

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>221-32 (COR) P.L. 32-119</b>	Dennis G. Rodriguez, Jr.	AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.	11/13/13 5:07 p.m	11/14/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	12/20/13 8:30 a.m.	1/17/14 3:05 p.m.	<b>Fiscal notes Received 12/17/13</b>
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	2/1/2014	AN ACT TO REZONE LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM ONE-FAMILY DWELLING ZONE (R1) TO COMMERCIAL ZONE (C), FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.	2/1/14	10:50 p.m.	2/13/2014	2/10/2014	32-119	

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

FEB 13 2014

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

32-14-1300  
Office of the Speaker  
Judith T. Won Pat, Ed.D.  
Date: 2/14/14  
Time: 4:40 PM  
Received by: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 221-32 (COR) "AN ACT TO REZONE LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM ONE-FAMILY DWELLING ZONE (R1) TO COMMERCIAL ZONE (C) , FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY" which I signed into law on February 10, 2014 as **Public Law 32-119**.

*Senseramente,*

  
EDDIE BAZA CALVO

2014 FEB 14 PM 4:49 [Signature]

1300

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910

Tel: (671) 472-8931 • Fax: (671) 477-4826 • [governor.guam.gov](http://governor.guam.gov) • [calendar.guam.gov](http://calendar.guam.gov)



Eddie Baza Calvo



@eddiebazacalvo



@governorcalvo



[governorofguam](http://governorofguam)

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

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

This is to certify that **Bill No. 221-32 (COR), "AN ACT TO REZONE LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF *MANGILAO*, FROM ONE-FAMILY DWELLING ZONE (R1) TO COMMERCIAL ZONE (C), FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY,"** was on the 1<sup>st</sup> day of February, 2014, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

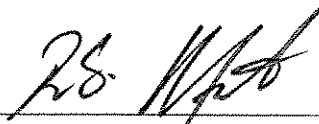
Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

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This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> day of FEB,  
2014, at  
10:50 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*

Date: FEB 10 2014

Public Law No. 32-119

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 221-32 (COR)**

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.  
T. R. Muña Barnes  
Brant T. McCreadie  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Tommy Morrison  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO REZONE LOT NO. 1106-2NEW, LOCATED  
IN THE MUNICIPALITY OF *MANGILAO*, FROM ONE-  
FAMILY DWELLING ZONE (R1) TO COMMERCIAL  
ZONE (C), FOR THE PURPOSE OF ESTABLISHING A  
MEDICAL CLINIC AND HEALTH CARE RELATED  
COMMERCIAL ACTIVITY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
that Lot No. 1106-2NEW, municipality of *Mangilao*, is presently zoned as – One-  
Family Dwelling Zone (R1). The subject Lot is fronting Route 10 in *Mangilao*.  
The property immediately to the northern side of the subject lot, but separated from

the lot by a road, is zoned Commercial Zone (C), and is being utilized as a retail store (KNS Market). There are other commercial lots in the immediate area, but *not* necessarily contiguous to the subject Lot. To the east of the subject Lot, separated by Route 10, is another active commercial lot (Champion Sporting).

*I Liheslaturan Guåhan* finds that it is the intent of the owners to utilize the subject lot *solely* for medically-related commercial purposes. In consideration of the expanding economy and the medical needs of the residents of *Mangilao*, and the residents of southern Guam, the utilization of the property for medical services is consistent and appropriate, and the application from its present R1 Zone to Commercial Zone (C) would enable the designated property to provide economic development in the area for a needed private medical facility and for related health care service purposes.

The municipality of *Mangilao* has an expanding population base, and is the site of the Guam Community College and the University of Guam. The population's health care demands are constantly increasing, and a private medical clinic providing needed medical services to the community would be compatible with the increasing health care demands. Further, the residents of the southern and southeastern areas of Guam are essentially residing in medically underserved areas, and this proposed development would place additional medical services within a much more convenient location, reducing the need to travel to *Tamuning* and other central locations.

Therefore, it is the intent of *I Liheslaturan Guåhan* to support the expanded use of existing properties on Guam that would provide economic benefits to property owners, and most importantly, positively contribute to the creation of jobs by way of providing needed medical services to the community.

1 It is, further, the intent of *I Liheslaturan Guåhan* that the rezoning of Lot  
2 No. 1106-2NEW, municipality of *Mangilao*, be *solely* restricted to any category of  
3 medically-related commercial activities.

4 **Section 2. Rezoning of Lot.** Lot No. 1106-2NEW, municipality of  
5 *Mangilao* (formerly municipality of *Barrigada*), containing an area of  
6 approximately 172,292 +/- Sq. Ft., is hereby rezoned from One-Family Dwelling  
7 Zone (R1) to Commercial Zone (C). The real property map for Lot No. 1106-  
8 2NEW, municipality of *Mangilao* (formerly municipality of *Barrigada*), is hereby  
9 incorporated and appended to this Act as Exhibit "A".

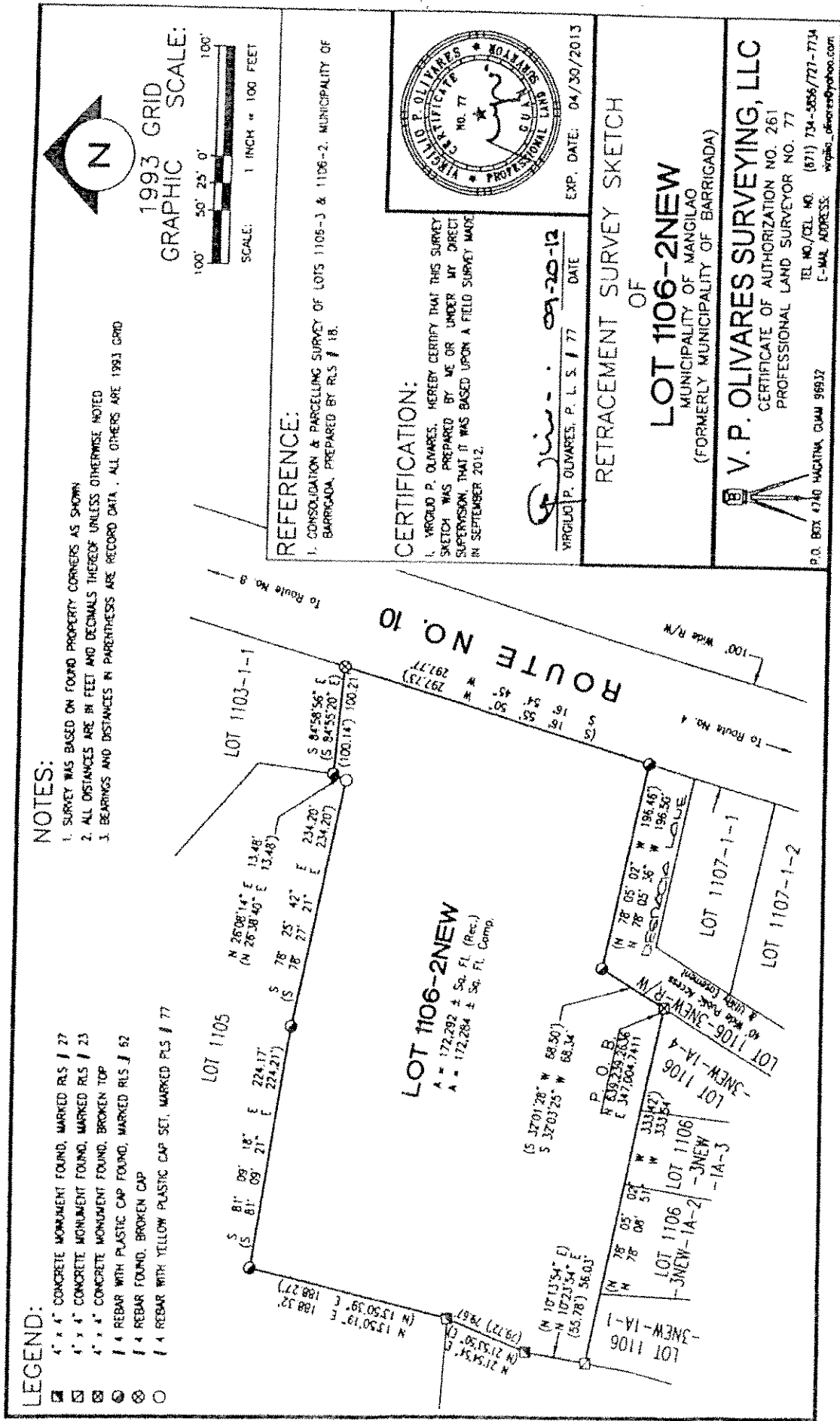
10 **Section 3. Commercial Use Restricted to Medically-Related**  
11 **Enterprises.**

12 (a) The subject Lot No. 1106-2NEW, municipality of *Mangilao*  
13 (formerly municipality of *Barrigada*), zoned "C" pursuant to this Act, is  
14 restricted to medically-related commercial activities. For the purposes of this  
15 Act, *medically-related commercial activity shall* include, but is *not* limited  
16 to, doctor's office(s), doctor's clinic, pharmacy, medical laboratory,  
17 radiological, physical therapy, and similar medically-related applications.

18 (b) Commercial utilization of the subject property for any non-  
19 medical related purposes will require a zoning variance for any other  
20 intended purposes *prior* to conducting any other category of commercial  
21 activity.

22 **Section 4. Effective Date.** This Act *shall* become effective upon  
23 enactment.

# EXHIBIT "A"





FILE 6027

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

February 1, 2014

The Honorable Edward J.B. Calvo  
*I Maga'laken Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 61-32(COR), 70-32(COR), 71-32(COR), 130-32(COR), 146-32(COR), 169-32(COR), 179-32(COR), 180-32(COR), 190-32(COR), 192-32(COR), 197-32(COR), 201-32(COR), 202-32(COR), 204-32(COR), 206-32(COR), 214-32(COR), 221-32(COR), 225-32(COR), 226-32(COR), 231-32(COR), 232-32(COR), 235-32(COR), 236-32(COR), 237-32(COR), 242-32(COR), 245-32(COR), 247-32(COR), 248-32(COR) and 268-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

FEB 1, 2014  
10:50 p.m.  
*T.S. Muña*



***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

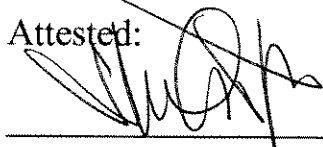
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Bill No. 221-32 (COR), "AN ACT TO REZONE LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF *MANGILAO*, FROM ONE-FAMILY DWELLING ZONE (R1) TO COMMERCIAL ZONE (C), FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY,"** was on the 1<sup>st</sup> day of February, 2014, duly and regularly passed.



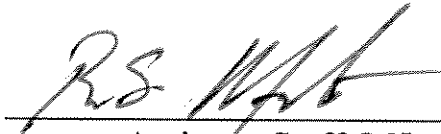
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> day of FEB,  
 2014, at  
10:50 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 221-32 (COR)**

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.  
T. R. Muña Barnes  
Brant T. McCreadie  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
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COMMERCIAL ACTIVITY.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3        that Lot No. 1106-2NEW, municipality of *Mangilao*, is presently zoned as – One-  
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1 the lot by a road, is zoned Commercial Zone (C), and is being utilized as a retail  
2 store (KNS Market). There are other commercial lots in the immediate area, but  
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15 population's health care demands are constantly increasing, and a private medical  
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18 southeastern areas of Guam are essentially residing in medically underserved areas,  
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11 **Enterprises.**

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21 activity.

22 **Section 4. Effective Date.** This Act *shall* become effective upon  
23 enactment.

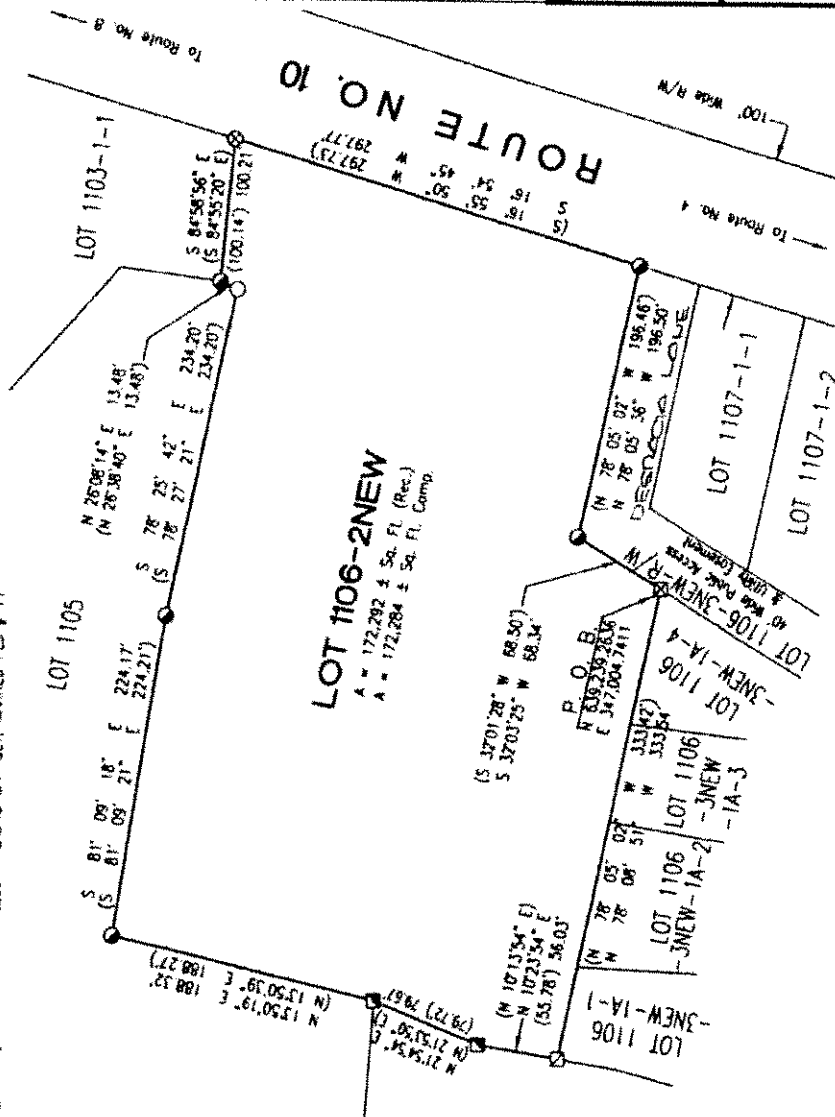
B221-32

## NOTES:

- ☒ 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 27  
☒ 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 23  
☒ 4" x 4" CONCRETE MONUMENT FOUND, BROKEN TOP  
☒ 4 REBAR WITH PLASTIC CAP FOUND, MARKED RLS / 52  
☒ 4 REBAR FOUND, BROKEN CAP  
☐ 4 REBAR WITH YELLOW PLASTIC CAP SET, MARKED PLS / 77

NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA - ALL OTHERS ARE 1983 GRID



REFERENCE:

1. CONSOLIDATION & PARCELLING SURVEY OF LOTS 1105-J & 1105-2, MUNICIPALITY OF BARRICADA, PREPARED BY RLS # 18.

**CERTIFICATION:**

I, WIGOLD P. OLIVARES, HEREBY CERTIFY THAT THIS SURVEY SKETCH WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS BASED UPON A FIELD SURVEY MADE ON SEPTEMBER 2012.



EXP. DATE: 04/30/2013

Virgilio P. Olivares, P. L. S. / 77 DATE 09-20-12

# RETRACEMENT SURVEY SKETCH OF

LOT 1106-2NEW

MUNICIPALITY OF MANGILAO  
(FORMERLY MUNICIPALITY OF BARRIGADA)

**V. P. OLIVARES SURVEYING, LLC**

CERTIFICATE OF AUTHORIZATION NO. 261  
PROFESSIONAL LAND SURVEYOR NO. 77

P.O. BOX 4740 HUNTINGTON GUAM 96932  
TEL NO./CEL NO. (671) 734-3056/727-7734  
E-MAIL ADDRESS: [vicario\\_offices@dybban.com](mailto:vicario_offices@dybban.com)

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall  
February 1, 2014

Bill No. 221-32 (COR)  
As amended on the Floor.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

I = Pass



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 16 2014

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

Speaker

I Mina'trentai Dos 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. 221-32 (COR), As Introduced**

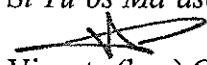
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No 221-32 (COR), as introduced, "An Act relative to rezoning Lot No. 1106-2NEW, Located in the Municipality of Mangilao, from Single-Family Residential ("R-1") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity", sponsored by Senator Dennis Rodriguez, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

6 TO PASS  
0 NOT TO PASS  
0 TO REPORT OUT ONLY  
0 TO ABSTAIN  
0 TO PLACE IN INACTIVE FILE

*Si Yu'os Ma'åse',*

  
Vicente (ben) Cabrera Pangelinan  
Chairman

2014 JAN 17 PM 3:05

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

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

Website: <http://senbenp.com>

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

Member  
Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

# **COMMITTEE REPORT**

**ON**

**Bill No. 221-32 (COR), As Introduced**

**Sponsored by Dennis Rodriguez**

**AN ACT RELATIVE TO RE-ZONING LOT  
NO. 1106-2NEW, LOCATED IN THE  
MUNICIPALITY OF MANGILAO, FROM  
SINGLE-FAMILY RESIDENTIAL (“R-1”) TO  
COMMERCIAL (“C”), FOR PURPOSES OF  
ESTABLISHING A MEDICAL CLINIC AND  
HEALTH CARE RELATED COMMERCIAL  
ACTIVITY.**





I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 16 2014

**MEMORANDUM**

**To: All Members**

Committee on Appropriations, Public Debt, Legal Affairs,  
Retirement, Public Parks, Recreation, Historic Preservation and  
Land.

**From: Senator Vicente (ben) Cabrera Pangelinan**  
Committee Chairperson

**Subject: Committee Report on Bill No. 221-32 (COR), As Introduced**


Transmitted herewith for your consideration is the Committee Report on Bill No.221-32 (COR) , as introduced, "An Act relative to rezoning Lot No. 1106-2NEW, Located in the Municipality of Mangilao, from Single-Family Residential ("R-I") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity." sponsored by Senator Dennis Rodriquez.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 221-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Fiscal Note
7. Copy of COR referral Bill No. 221-32 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

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'os Ma'åse',*

  
Vicente (ben) Cabrera Pangelinan  
Chairman




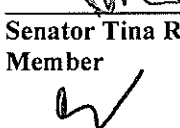

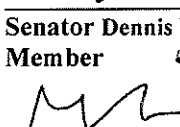

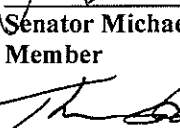



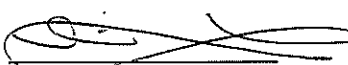

2014 JAN 17 PM 3:05

*I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land**

Bill No. 221-32 (COR): An Act relative to rezoning Lot No. 1106-2NEW, Located in the Municipality of Mangilao, from Single-Family Residential ("R-1") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman					
Vice Speaker BJ Cruz Vice Chairperson					
 Speaker Judith T. Won Pat Member					
 Senator Tina Rose Muña-Barnes Member					
 Senator Dennis Rodriguez, Jr. Member					
 Senator Michael San Nicolas Member					
 Senator Tommy Morrison Member					
 Senator Michael Limtiaco Member					



# I Mina'trentai Dos na Lihiesslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 221-32 (COR). An Act relative to rezoning Lot No. 1106-2NEW, Located in the Municipality of Mangilao, from Single-Family Residential ("R-1") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity.

### I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on December 20, 2013 at 8:30am in *Lihiesslaturan's* public hearing room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on Friday, December 13, 2013 (5-Day Notice), and again on Wednesday, December 18, 2013 (48 Hour Notice).

#### (a) Committee Members and Senators Present

Senator Tina Muna Barnes, Member  
Senator Mike Limtiaco, Member  
Senator Frank Aguon, Member  
Senator Brant McCreadie  
Senator Tony Ada  
Senator Chris Duenas  
Senator Aline Yamashita

#### (b) Appearing before the Committee

Dr. Vince Akimoto  
Dr. Hoa Nguyen  
Mr. Angel Sablan, Executive Director for the Mayor's Council of Guam  
Mr. Nito Blas, Mayor of Mangilao  
Mr. John Setiadi Tan

#### Written Testimonies Submitted

Mr. Nito Blas, Mayor of Mangilao  
Mangilao Municipal Planning Council

#### Chairman

Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

#### Member

Committee on Education,  
Public Libraries  
and Women's Affairs

#### Member

Committee on General  
Government Operations and  
Cultural Affairs

#### Member

Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

#### Member

Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

#### Member

Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

Mr. Dave Camacho, Acting Director of the Department of Land Management  
Petition in Support of Bill 221-32

## **II. COMMITTEE PROCEEDINGS**

Good morning, ladies and gentlemen. Welcome to this public hearing on the Committee on Land for the specific provisions as identified on the agenda as published required by the open government law. This morning we have Bill No. 221 on the agenda, an act introduced by Senator Rodriguez relative to rezoning a lot in Mangilao, 1106-2NEW located in the Municipality of Mangilao from Single Family Residential (R-1) to Commercial (C) for the purposes of establishing a medical clinic and health related commercial activity.

I have signed up to testify the Mayor of Mangilao, Dr. Vince Akimoto and Dr. Nguyen. In addition, Senator Rodriguez who had a prior engagement that was scheduled prior to the public hearing date and who is the author of Bill 221 is not able to join us this morning. However, he has asked us to proceed with this morning's public hearing. He has submitted a sponsor's statement and I would like to ask the Vice Chair of Senator Rodriguez' Committee, Senator Tony Ada to read the sponsor statement.

### **(a) Bill Sponsor Summary**

**Senator Tony Ada.** Thank you Mr. Chairman. Again, Senator Rodriguez apologizes to the Committee and those giving public testimony for his absence this morning. He is giving the welcoming remarks at the Non-Communicable Disease Consortium. Senator Rodriguez' sponsor statement is as follows. [read sponsor statement verbatim]

### **(b) Testimony**

**Mr. Nito Blas.** I am Nito Blas, the mayor of Mangilao and I am here to testify in favor of the bill that the medical center wants to build in my district.

[Mr. Angel Sablan, Executive Director for the Guam Mayor's Council of Guam read Mr. Blas' written testimony verbatim]

**Mr. Angel Sablan.** For the record, the Mangilao Municipal Planning Council met on December 11, 2013 and part of the agenda was the request by the American Medical Center to rezone their lot. The Council members unanimously approved and support the request for rezone from "R" to "C".

**Chairman Pangelinan.** Thank you Mr. Mayor. Dr. Nguyen?

**Dr. Hoa Nguyen.** Thank you for giving us this opportunity to present this project to all of you. The American Medical Center is probably the fastest growing clinic here in Guam. We have about 46,000 patients. Our current home on Route 1 is basically completely filled and because there are many physicians who are close to retirement we anticipate a shortages of primary care physicians on Guam. Our goal is to grow. We have been looking at this project for about two

years and find a place to open a second clinic. Our second goal is to recruit physicians that are from Guam. For the last two years we have successfully recruited three physicians that were born and raised on Guam to come back and join us at American Medical Center. We have four more that we anticipate to come in the next year-and-a half to two years.

We found this lot in Mangilao, which is centrally located to serve the villages of Mangilao and the southern part of the island. We have a time line that we have committed in order for a particular physician to come back to Guam. This person graduated from their residency training and in about a year-in-a half to two years will be ready to come back. In order for us to convince him to come back, we really have to build a second place for him to practice.

We have worked hard with our architect to finish this within the time frame so we can get those people to come back to the island. It is a much needed area. It's a private health care clinic including family practice, pediatric and internal medicine. We also plan to put up the very first rehab center in Guam, which we don't have at this point. We have a lot of people that have suffered from strokes and we don't have a rehab center. The only place we have is at GMH and they are overwhelmed.

So, we respectfully request the Guam Legislature to pass Bill No. 221 to set up quality care on Guam and to also get those physicians to come back to Guam.

**Chairman Pangelinan.** Thank you very much Dr. Nguyen. Dr. Akimoto?

**Dr. Vince Akimoto.** I believe Dr. Nguyen covered it quite well.

**Chairman Pangelinan.** Ok.

**Mr. John Setiadi Tan.** Thank you for allowing us to speak on this issue. My name is John Setiadi Tan and I am the architect for the American Medical Center. Just want to share with you that from the pinnacle standpoint in terms of planning, architecture and engineering, we have reviewed the lot and I believe it is not only compatible, but very appropriate for the development. I would like to share that insight with you and inform you that from the pinnacle perspective it is a good lot.

**Chairman Pangelinan.** Thank you. Any questions from the Senators?

**Senator Aline Yamashita.** Thank you very much Speaker Ben. Thank you all for being here. We certainly need more health care on our island and we all know that the notion of health care is a critical issue on our island. So, the idea that we would be able to --- starting from prevention all the way to intervention for our families on Guam is very appealing to me. All of this helps us. I would ask that as you -- for those professionals who are here and those we are recruiting that we please make sure that the competency set includes knowing how to work with those of us with disabilities. It's really hard finding a practitioner who would welcome somebody with autism and then when they do and they don't know, it just exacerbates the whole situation. Then we end up leaving with another problem.

So, just knowing that if you need to see them in a parking lot – that’s what we end up doing, but that’s OK. At least I get some kind of service. So, the competency set from birth all the way to sunset, how do you help diagnose, how do you treat. I would hope that we do that. Those are the training competencies, but even physical assets; accessibility. I really do hope we have ramps. I really do hope we have rails everywhere, particularly as I get older, I really do appreciate those kinds of assets. Our people are very proud people and they really want to do as much as they can for themselves. In order for that to happen we do need to address the ADA issues.

**Chairman Pangelinan.** Excuse me, Senator Yamashita. We need the Health Committee Vice Chair to ask the Chair to hold hearings on recruiting of physicians and their competencies. This is the rezoning bill.

**Senator Aline Yamashita.** As we are talking about rezoning in order to get my support for this rezoning effort I would like to know that you are going to recruit and ensure that those competencies are in place.

**Dr. Vince Akimoto.** Two things: Mr. Setiadi is a humble guy, but he is actually the architect for the new hospital, as well – the GRMC. So the designs that we are incorporating into this new clinic will take the best practices that are being used for that hospital as well as health care facilities around the world. Our parking lot – we hope – will be the most beautiful parking lot, at least in Mangilao. The lot is beautiful. The Mangilao land that we are using has never been used for anything else other than cow pastures. So, it’s raw land and I guess that’s why we are here for the rezoning.

But the purpose of the build out is to provide Guam with, as well as the state of the art new private hospital, a state of the art new private clinic and there are others coming. The good news is all your hard work and encouragement is coming to bear and there are local doctors coming home. If they were to come to our clinic right now on marine drive, which has a very ugly parking lot along a busy road, we could not take them. There is no space to bring a new doctor in. We have turned away three already – three doctors that are on island who wanted to work with us. We simply have no space; we have 46,000 patients, we have ten doctors. We are too full in our marine drive location and things will change where we probably won’t be able to keep those guys there. So, if we don’t do this soon – there has already been one doctor who has left because of our inability and there might be a second to leave, as well.

Guam will lose doctors simply because we are not ready. The new hospital is coming but it’s meant for at the end of the road. You don’t want to go to the new hospital, you want to come to our clinic and stay healthy. I think Mr. Setiadi can speak on the safety and the handicapped accessibility because this will be a rehab clinic. We are building a primary care clinic and a rehab clinic.

**Mr. John Setiadi Tan.** Just want to confirm that yes, the facility will be designed to meet the accessibility requirements and all other building codes and zoning requirements.

**Chairman Pangelinan.** Thank you very much.

**Senator Chris Duenas.** Thank you, Mr. Chairman. Dr. Akimoto, I would have thought by reading your letter to the editor the other day that your new location would be in Tamuning.

**Dr. Vince Akimoto.** It's too crowded there. I don't think you should zone anymore new facilities.

**Senator Chris Duenas.** I was thinking of the hospital – GMH privatization. I just wanted to say that originally, before reading - I am sure the Chairman was going to mention this – the testimony of Land Management, I was wondering why you didn't go with conditional use. Now, I see they have fully endorsed commercial. So, I just wanted to make that comment.

**Dr. Vince Akimoto.** Actually we just learned about conditional use this morning or last night. We just need to get our permits. According to Mr. Setiadi, the longer it takes --- not only are there favorable loan rates we are going to miss out on, USDA is actually asking us, or is trying to help us so we've got applications with the USDA to bring training grants and telemedicine grants to this clinic. The longer we take to get the construction grants, the greater chance we are going to miss out on funding opportunities. So, there are training grants for local practitioner as well as those in Micronesia. We have the most sophisticated telemedicine networks in our clinic and our hope is to be participating in the American Heart Association training for advanced life support. There are many things this clinic will allow us to do, particularly since it is in heart in the village of education, Mangilao.

**Senator Chris Duenas.** That's smart. I will just close with that. Normally on the application process itself, commercial is the catch all and some people use that to hide other activities that they want to do down the road. But obviously you are going to be clinic, so it's no big deal. I was just thinking that could have been faster.

**Dr. Vince Akimoto.** [inaudible]

**Senator Chris Duenas.** Sometimes it is because of the fact that it is set in stone that that is what you are going to do on that property. Some people get commercial and they say they are going to build a store, then it becomes a bar. I am just saying that normally conditional use is more likely accepted. But, Land Management is in full support, so it makes sense and certainly will support this bill. Thank you Mr. Chair.

**Senator Tony Ada.** Thank you for expanding health care in other regions of our island. I think making health care accessible is really important to the people of Guam. My only question is do you also plan to have an urgent care clinic?

**Dr. Hoa Nguyen.** Yes, we are going to have an urgent care clinic just like the American Medical Clinic opened to 9pm. We also plan to open on Sundays, too – access seven days a week. We will bring in specialists on a rotating basis that we don't have on Guam right now. It's kind of hard to bring in specialists because we don't have space – rheumatology, cardiologists, everything we can bring in and have enough room for people to practice.

**Senator Tony Ada.** Thank you. That's good to hear that you will have urgent care so people won't have to drive to the hospital, especially from the southern end of the island. We have

people at DDC (Mangilao) and if they need access to a medical facility immediately, there is a facility in Mangilao now. Also the people at DYA. Thank you for your presentation this morning and I hope you will be able to build your clinic and serve the people of Guam. Thank you Mr. Chairman.

**Senator Brant McCreadie.** Thank you, Mr. Chair. Some of my colleagues hit it right on the nose. This is a no brainer, basically to support. I also thank you guys for improving the quality of life for people that are underserved. This is a much needed gap filler. I am sure in the future we will have more of these. But, not only does it address an issue that is much needed, which is medical care but it also creates jobs and that is a huge infusion to economy. So, when I look at all the aspects of why we should do this it's a 100% support.

I would like to ask one question. You mentioned 46,000 patients that you currently have. Is there any projection – are you going on the 46,000 patient number when you are building this facility or are you planning for more than 46,000 patients?

**Dr. Hoa Nguyen.** Our clinic has grown a lot. We have a lot of new patients. After you reach a certain number, the quality of care goes down. So, we have had to turn patients away. Unfortunately the only way we can provide access to these patients is to have more room, either in the same place, which cannot happen so we have to open a second one. To answer your question, we do have patients who would like to come to us for care, this is one way we can do it.

**Senator Brant McCreadie.** Thank you and I fully support this. I know we spend a lot of money taking our medical monies off-island and the more money we can keep here on-island is a plus for the community so I thank you guys. You have my full support.

**Senator Michael Limtiaco.** Thank you Mr. Chair. Dr. Akimoto, we definitely support this endeavor. Obviously it is for the betterment of the community. But I do have to ask the question on whether or not you had gone through the normal channels through the Guam Land Use Commission.

**Dr. Vince Akimoto.** We submitted our application to the Land Use Commission – we used the information that was on-line as what was recommended. When we turned the application in it was rejected and they said there was a different application that we had to fill out, which was not the one that was on-line. We continue to comply with what they asked us to do – some of their requests are contingent it seems upon a rezoning of the land because one of the things they asked us to put on the billboard is who is the developer, which we understand is our contractor. However we cannot select a contractor until we have some idea on when we will start, which will require some of the permits that we are trying to seek.

The process seems to be one that does not go very quickly and we are trying our best to find all avenues. We just learned about the conditional use this morning. We just want to build a clinic. We are learning a lot about land, as we speak. But, you guys seem to know a lot about it. All I know is we are going to probably create more jobs in Mangilao – 75% of them are going to be those professionals graduating from UOG and GCC. Dr. Nguyen is the Medical Director of the



Guam Memorial Hospital, where we do most of our training so a lot of our nurses are already looking at coming into private practice with us. I am the Medical Director for GCC. So, we are definitely going to get over this land use issue and create jobs.

**Senator Michael Limtiaco.** Sure. I think you have the full support from everybody here on what you are doing. There is no doubt about that. It's just that we do have a process and a facility to do this rather than coming through the legislature and they are in a better position to determine regarding infrastructure, etc. So, I just wanted to ask the question because I will ask it at every rezoning bill that comes through here – have you gone through the Land Use Commission because that's the process that it should go through.

But, having said that I want to let you know that we fully support – I fully support what you are trying to do here and obviously so does the Land Use Commission and the Department of Land Management via their testimony that supports this type of zoning on routed roads. So, contrary to what the delays may be you are in a very good position to get a favorable outcome from the Guam Land Use Commission, in my opinion had we gone through the process. But I understand there are delays in it. Having said that I fully support what you are doing. Thank you.

**Mayor Nito Blas.** The reason I am supporting this project is because it is very close to the manamko center. If they get sick it will take about 3 seconds to reach the medical center. Also, support the [night] market – their patients will buy more stuff there. If something happens at DYA, the medical center is close. So everything in the area will benefit – they don't have to go to Guam Memorial Hospital for emergencies. I am supporting this project because it will be convenient for the community of Mangilao.

**Chairman Pangelinan.** Did you say you submitted an application to the Guam Land Use Commission? We have been attending all those hearings and I don't recall every seeing ....

**Dr. Vince Akimoto.** Like I said, in our attempt to follow the rules – there is an application that is available on-line, which we downloaded and we began the process of getting all the page-long list of documents, including getting EPA and whoever else it was. In anticipation that we were going down this route, again understood that the GLUC also had trouble making quorum and so knew this was going to take a while. We started this several months ago to try to get our packet ready for the GLUC. Even as recently as yesterday, they still told us that we didn't have all the documents. They never received it. We have attempted to give it to them, they have not received it.

**Chairman Pangelinan.** Right. You have attempted to package the information required .....

**Dr. Vince Akimoto.** They have just requested for more and more information. Again, it's just the process. .

**Chairman Pangelinan.** I want to assure the public that when the Legislature and this Committee receives a request to rezone on a piece of property that the Committee and the Legislature goes through and requests input from the same people that the Guam Land Use Commission gets input. So, if the Guam Land Use Commission receives your application, which solicits comments

from the application review committee (ARC) - those are the infrastructure people, the planning people, the environmental agencies and so forth. So, they all get a copy of the bill and is required by law – those are supposed to then... the Department of Land Management coordinates those responses, sends them to the Legislature so that the Legislature should be looking at the same information that the Guam Land Use Commission is looking at when they decide to rezone or not rezone a piece of property.

The system is set up so we don't do it in vacuum and we avoid making a decision on a rezoning bill without that kind of information that is necessary to make the best decision we can. The problem we run into is that these departments and agencies don't respond. It's the same as the Land Use Commission - the departments and agencies do not submit comments. That is the thing we are trying to cure. We send another letter to Land Management saying by law you are required to submit this land use report that tells the Legislature what the affect of this land zoning may have on the environment, on traffic, on DPW, on GPA, on water pressure and such. Then we can make that decision. But, we don't always get those responses. Some agencies are much better at responding than others.

In regards to rezoning without any information, the process is set up that requires these departments and agencies to submit the information. Just like the Land Use Commission, sometimes it takes a long time because the departments and agencies don't respond and the [GLUC] members send it back. They actually say, you go back and you get me the response for GPA or if they have a meeting, they may call GPA in and get the response immediately at that time. So they are also making the best decision they can.

I just want to assure the public that this process in that respect mirrors the decision making process [by GLUC] and the informational requirement in order to make these kinds of decisions. That's why we move ahead on these issues because we then push these departments and agencies to give us that information.

**Senator Muna Barnes.** Si Yu'os Ma'ase, Mr. Speaker. Thank you for giving me the opportunity to speak. I want to say for the record that I am glad you shared those sentiments because as in the process of the Legislative body, as a policy maker we too have that opportunity. Sometimes statutes permits us to where there is sometimes different avenues a constituent can go through to make sure that they get their request done. This is one of those. That is the job of a policy maker if the request is made. That doesn't mean we do anything on the cuff. We do have a process that we follow and I am glad, Mr. Chair that you shared that with the listening audience.

I do want to take the time to thank the panel members for being here inclusive of the mayor. To the engineer, thank you very much. I very rarely see engineers come in to support a project. It just means that there is a collaborative effort to make sure that this project is done right, that you guys are literally dotting your i and crossing your t. But more importantly, as we look at economic opportunity, as we look at bringing the medical community more - not just from the indigent side, but more on bringing the medical services to the village of Mangilao, which I would say is the central part – the heat beat – of the island.

I just want to say thank you, saina ma'ase for the work you do. I know that a lot of you, several of you wear different hats and continuing to bring medical services to the island but more importantly [those] coming home and taking care of our own people. Thank you and I want to say for the record, you do have my support.

**Senator Frank Aguon.** Thank you very much, Mr. Chair. Gentlemen, it is always a quandary whenever you are the final speaker because a lot of things have already been said. But it is very interesting that in light of the expansion of some of the other clinics on island, in light of the impending medical center that is going to be constructed and completed next year, in light of the challenges that GMH continues to experience - we just had an expansion of the emergency room and the intensive care unit, you continue to believe and understand exactly what our people need in terms of health care services.

I want to thank you very much from that perspective because not only do you service 46,000 patients but I anticipate with the expansion you will not only provide convenience and easier access for many of your patients, but more importantly you are looking at increasing your customer base so you can serve our community even more.

I preface my comments in light of the competitive nature in the health care industry on Guam. You have optimism and belief in the environment and the anticipated activities you will be taking place down the road. I certainly commend you for moving aggressively in investing millions of dollars for a brand new facility and most importantly as mentioned by Dr. Akimoto that you are looking at hiring some of our nurses that come out of the University of Guam, as well as Guam Community College so that holds very well for some of the programs that are there.

Thank you very much for reaching out to my office initially when this idea as being thought of in terms of who you would like to introduce of this legislation. I thought it was great that you were moving in the direction of constructing a medical facility in Mangilao addressing the health care concerns. Those two aspects are very sellable to me, especially living in the south trying to bring more services to our people in the south. But, the biggest selling point and what made it very easy for me to show my support and yes, you have my commitment was when you shared with me that you already have three or four locally grown doctors who are presently providing medical services in the mainland who have made commitments to come back home and to serve their community. To me, that was one of the biggest selling points in terms of stepping forward and saying, this is not only a wonderful idea to bring the clinic to Mangilao closer to our people, not only in central but also the south and also hiring some of our nurses coming out of UOG and GCC, most important bringing back some of our doctors that are locally grown, educated here who had to go off-island for further education and now are professionals in their own right and they want to bring their services back to our community.

So, thank you very much for always advocating for that because Dr. Nguyen I have known you for awhile and I know you have always looked at bringing back home grown doctors, physicians and professionals and this is again another token of what you have committed to this community and your entire facility.

Thank you very much and you have my support not only in this measure but continued success in your effort and thank you for providing a very badly needed service to our island and our community.

Si Yu'os Ma'ase. Thank you Mr. Chair. .

**Dr. Vince Akimoto.** If I could just comment on the issues brought up by the Senator from Maneggon. One of the biggest reasons we are having trouble with housing all the doctors that want to come back home - the village of Yona has produced extraordinary doctors in the last several years: Dr. Luis Cruz, Dr. Erica Flores Alfred, Dr. Jerry Castro, who is an ENT doctor who hopes to come next year, Dr. Frankie Mendiola, who an emergency room doctor and was at SDA over the past summer who we hope will come home, Dr. Jeffrey Cruz who is another doctor who has ties to Yona and there is a Dr. Leon Guerrero whose family lives on the hill in Yona – we met with her last week, she wants to come home and wants to join us the American Medical Clinic.

We can count about a half a dozen physicians just from the village of Yona coming home and speaks well of the village in terms of the students from there getting into medical school and graduating. But the biggest thing is they all want to come home. There is one thing why Yona is producing so many doctors they don't want to drive to Tamuning to work in our clinic there, so we have to build them a clinic in Mangilao.

Why do those physicians come home and have a commitment to return? We don't know what the answer is. That is why we are building this clinic.

**Chairman Pangelinan.** There being no further comments, I would like to thank the panel for their presentation this morning.

This concludes the testimony on Bill No. 221-32. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at [senbenp@guam.net](mailto:senbenp@guam.net) or through our website at [senbenp.com](http://senbenp.com)

This hearing is adjourned.

### III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 221-32 (COR), as introduced with the recommendation TO PASS.

**MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) REGULAR SESSION**

**BILL NO. 221-32 (COR)**

Introduced by:

**D.G. Rodriguez, Jr.** 

**AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL (“R-1”) TO COMMERCIAL (“C”), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.**

2013 NOV 13 PM 5:07



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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the subject Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO, is presently zoned “R-1” – Single-family residential zone. The subject Lot is fronting Route 10, Mangilao. The property immediately to the northern side of the subject lot, but separated from the lot by a road, is zoned “C” (Commercial), and is being utilized as a commercial retail store (KNS Market). There are other commercial lots in the immediate area, but not necessarily contiguous to the subject Lot. To the east of the subject Lot, separated by Route 10, is another active commercial lot (Champion Sporting).

*I Liheslaturan Guåhan* finds that it is the intent of the owners to utilize the subject lot *solely* for medically related commercial purposes. In consideration of the expanding economy and medical needs of the population of Mangilao, and residents of southern Guam, the utilization of the property for medical services is

1 consistent and appropriate, and the application from its present zone to  
2 Commercial (“C”) would enable the designated property to provide economic  
3 movement developing in the area for a needed private medical facility related  
4 health care service purposes.

5 The municipality of Mangilao has an expanding population base, and is the  
6 site of the Guam Community College and the University of Guam. The  
7 populations health care demands are constantly increasing. A private medical  
8 clinic providing needed medical services to the community would be compatible  
9 with increasing the healthcare demands. Further, residents of the southern &  
10 south-eastern areas of Guam are essentially residing in medically underserved  
11 areas, and this proposed development would place additional medical services  
12 within a much more convenient location, reducing the need to travel to Tamuning  
13 and other central locations.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to support the expanded  
15 use of existing properties in Guam that would provide economic benefits to  
16 property owners, and most importantly positively contribute to the creation of jobs  
17 by way of providing needed medical services t to the community.

18 It is, further, the intent of *I Liheslaturan Guåhan* that the rezoning of Lot  
19 No. 1106-2NEW, MUNICIPALITY OF MANGILAO, be *solely* restricted for any  
20 category of medically related commercial activities.

21 **Section 2. Re-Zoning of Lot No. 1106-2NEW, located in the**  
22 **municipality of Mangilao, from Single Family Residential Zone (“R-1”) to**  
23 **Commercial (“C”).** Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO  
24 (formerly Municipality of Barrigada), TERRITORY OF GUAM, containing an  
25 area of approximately 172,292 +/- Sq. Ft., is hereby re-zoned from Residential

1 (“R-1”) to Commercial (“C”). The real property map for Lot No. 1106-2NEW,  
2 MUNICIPALITY OF MANGILAO (formerly Municipality of Barrigada), is  
3 hereby incorporated and appended to this Act as EXHIBIT “A”.

4       **Section 3. Commercial Use Restricted for Medically Related**  
5 **Enterprises.** (a) The subject Lot No. 1106-2NEW, MUNICIPALITY OF  
6 MANGILAO (formerly Municipality of Barrigada), zoned “C” pursuant to this  
7 Act, is restricted to medically related commercial activities. For the purposes of  
8 this Act, *medically related commercial activity* shall include, but is not limited to,  
9 doctors office(s), doctors clinic, pharmacy, medical laboratory, radiological,  
10 physical therapy, and similar medically related applications.

11       (b) Commercial utilization of the subject property for any non-medical  
12 related purposes will require a zoning variance for any other intended purposes  
13 *prior* to conducting any other category of commercial activity.

14       **Section 4. Effective Date.** This Act shall become immediately effective  
15 upon enactment.


# EXHIBIT "A"

## LEGEND:

- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS # 27
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS # 23
- ⊗ 4" x 4" CONCRETE MONUMENT FOUND, BROKEN TOP
- ⊙ 4" REBAR WITH PLASTIC CAP FOUND, MARKED RLS # 52
- ⊙ 4" REBAR FOUND, BROKEN CAP
- 4" REBAR WITH YELLOW PLASTIC CAP SET, MARKED RLS # 77

## NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA. ALL OTHERS ARE 1993 GRID

  
 1993 GRID  
 GRAPHIC SCALE:  
 100' 50' 25' 0' 100'  
 SCALE: 1 INCH = 100 FEET

## REFERENCE:

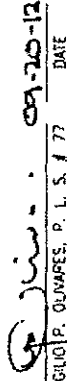
1. CONSOLIDATION & PARCELLING SURVEY OF LOTS 1106-3 & 1106-2, MUNICIPALITY OF BARRIGADA, PREPARED BY RLS # 18.

## CERTIFICATION:

I, VIRGILIO P. OLIVARES, HEREBY CERTIFY THAT THIS SURVEY SKETCH WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS BASED UPON A FIELD SURVEY MADE IN SEPTEMBER 2012.



EXP. DATE: 04/30/2013

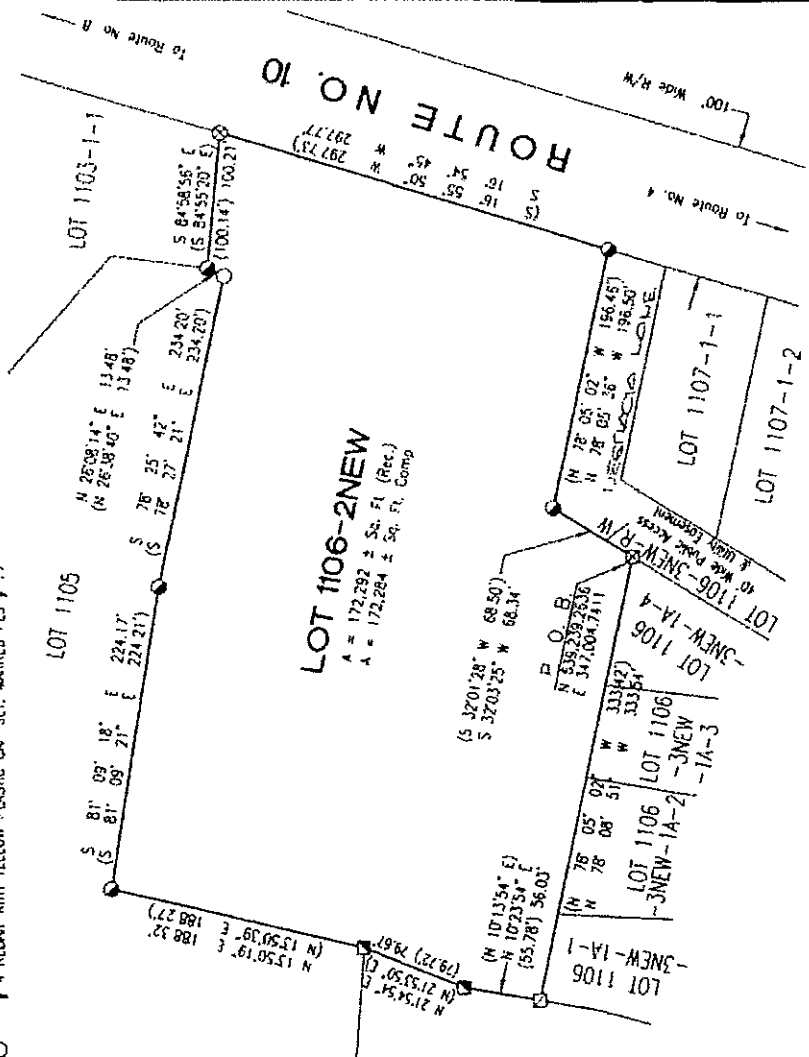
  
 VIRGILIO P. OLIVARES, P. L. S. # 77  
 DATE: 09-20-12

## RETRACEMENT SURVEY SKETCH OF

**LOT 1106-2NEW**  
 MUNICIPALITY OF MANGILAO  
 (FORMERLY MUNICIPALITY OF BARRIGADA)

**V. P. OLIVARES SURVEYING, LLC**  
 CERTIFICATE OF AUTHORIZATION NO. 261  
 PROFESSIONAL LAND SURVEYOR NO. 77

P.O. BOX 4740 MACHINA GUAM 98932  
 TEL NO./CEL. NO. (671) 734-5056/727-7734  
 E-MAIL ADDRESS: virgilio\_olivares@yahoo.com





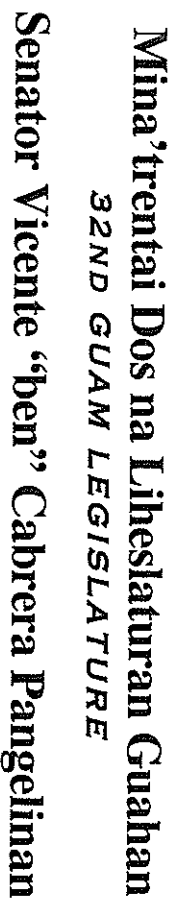


**Mina'trentai Dos na Liheslaturan Guahan**  
**32ND GUAM LEGISLATURE**  
**Senator Vicente "ben" Cabrera Pangelinan**

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

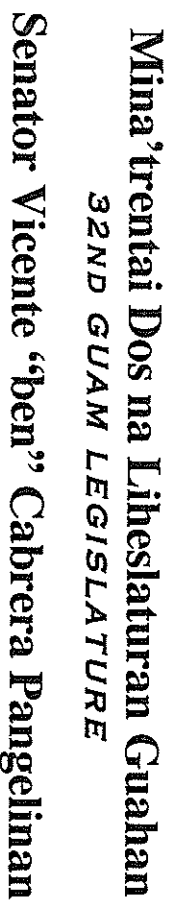
**Friday, December 20, 2013**  
**Bill No. 221**  
**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
V. Aldama	Tamuning				<input checked="" type="checkbox"/>	Yes
Hon. Neuren	PERI	486-6210			<input checked="" type="checkbox"/>	Yes



Friday, December 20, 2013  
Bill No: ~~234~~ 221 -32  
SIGN UP SHEET

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



**Friday, December 20, 2013**  
**Bill No. 221**  
**SIGN UP SHEET**

[illegible]

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

## TESTIMONY OF MAYOR NITO C. BLAS on BILL 221-32(COR)

December 20, 2013

Honorable Senators

*I Mina Trentai Dos Na Liheslaturan Guahan*

Hagatna, Guam

Dear Honorable Senators:

*Buenas yan Hafa Adai!* In my quest to continue to make Mangilao the "hub" of Guam for sports, education, health, and public safety, I come to you today to support the intent of American Medical Center to build a medical facility in Mangilao. Bill 221-32, An Act relative to rezoning Lot No. 1106-2NEW, located in the Municipality of mangilao, from Single-Family Residential ("R-1") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity, if passed and signed into law, would begin the steps of giving our people another place to seek medical attention, and at the same time, relieve the stress and the long lines and long wait at our Guam Memorial Hospital.

We celebrate the news that more and more Guam born and raised physicians are about to complete their medical training. We celebrate even more that these physicians have chosen to come back to our island to practice here. We have been told by the management of the American Medical Center that these young physicians will be given an opportunity to "heal our sick" at the planned medical facility in Mangilao.

We humbly request your support to approve the zone change being sought by American Medical Center of their property in Mangilao from residential to commercial so that a much needed medical facility can be erected in Mangilao.

Mangilao serves all people, of all races, of all beliefs, of all ailments.

Please allow us to have another medical facility to serve all of Guam.

For good health always,



MAYOR NONITO (Nito) C. BLAS

Mayor of Mangilao

**MANGILAO MUNICIPAL PLANNING COUNCIL**

**AGENDA  
DECEMBER 11, 2013 MEETING**

- I. CALL TO ORDER**
- II. ATTENDANCE**
- III. SECRETARY'S REPORT**
- IV. TREASURER'S REPORT**
- V. NEW BUSINESS**

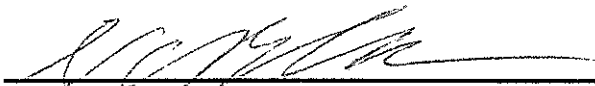
- 1) Night Market Up-grade**
- 2) American Medical Center**

- VI. OLD BUSINESS**
- VII. ANNOUNCEMENTS**

**Typhoon Relief Donation, Check Presentation**

- VIII. ADJOURNMENT**

**APPROVED:**



---

**NONITO (NITO) C. BLAS, Chairman  
MANGILAO MUNICIPAL PLANNING COUNCIL**

# MANGILAO MUNICIPAL PLANNING COUNCIL

## MINUTES OF DECEMBER 11, 2013 MEETING

(Meeting conducted via telecommunications: phone and e-mails)

### I. CALL TO ORDER

The Mangilao Municipal Planning Council (MMPC) held its monthly meeting on Wednesday, December 11, 2013; conducted by Mayor Nonito "Nito" Blas, who is Chairman of the Council and recorded by Secretary Rosita Tosco.

### II. ATTENDANCE

Members contacted: Carmen Aguon (734-9203); John Aguon (637-7227); Ben Carbullido (734-4609); Tom Chargualaf (734-0966); Oscar Jesus (734-2282); Jim Matanane (734-2076); Bob Pelkey (637-3396); Darlene Taitano (989-6309); Rosita Tosco; Joseph Yatar (734-5450). (E-mails sent to six council members.)

### III. SECRETARY'S REPORT

Tabled until next regular meeting.

### IV. TREASURER'S REPORT

Tabled until next regular meeting. Year-end financial report is under preparation.

### V. NEW BUSINESS

1) **Night Market Up-grade**--The Mayor informed the council that he is in the process of up-grading the night market facilities. In order to work on this project, he is requesting funds from the MPC non-appropriated account. He estimated the project would cost about \$8,000.00 dollars. The work will involve the purchase of construction materials and payment of a contractor.

He noted that he has spoken to officials from GEDA who have verbally approved the project and that he will be submitting receipts for reimbursement. Council members voiced their concern that the Mayor should get a written statement regarding this agreement. **Council members voted unanimously to approve this request.**

2) **American Medical Center**--The Mayor had received a letter from the American Medical Center, LLC, asking for support in opening a new multi-specialty facility in Mangilao. He would be attending a legislative hearing on this matter and would like the council's input. Council member Tom Chargualaf noted that a developer should be present at a village public hearing if the matter gets a legislative approval. Council members Ben Carbullido, Jim Matanane, Bob Pelkey voiced their concern on the area's infrastructure. The area selected for the Center/Clinic is in the vicinity of the KNS Store. **All council members agreed that this would be a major improvement to the village and unanimously voted in support of the project.**

## **VI. OLD BUSINESS**

None.

## **VII. ANNOUNCEMENT(S)**

The Mayor would like the Council Members to be present at a check presentation ceremony to be held at the Hyatt Regency this evening, Dec. 11, 6:00 p.m. The Mayor and several volunteers from the Veterans support group have collected funds and would be donating it to the Filipino Community Association's fundraiser (Philippines typhoon relief) being held this evening.

## **VIII. ADJOURNMENT**

Respectfully submitted,

Rosita D. Tosco

**ATTESTED TO:**



---

**NONITO (NITO) C. BLAS, Chairman**  
**MANGILAO MUNICIPAL PLANNING COUNCIL**



**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
(Government of Guam)



*Seifeadi,*

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MONTE MAFNAS  
Director

DAVID V. CAMACHO  
Deputy Director

December 17, 2013

Senator Vicente (ben) C. Pangelinan  
32<sup>nd</sup> Guam Legislature  
Chairman, Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and Land  
324 W. Soledad Ave., Suite 100  
Hagatna, GU 96932



**SUBJECT:** Testimony on Bill No. 221-32 (COR)

***Bueñas Yan Hafa Adai:*** The Department has reviewed Bill 221-32 (COR) – **AN ACT TO REZONING LOT NO. 1106-2NEW, IN THE MUNICIPALITY OF MANGILAO FROM SINGLE-FAMILY DWELLING ZONE (R1) TO COMMERCIAL (C)**

Hereby submitted is the testimony for the above-described proposal. Based on the requirements of Title 21, Guam Code Annotated, Chapter 61 Zoning Law, Article 3, §61301 we render the following:

The property is located adjacent to Route 10 and is currently zoned "R-1" (Single-Family Residential Dwelling) per Official Zoning Map of the municipality of Mangilao (1968). The Department maintains its support of non-residential use of lands particularly occurring adjacent to routed roads. Our support generally reflects the fact that residential uses in such areas may be considered non-conducive due to excessive traffic activities and other elements that may pose hazardous from typical residential development. Currently Route 10 serves as a major arterial link between the south and northern municipalities. Most recently property within 500 feet of the subject lot garnered both Guam Land Use Commission and executive support of a change of zone to "C" (Commercial) and currently maintains Champions Sporting Goods Store.

We further support this request as appropriate infrastructure is available at least along Route 10 where typical zoning schemes identify commercial strip zones at 200 feet from the routed easement's center line.

The Department would like to remind all concern that our Guam Legislature delegated land use development including zone changes through Public Law 1-88, as amended, to the Guam Land use Commission and the Department of Land Management. Furthermore, a viable zone change process exists, it is efficient, and considers all aspect of land use planning in protecting the community and our island's interest.

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

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

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

E-mail Address:  
[dlr@dlm.guam.gov](mailto:dlr@dlm.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383



**Bill 221-32 (COR) – AN ACT TO REZONING LOT NO. 1106-2NEW, IN THE  
MUNICIPALITY OF MANGILAO FROM SINGLE-FAMILY DWELLING ZONE (R1) TO  
COMMERCIAL (C)**  
**Page 2 of 2**

In respect to potential impacts to our mandates as requested by the Bureau of Budget Management and Resources, passage of Legislative Bill 221-32 (COR) will not have any adverse impacts, thereof.

We thank you for the opportunity to comment on this bill.

Senseramente,



**DAVID V. CAMACHO**  
Acting Director

cc: Planning Division, DLM

# PETITION IN SUPPORT

We the undersigned have been advised that **American Medical Center** owner of Lot # 1106-2 NEW Municipality of Mangilao, Guahan has applied to rezone their property from Residential to Commercial.

We understand that American Medical Center has complied with all Government requirements for rezoning, including their application directed to the Municipal Planning Council for their review and preparation of the MPC Resolution.

It is the applicant's intention to establish a **Multi-Specialty Medical Facility**. In light of the above I am in support of this Zone Change as acknowledged by my signature below.


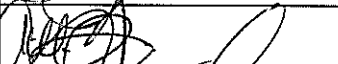
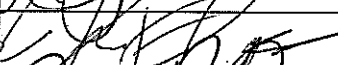




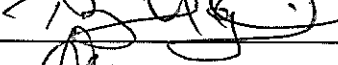

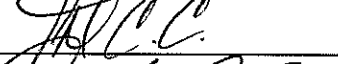
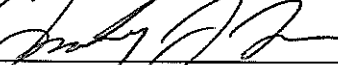

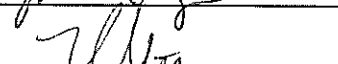
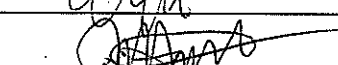
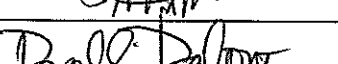
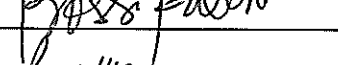
Name	Signature	Lot/Block/Tract	Resident Of
Bernedie C. Manzano	<i>[Signature]</i>		164 Old Price Rd Mangilao
Candelario R. Mariano	<i>[Signature]</i>		Mangilao / Jesus Marian
Robert Perez	<i>[Signature]</i>	Singaur	Singaur
Barbara Lopez	<i>[Signature]</i>	Cinajana	Cinajana
THOMAS AGUON	<i>[Signature]</i>	MANGILAO	
Josephine Agnon	<i>[Signature]</i>	Mangilao	
Teresita Pereira	<i>[Signature]</i>	Mangilao	Mangilao
MAR BLAS	<i>[Signature]</i>	Mangilao	Mangilao
VICTOR F. BLAS	<i>[Signature]</i>		MANGILAO
Norma Flores	<i>[Signature]</i>	<del>1220</del>	Mangilao
Jessica Flores	<i>[Signature]</i>	mangilao	Mangilao
Susan Padon	<i>[Signature]</i>	Mangilao	
Olivia T. Peredo	<i>[Signature]</i>	Mangilao	Mangilao
Jessica M. Blas	<i>[Signature]</i>	Mangilao	Mangilao
Liz Santos	<i>[Signature]</i>	<del>1220</del>	Mangilao

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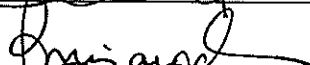
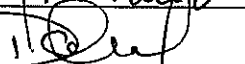

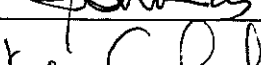
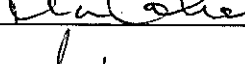

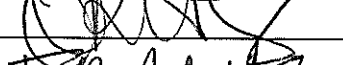

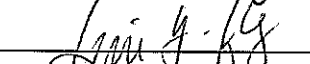
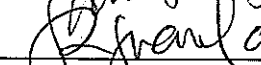


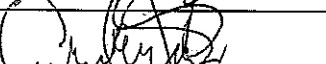
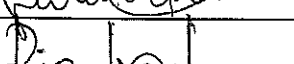
Name	Signature	Lot/Block/Tract	Resident Of
PELY C. FLORES			Dededo
Anisha C. Yurko			Mangilao
Kristofer Flores			Dededo
Cassandra B. Reyes			Yigo
Bryan Flores			Dededo
Mandy M. Hualde			Dededo
Tony AGUSTIN			DEDEDO
Georgette Gruner			Mangilao
DORIS CRUZ			Mangilao
Timotey Fejeran			Santa Rita
Joleen Fejeran			Santa Rita
Cherry Fuito			Mangilao
Maria Apulo			Didido
Bobbie Palomo			Yona
Kaey Ballera			Mangilao
Christine Baul			Barrigada

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Name	Signature	Lot/Block/Tract	Resident Of
Evelyn Rebugio			Dededo
Det P. Cabral			Tamuning
Rita Miranda			Piti
Roland Miranda			Piti
Aurora Marinas			Dededo
Ken Cabral			Tamuning
Susan Jodhi			Magilao
Kristine P. Reletz			Vigo
Frank San Nicolas			Vigo
Cecilia Cruz			Dededo
Raechel Guanlao			VIGO
Jennifer Tropel			Dededo
Francis Nicolas			Dededo
Sharlene Nicolas			Dededo
Rhiza Lagman			Dededo
Millet Fojas			Dededo

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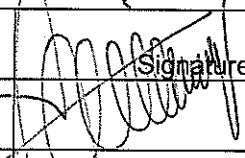
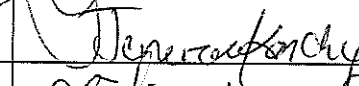

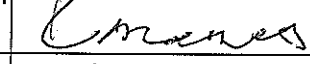







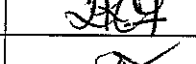
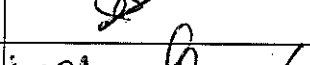
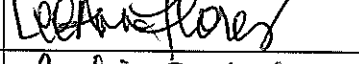


Name	Signature	Lot/Block/Tract	Resident Of
Benjamin Taitano	<i>[Signature]</i>		Sinajana
Fredrick Leunguerro	<i>[Signature]</i>		Maiti.
Crimson Kaiser	<i>[Signature]</i>		Maiti
John A. Santos	<i>[Signature]</i>		Yigo
Carlos R. Taitano	<i>[Signature]</i>	Spotsa Dr.	Mangilao
Sylvia Santos	<i>[Signature]</i>		Yigo
DATWIN, JASON	<i>[Signature]</i>	PUTNEY ST	MANGILAO
Norma Cruz Cruz	<i>[Signature]</i>		Merizo
<i>[Signature]</i>	<i>[Signature]</i>		MANGILAO
Murcella Blas	<i>[Signature]</i>		"
D. YOUNG	<i>[Signature]</i>		SANTA RITA
Soledad, R. Diaz	<i>[Signature]</i>		Mangilao
Robert Cruz	<i>[Signature]</i>		Merizo
<del>DOLORES ESPINAL</del>	<i>[Signature]</i>		Mangilao
Jaylene Pungeliman	<i>[Signature]</i>		Mangilao
Lucy Cruz	<i>[Signature]</i>		Mangilao

# PETTITION IN SUPPORT

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Name	Signature	Lot/Block/Tract	Resident Of
ARIES NAWARO		157 ADACAO RD. CHIN, TULU DEVR2	MANGILAO
Rolando Kereon			Mangilao
ENFINA. FICHOS		"	"
Luck maras		"	"
F. NARCIS		"	Y190
JESUSA Arceo		"	"
Vicente G. Arceo		"	"
Araceli Arceo		"	"
JUANITA ARCEO		"	"
ED RODRIGUEZ		"	"
Tina R.C. FLORES			"
John J. Blas			
Leann C. Flores			
Celine Ruth Flores			
Ilkeraika Kau			
Ken Jubinal		"	Mangilao

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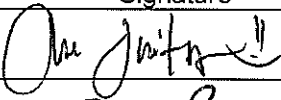
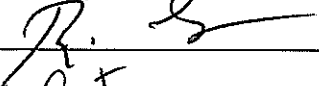
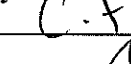
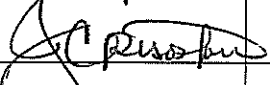
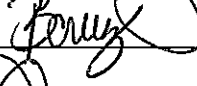
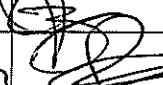
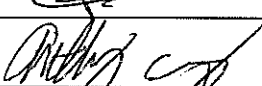
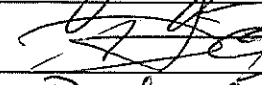

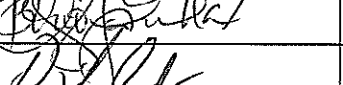
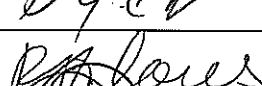





Name	Signature	Lot/Block/Tract	Resident Of
Nicolas Campos	N Campos		Mang. Lao
Edward Santos	E. Santos		Mangilao
Antimem Lorenzo	Alorenzo		Toto
ALAN V. VILLAR	AL		MANGILAO
Dorothy Fga	D Fga		Talofofo
John - BALMORA	John		TOWNA
Bernadette Urindanilla	Bernadette		Mangilao
Schlense Repner	Schlense Repner		Tamuning
ROSITA D. Tosco	rd Tosco		Mangilao
Beltran D. Tosco	Beltran Tosco		"
Edward J.D. Tosco	Edward J.D. Tosco		"
Beltran D. Tosco, JR.	Beltran Jr		"
Maria J.B. Wood	MJB Wood		"
Edwin San Nicolas	ES		MANGILAO
MAX ERIC C. Soh	Max		MANGILAO
Jim A. [unclear]	Jim A. [unclear]		MANGILAO

## PETITION IN SUPPORT

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Name	Signature	Lot/Block/Tract	Resident Of
Irene Taitan			Mangilao/Siguan
Rudy Cruz			Dededo
Cody Jeyaraj			Dededo
Juanita Crisostomo			Mangilao
Berlin D. Cruz			Dededo
Josette Cruz			Mangilao
Rodney Crisostomo			Mangilao
Anthony Cruz			Mangilao
Trisha Torres			Chalan Pago
Darlene Crisostomo			Mangilao
Bernadette Quintanilla			Mangilao
David Crisostomo			Mangilao
Rosaura Flores			Dededo
Peter P. Flores Jr.			Dededo
Vincent Flores			Mong Mong
Janece Dilla			Mong Mong



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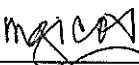
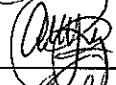

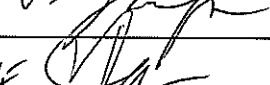

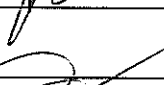


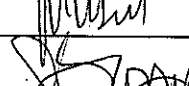

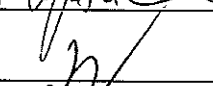
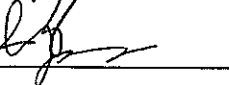


Name	Signature	Lot/Block/Tract	Resident Of
Roseleen Robert	<i>[Signature]</i>		Mangilao Chorro st.
MANSAPIT, MERCEDES	<i>[Signature]</i>		MANUFLAO
Lizama, Lance	<i>[Signature]</i>		mangilao
Anita F. Orlino	<i>[Signature]</i>		Barrigada
Inalanipocarsue	<i>[Signature]</i>		Mangilao
George Mateo	<i>[Signature]</i>		Mangilao
Elizabeth I. Bolay	<i>[Signature]</i>		Mangilao
Joshua C. Bolay	<i>[Signature]</i>		Mangilao
Lucia Leon Guerrero	<i>[Signature]</i>		Mangilao
Genikka Aguen	<i>[Signature]</i>		Mangilao
Vanessa Aguen	<i>[Signature]</i>		Mangilao
Kelvin Aguen	<i>[Signature]</i>		Mangilao
Kyle Aguen	<i>[Signature]</i>		Mangilao
Patricia Clonk	<i>[Signature]</i>		Mangilao
Mark Agustin	<i>[Signature]</i>		Mangilao
Hope Agustin	<i>[Signature]</i>		Mangilao

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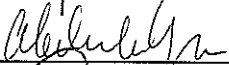


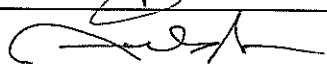

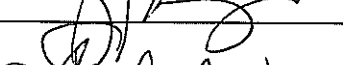
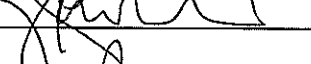
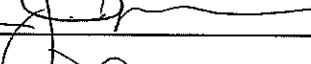

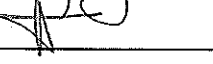
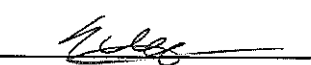
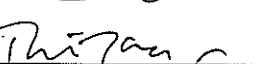
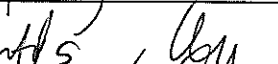
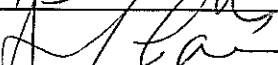
Name	Signature	Lot/Block/Tract	Resident Of
Catherine Pacadio			Dededo
Martha J. Hagg			Dededo
Monica Eicos			Tigo
ANNE REYES			Yigo
LEONARDO BUSA			YIGO
Vanessa Arce			Dededo
HELEN CRISTOSTOMO-KAHANE			MANGILAO
FRANK CRISTOSTOMO-KAHANE			MANGILAO
Tina Cruz			Dededo
JOE SANTO			TAM.
Rick F. Conner			MAX. 14A
Merilee Vriel			Mangilao
Jacqueline Barrett			Mangilao
Joseph F. Bernette			Chalan Pago
ROCHELLE PONS			TYAN
Aileen Sapitana			Dededo

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Catherine Borja			Barrigada
Marilyn Florendo			Yigo
Abelardo Ventura			DEDEDU
DAVID WHITEHEAD			TAMUNING
THOR ALOSTA			YIGO
Felix C. Mesa			Barrigada
Gilbert Mangosay			YIGO
Kathryn San Nuan			DEDEDU
John D. Nigro			Mangilao
Patricia L. Dize			Mangilao
FLORE HASANON			DEDEDU
Nicholas Santos			Sinajana
Tricia Lizama			Agaña Hts
Antony M. Santos			Sinajana
E. A. CANOVAS			YIGO
T. CANOVAS			YIGO

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[illegible]

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[illegible]



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 17, 2013

### Memorandum

To: Rennae Meno  
Clerk of the Legislature

From: Senator Rory J. Respicio  
Majority Leader & Rules Chair

Subject: Fiscal Notes /Waivers

2013 DEC 17 PM 2:29

*Hafa Adai!*

Attached please find the fiscal note for the bill numbers listed below.  
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

Bill No. 173-32(LS)

Bill No. 208-32(COR)

Bill No. 213-32(COR)

Bill No. 221-32(COR)

Bill No. 227-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

DEC 06 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai Senator Respicio:*

Transmitted herewith is Fiscal Note on the following Bill Nos.: 173-32(LS), 208-32(COR), 213-32(COR), 221-32(COR) and 227-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan



Bureau of Budget & Management Research  
Fiscal Note of Bill No. 221-32 (COR)

AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	358,375
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,145,845
Total Department/Agency Appropriation(s) to date:	\$3,504,220

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Carl Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund, Guam Highway Fund	\$8,729,536
Total Department/Agency Appropriation(s) to date:	\$19,964,873

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 31-233)	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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

Analyst: Jason Baza Date: 12/2/13 Director: John A. Rios Date: DEC 06 2013  
Jason W. Baza, BMA I John A. Rios, Director

Footnotes:

1/ See attached comments.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 221-32 (COR)**  
**(for revenue generating provisions)**

<b>Projected Multi-Year Revenues</b>					
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0
<b>Land Survey Revolving Fund</b>	\$60	\$0	\$0	\$0	\$0
<b>DPW Building &amp; Design Fund</b>	\$12,000	\$0	\$0	\$0	\$0
<b>Territorial Education Facilities Fund</b>	\$9,610	\$9,610	\$9,610	\$9,610	\$9,610
<b>Total</b>	\$21,670	\$9,610	\$9,610	\$9,610	\$9,610

**Comments:**

1/ Should this proposed legislation become law, there is a potential of revenues generated in the form of building permits, real property taxes, and a business licence through the proposed zone change of Lot No. 1106-2NEW, containing an area of 172,292± square feet, from a Single Family Dwelling Zone (R1) to a Commercial Zone (C) for the purpose of establishing a medical and health care clinic. The proposed legislation would establish the said lot to be restricted, but not limited to, doctor's office(s), doctor's clinic, pharmacy, medical laboratory, radiological, physical therapy, and similar medically related applications. This would require building permits to construct such facilities, and thus would increase the value of real property taxes due to the Department of Revenue and Taxation. Assuming that a doctor's clinic was to be built inclusive of a medical laboratory, radiology division, physical therapy division, and pharmacy (similar to the likes of the TakeCare facility in Tamuning) with an estimated gross square feet count at approximately 20,000 square feet, the Bureau estimates that the Department of Public Works will receive \$12,000-\$15,000 of revenues generated in the form of a building permit. Per Department of Rev & Tax appraisal rates, the appraised value of the facility would be \$2,000,000. This would impose a building tax rate (0.388%) of \$7,760 and an additional land tax rate (0.0875%) of \$1,750. Also, a business license would be required for a medical facility in regards to accepting payment from patients, which would cost \$100 for such license. With the given information, the Bureau estimates that the amount of \$9,610 will be received Department of Revenue and Taxation in the form of additional real property taxes and a business license. Also, the Bureau estimates that there is the potential of revenue in the form of a zone change amendment (\$50) and certification of zoning (\$10) amounting to the total of \$60 to be received by the Department of Land Management.



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Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

November 14, 2013

### MEMORANDUM

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

Subject: **Referral of Bill No. 221-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 221-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*

**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
221-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.	11/13/13 5:07 p.m	11/14/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames &lt;cipo@guamlegislature.org&gt;

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## Public Hearing - FIRST Notice

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Lisa Dames &lt;cipo@guamlegislature.org&gt;

Fri, Dec 13, 2013 at 1:15 PM

To: PHrg Notice &lt;phnotice@guamlegislature.org&gt;, phmaterials@guamlegislature.org

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on **Friday, December 20, 2013** beginning at **8:30am** and **2:00pm** at the Guam Legislature Public Hearing Room. The following is on the agenda:

**8:30am**

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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## Public Hearing - FIRST Notice

Lisa Dames <cipo@guamlegislature.org>

Fri, Dec 13, 2013 at 1:14 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <jontalk@gmail.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, Frank Whitman <frank@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles\_PDN <life@guampdn.com>

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**2:00pm**

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**19 to Part I, Chapter II of Public Law 32-068 and to *amend* Section 1303, Chapter 1, Article 3, Title 5 of the Guam Code Annotated, Relative to upholding the intent of *I Liheslatura's* annual appropriations to the Guam Department of Education (GDOE) for every fiscal year and for funding the repair and/or renovation of Simon Sanchez High School and for other facilities and maintenance needs of the GDOE**

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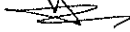
# I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

December 18, 2013

## Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – SECOND NOTICE

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

Member  
Committee on Health &  
Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - SECOND Notice

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Lisa Dames <cipo@guamlegislature.org>

Wed, Dec 18, 2013 at 11:23 AM

To: PHrg Notice <phnotice@guamlegislature.org>

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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - SECOND Notice

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Wed, Dec 18, 2013 at 11:19 AM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Frank Whitman <frank@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles\_PDN <life@guampdn.com>

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ylee2@guam.gannett.com
zita@mvguam.com
zpalomo@guamag.org





Mina'trentai Dos na Liheslaturan Guåhan  
32nd GUAM LEGISLATURE  
Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt,  
Legal Affairs, Retirement, Public Parks, Recreation,  
Historic Preservation, and Land

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

gi Betnes, gi diha 20 gi Disembre, 2013  
Friday, December 20, 2013

Kuáttion Inekungok Pupbleko gi Liheslaturan Guåhan  
(Guam Legislature Public Hearing Room)

**TAREHA  
(AGENDA)**

alas ocho I media gi egga'an  
(8:30 AM)

**Priniponi Siha:  
(Bills)**

Bill No. 231-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to rezone Lot No. 22, Block No 4, Tract No. 170, West Acres Subdivision, Dededo, Guam from Single-Family Dwelling Zone (R-1) to Multiple-Family Dwelling Zone (R-2).

Bill No. 232-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to rezone Lot No. 23, Block No 4, Tract No. 170, West Acres Subdivision, Dededo, Guam from Single-Family Dwelling Zone (R-1) to Multiple-Family Dwelling Zone (R-2).

Bill No. 221-32 (COR) – Introduced by Senator Dennis Rodriguez: An Act relative to rezoning Lot No. 1106-2NEW, Located in the Municipality of Mangilao, from Single-Family Residential ("R-1") to Commercial ("C"), for purposes of establishing a medical clinic and health care related commercial activity.

Bill No. 172-32 (COR) – Introduced by Senator Brant McCreadie: An Act to create a New Article 6 & 7 to Chapter 90 Title 9, Guam Code Annotated, Relative to the construction and renovation of the Department of Corrections Adult Correctional Facility to ensure the safety of the people of Guam; which shall collectively be cited as "The Department of Corrections Construction Initiative Act of 2013".

alas dos gi despues di talo'ani  
(2:00 PM)

Bill No. 235-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to add a new Section 19 to Part I, Chapter II of Public Law 32-068 and to amend Section 1303, Chapter 1, Article 3, Title 5 of the Guam Code Annotated, Relative to upholding the intent of Liheslaturan Guåhan's annual appropriations to the Guam Department of Education (GDOE) for every fiscal year and for funding the repair and/or renovation of Simon Sanchez High School and for other facilities and maintenance needs of the GDOE.

Bill No. 206 (COR) – Introduced by Senator BJ Cruz: An Act to Amend Subsection (C) of 526603 of Article 6, Chapter 26, of Title 11 Guam Code Annotated, Relative to Establishing Tax Parity Between Cigarettes and Chewing Tobacco.

Yanggen un nisisita espesiát na setbision, put fabot ágang i ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kópjan i priniponi siha ginen este na tareha, hálom gi i uepsalt i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'hálom testigu-mu, chule' para i ifisinan-mami gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Karta gi i Liheslatura, pat faks gi 473-4238, patsino imiel gi [office@senbenp.com](mailto:office@senbenp.com) Este na nutisiu inapási nu i fendon gubetnamento.

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**I Mina'trentai Dos Na Liheslaturan Guahan**  
**32nd GUAM LEGISLATURE**  
**Senator Vicente (ben) Cabrera Pangelinan**

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO**  
**(PUBLIC HEARING)**

*gi Betnes, gi diha 20 gi Disembre, 2013*  
**(Friday, December 20, 2013)**

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

**TAREHA**  
**(AGENDA)**

*alas ocho i media gi egga'an*  
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**Priniponi Siha**  
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**(AGENDA)**

*alas dos gi despues di talo'ani*  
**(2:00 PM)**

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I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Betnes, gi diha 20 gi Disembre, 2013***  
**Friday, December 20, 2013**

***Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan***  
**(Guam Legislature Public Hearing Room)**

**TAREHA  
(AGENDA)**

***alas ocho I media gi egga'an***  
**(8:30 AM)**

***Priniponi Siha:***  
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I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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**TAREHA  
(AGENDA)**

***alas dos gi despues di talo'ani  
(2:00 PM)***

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**Senator Dennis G. Rodriguez, Jr.**  
**Sponsor statement on Bill 221-32 (COR)**

**Public Hearing date: December 20, 2013, 8:30AM**

Bill 221-32 is relative to re-zoning Lot. No. 1106-2NEW, located in Mangilao, from single-family residential (R-1) to Commercial (C) for purposes of establishing a medical clinic and health care related commercial activity.

The subject lot is presently zoned R-1 and is fronting Route 10 in Mangilao. The property immediately to the north side of the lot, but separated from the lot by an access road is zoned "C" Commercial and is being utilized as a retail store known as KNS Market. There are other commercial lots in the immediate area, but not necessarily contiguous to the subject lot. Immediately to the east of the subject lot, separated by Route 10, is another active commercial lot, known as Champion Sporting Goods Store.

The owners of the subject lot intend to utilize it solely for medically related commercial purposes. In consideration of the expanding economy and medical needs of the population of Mangilao, and residents of Southern Guam, the utilization of the property for medical services is consistent and appropriate. The application from its present zone to Commercial would enable the designated property to stimulate positive economic movement by way of providing a needed medical facility, and related health care services.

Our residents of southern and southeastern areas of Guam are essentially residing in medically underserved areas. This proposed development would place additional medical services within a much more convenient location, reducing the need to travel to Tamuning and other central locations.

The expanded use of this property in Mangilao would positively contribute to the creation of jobs by way of providing needed medical services to the community.

End of statement...



## COMMITTEE ON RULES

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
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Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
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Vice-Speaker  
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Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 17, 2013

### Memorandum

To: Rennae Meno  
Clerk of the Legislature

From: Senator Rory J. Respicio  
Majority Leader & Rules Chair

Subject: Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal note for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

#### FISCAL NOTES:

Bill No. 173-32(LS)

Bill No. 208-32(COR)

Bill No. 213-32(COR)

Bill No. 221-32(COR)

Bill No. 227-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 DEC 17 PM 2:29

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR**JOHN A. RIOS**  
DIRECTOR**RAY TENORIO**  
LIEUTENANT GOVERNOR**DEC 06 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 173-32(LS), 208-32(COR), 213-32(COR), 221-32(COR) and 227-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research  
Fiscal Note of Bill No. 221-32 (COR)

AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	358,375
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,145,845
Total Department/Agency Appropriation(s) to date:	\$3,504,220

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Carl Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund, Guam Highway Fund	\$8,729,536
Total Department/Agency Appropriation(s) to date:	\$19,964,873

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 31-233)	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?  
If Yes, see attachment /X/ Yes      / / No
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? \$ \_\_\_\_\_
3. Does the Bill establish a new program/agency? /X/ N/A      / / Yes      / / No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A      / / 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? / / Yes      /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes      /X/ No  
/X/ Requested agency comments not received as of the due date / / Other:

Analyst: Jason Baza Date: 12/2/13 Director: John A. Rios Date: DEC 06 2013  
Jason W. Baza, BMA I

## Footnotes:

1/ See attached comments.



**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 221-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Land Survey Revolving Fund	\$60	\$0	\$0	\$0	\$0
DPW Building & Design Fund	\$12,000	\$0	\$0	\$0	\$0
Territorial Education Facilities Fund	\$9,610	\$9,610	\$9,610	\$9,610	\$9,610
Total	\$21,670	\$9,610	\$9,610	\$9,610	\$9,610

**Comments:**

1/ Should this proposed legislation become law, there is a potential of revenues generated in the form of building permits, real property taxes, and a business licence through the proposed zone change of Lot No. 1106-2NEW, containing an area of 172,292± square feet, from a Single Family Dwelling Zone (R1) to a Commercial Zone (C) for the purpose of establishing a medical and health care clinic. The proposed legislation would establish the said lot to be restricted, but not limited to, doctor's office(s), doctor's clinic, pharmacy, medical laboratory, radiological, physical therapy, and similar medically related applications. This would require building permits to construct such facilities, and thus would increase the value of real property taxes due to the Department of Revenue and Taxation. Assuming that a doctor's clinic was to be built inclusive of a medical laboratory, radiology division, physical therapy division, and pharmacy (similar to the likes of the TakeCare facility in Tamuning) with an estimated gross square feet count at approximately 20,000 square feet, the Bureau estimates that the Department of Public Works will receive \$12,000-\$15,000 of revenues generated in the form of a building permit. Per Department of Rev & Tax appraisal rates, the appraised value of the facility would be \$2,000,000. This would impose a building tax rate (0.388%) of \$7,760 and an additional land tax rate (0.0875%) of \$1,750. Also, a business license would be required for a medical facility in regards to accepting payment from patients, which would cost \$100 for such license. With the given information, the Bureau estimates that the amount of \$9,610 will be received Department of Revenue and Taxation in the form of additional real property taxes and a business license. Also, the Bureau estimates that there is the potential of revenue in the form of a zone change amendment (\$50) and certification of zoning (\$10) amounting to the total of \$60 to be received by the Department of Land Management.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

November 14, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER


### MEMORANDUM

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From: Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject: Referral of Bill No. 221-32(COR)**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 221-32(COR)**.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator  
Frank Blas Aguon, Jr.  
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member

**MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) REGULAR SESSION**

**BILL NO. 221 -32 (COR)**

Introduced by:

**D.G. Rodriguez, Jr.** 

**AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL (“R-1”) TO COMMERCIAL (“C”), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the subject Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO, is presently zoned “R-1” – Single-family residential zone. The subject Lot is fronting Route 10, Mangilao. The property immediately to the northern side of the subject lot, but separated from the lot by a road, is zoned “C” (Commercial), and is being utilized as a commercial retail store (KNS Market). There are other commercial lots in the immediate area, but not necessarily contiguous to the subject Lot. To the east of the subject Lot, separated by Route 10, is another active commercial lot (Champion Sporting).

*I Liheslaturan Guåhan* finds that it is the intent of the owners to utilize the subject lot *solely* for medically related commercial purposes. In consideration of the expanding economy and medical needs of the population of Mangilao, and residents of southern Guam, the utilization of the property for medical services is

1 consistent and appropriate, and the application from its present zone to  
2 Commercial (“C”) would enable the designated property to provide economic  
3 movement developing in the area for a needed private medical facility related  
4 health care service purposes.

5 The municipality of Mangilao has an expanding population base, and is the  
6 site of the Guam Community College and the University of Guam. The  
7 populations health care demands are constantly increasing. A private medical  
8 clinic providing needed medical services to the community would be compatible  
9 with increasing the healthcare demands. Further, residents of the southern &  
10 south-eastern areas of Guam are essentially residing in medically underserved  
11 areas, and this proposed development would place additional medical services  
12 within a much more convenient location, reducing the need to travel to Tamuning  
13 and other central locations.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to support the expanded  
15 use of existing properties in Guam that would provide economic benefits to  
16 property owners, and most importantly positively contribute to the creation of jobs  
17 by way of providing needed medical services t to the community.

18 It is, further, the intent of *I Liheslaturan Guåhan* that the rezoning of Lot  
19 No. 1106-2NEW, MUNICIPALITY OF MANGILAO, be *solely* restricted for any  
20 category of medically related commercial activities.

21 **Section 2. Re-Zoning of Lot No. 1106-2NEW, located in the**  
22 **municipality of Mangilao, from Single Family Residential Zone (“R-1”) to**  
23 **Commercial (“C”).** Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO  
24 (formerly Municipality of Barrigada), TERRITORY OF GUAM, containing an  
25 area of approximately 172,292 +/- Sq. Ft., is hereby re-zoned from Residential

1 (“R-1”) to Commercial (“C”). The real property map for Lot No. 1106-2NEW,  
2 MUNICIPALITY OF MANGILAO (formerly Municipality of Barrigada), is  
3 hereby incorporated and appended to this Act as EXHIBIT “A”.

4       **Section 3. Commercial Use Restricted for Medically Related**  
5 **Enterprises.** (a) The subject Lot No. 1106-2NEW, MUNICIPALITY OF  
6 MANGILAO (formerly Municipality of Barrigada), zoned “C” pursuant to this  
7 Act, is restricted to medically related commercial activities. For the purposes of  
8 this Act, *medically related commercial activity* shall include, but is not limited to,  
9 doctors office(s), doctors clinic, pharmacy, medical laboratory, radiological,  
10 physical therapy, and similar medically related applications.

11       (b) Commercial utilization of the subject property for any non-medical  
12 related purposes will require a zoning variance for any other intended purposes  
13 *prior* to conducting any other category of commercial activity.

14       **Section 4. Effective Date.** This Act shall become immediately effective  
15 upon enactment.

# EXHIBIT "A"

## LEGEND:

- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 27
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 23
- ⊗ 4" x 4" CONCRETE MONUMENT FOUND, BROKEN TOP
- 4 REBAR WITH PLASTIC CAP FOUND, MARKED RLS / 62
- ⊗ 4 REBAR FOUND, BROKEN CAP
- 4 REBAR WITH YELLOW PLASTIC CAP SET, MARKED PLS / 77

## NOTES:

1. SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
3. BEARINGS AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1993 GRID



1993 GRID  
GRAPHIC SCALE:

100' 50' 25' 0' 100'

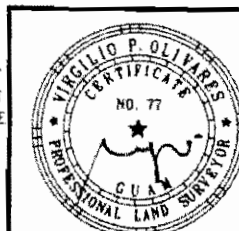
SCALE: 1 INCH = 100 FEET

## REFERENCE:

1. CONSOLIDATION & PARCELLING SURVEY OF LOTS 1106-3 & 1106-2, MUNICIPALITY OF BARRIGADA, PREPARED BY RLS / 18.

## CERTIFICATION:

I, VIRGILIO P. OLIVARES, HEREBY CERTIFY THAT THIS SURVEY SKETCH WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS BASED UPON A FIELD SURVEY MADE IN SEPTEMBER 2012.



VIRGILIO P. OLIVARES, P. L. S. # 77

DATE

EXP. DATE: 04/30/2013

## RETRACEMENT SURVEY SKETCH

### OF LOT 1106-2NEW

MUNICIPALITY OF MANGILAO  
(FORMERLY MUNICIPALITY OF BARRIGADA)



## V. P. OLIVARES SURVEYING, LLC

CERTIFICATE OF AUTHORIZATION NO. 261  
PROFESSIONAL LAND SURVEYOR NO. 77

P.O. BOX 4740 HAGATNA, GUAM 96932

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