No. 440-30 (COR): An Act to authorize the sale of a portion of Lot No. 87-4-2-R1, not to exceed 114± Square meters, under the Inventory of Chamorro Land Trust

Bill No. 449-30 (COR): An Act to Relative to re-zoning Lot No. 10117-R6, located in the Municipality In Dededo, From Commercial ("C") to Light Industrial (M1) for purposes of establishing business related to construction and warehouse activities.

Bill No. 458-30 (COR): An Act to rezone Lot Nos. 3261-R4, 3261-2, 3261-1-R3, 3261-1-2 and 3261-1-1 R1 all in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" zone.

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Bill No. 462-30 (COR): An act to add a new Section 9 and 10 to Chapter VIII of Public Law 30-196 Relative to providing to the Mayors Council of Guam continuing appropriation and an authorization for payments of prior year obligations.

Bill No. 471-30 (COR): An act to rezone Lot No. 5, Block No. 3 Tract 172 Agricultural Subdivision of Lot No. 10066 Mogfog, Dededo to Commercial Zone "C" for the purpose of constructing a multi-purpose community center for public usage.

Bill No. 472-30 (COR): An act to authorize the Governor of Guam to convey Lot 5412-2 in the municipality of Mangilao to the Guam Power Authority to provide necessary land for the development of a consolidated central office.

Bill No. 484-30 (COR): An act to appropriate funds for the repairs to the Agat Gym.

Bill No. 491-30 (COR): An act to amend §26201 and §26202(e) of Chapter 6 Title 11 of The Guam Code Annotated, Relative to the Business Privilege Tax on Contractors

Bill No. 493-30 (COR): An Act to zone the previously unzoned Lot No. 165-R4 in the Municipality of Piti to Light Industrial (M-1) Zone.

Bill No. 494-30 (COR): An Act to zone Apra Harbor Reservation Lot F-12-1 and Lot F-12-R1, in the Municipality of Piti, to Light Industrial ("M-1") Zone.

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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cipo@guamlegislature.org

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Betsy Brown <betsy@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, Sabrina Salas
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan
Office of the People

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

Betnes, gi diha 3 gi Disembre 2010
(Friday, December 3, 2010)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)

Gi alas 8:30 gi ega'an
(8:30 AM)

TAREHA
(AGENDA)

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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 471-30 (CER)

Introduced by:

Adolpho B. Palacios, Sr. 
T. R. Muña-Barnes

AN ACT TO REZONE LOT NO. 5, BLOCK NO. 3, TRACT 172
AGRICULTURAL SUBDIVISION OF LOT NO. 10065
MOGFOG, DEDEDO TO COMMERCIAL ZONE "C", FOR
THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE
COMMUNITY CENTER FOR PUBLIC USAGE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Ilocano Association of Guam (ILOAG), a non-profit civic organization
4 was established in Guam on November 16, 1955, and has distinguished itself
5 throughout the years as one of the most active and assistive Filipino non-profit,
6 civil organization on Guam.

7 *I Liheslaturan Guåhan* further finds that the ILOAG has frequently donated
8 medical equipment to the Guam Memorial Hospital Authority and has also
9 provided financial contributions to both the University of Guam and the Guam
10 Community College for their scholarship programs. The ILOAG has also
11 donated to other non-profit organizations on Guam, including the donations of
12 picnic shelters for public usage at Ipao Beach and at the Mayor's Office in

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1 Tamuning, including the tennis court, and the statue of John F. Kennedy at the
2 John F. Kennedy High School.

3 *I Liheslaturan Guåhan* further finds that the ILOAG has a one (1) acre lot
4 property in the Macheche Subdivision in Dededo, which is about 250 feet across
5 the PGD Condominiums and about 100 feet away on the side of Alegeta Road
6 (Calumbo Avenue). The ILOAG, with the wholehearted and strong support of
7 the Dededo Municipal Planning Council by resolution, and after lengthy
8 discussion with the Guam Housing and Urban Renewal Authority (GHURA),
9 has come into a cooperative and joint venture agreement with the two
10 governmental entities to construct a multi-purpose community center for public
11 usage to serve the thousands of low and moderate income residents of the
12 Macheche Subdivision and other neighboring areas.

13 *I Liheslaturan Guåhan* further finds that as a result of this cooperative
14 understanding, the ILOAG has submitted a grant application to GHURA in 2010
15 for federal funding under the Community Development Block Grant Program
16 (CDBG) of the Agency. The ILOAG has recently and officially been awarded the
17 sum of Eight Hundred Thousand Dollars (\$800,000) for the construction of a
18 multi-purpose community center, complete with a basketball court and another
19 small facility for public functions such as meetings, small gatherings, health
20 education classes, and similar activities. This multi-purpose community center

1 will be utilized as a senior citizens center for the elderly residents of Macheche
2 and adjoining neighborhoods. The ILOAG has also culminated discussions with
3 the Division of Senior Citizens of the Department of Public Health and Social
4 Services (DPHSS) relative to the operation, management, and funding of the
5 proposed senior citizens center.

6 *I Liheslaturan Guåhan* further finds that this proposed project has been
7 extensively discussed by ILOAG with the residents of the Macheche Subdivision
8 who gave the Association their strong and undivided endorsement and support.
9 The Macheche Subdivision has no available vacant governmental land for the
10 construction of this much needed multi-purpose community center.

11 *I Liheslaturan Guåhan* further finds that the federal HUD agency requires
12 that this proposed multi-purpose community center be constructed on a
13 commercial zone property. The ILOAG property is zoned "Agricultural". The
14 grant award requires that the property on which the community center is to be
15 constructed must be zoned "Commercial". The status of the grant will be
16 jeopardized as a result of delay associated with the rezoning of the said property,
17 if the rezoning were to go through the Guam Land Use Commission (GLUC).
18 The traditional and governmental process of rezoning such property under the
19 GLUC may take four to six months, and maybe even longer because of the

1 upcoming change of administration. The grant if not used by the end of Fiscal
2 Year 2011 will lapse and may cease to be available.

3 Therefore, it is the intent of the *I Liheslaturan Guåhan* to rezone Lot No. 5,
4 Block No. 3, Tract 172 Agricultural Subdivision of Lot No. 10065 Mogfog,
5 Dededo to Commercial Zone, for the purpose of constructing a multi-purpose
6 community center.

7 **Section 2. Rezoning.** Lot No. 5, Block No. 3, Tract 172 Agricultural
8 Subdivision of Lot No. 10065 Mogfog, Municipality of Dededo is hereby rezoned
9 from Agricultural "A" to Commercial "C" for the purpose of constructing a
10 multi-purpose community center for public usage.

11 **Section 3.** Notwithstanding any law to the contrary, the Ilocano
12 Association of Guam shall be exempted from paying property tax on the
13 aforementioned property for the duration of the utilization of the facility as a
14 multi-purpose community center for public usage.