



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

JUL 22 2010

2010 JUL 23 AM 11:01

epm

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 303-30 (COR) "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE VILLAGES OF INARAJAN AND ORDOT AS THE HOST COMMUNITY FOR ACCOMMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE LAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND ORDOT DUMP IN THEIR BACKYARDS", which I signed into law on July 16, 2010 as Public Law 30-165.

Sinseru yan Magâhet,

MICHAEL W. CRUZ, M.D.
I Maga'lâhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0612

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/22/10
Time 4:42P
Received by if

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

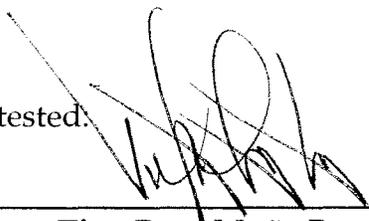
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 303-30 (COR)**, "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE VILLAGES OF INARAJAN AND ORDOT AS THE HOST COMMUNITY FOR ACCOMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE ISLAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND THE ORDOT DUMP IN THEIR BACKYARDS", was on the 2nd day of July, 2010, duly and regularly passed.



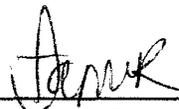
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July, 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: JUL 16 2010

Public Law No. P.L. 30-165

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 303-30 (COR)

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

Introduced by:

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

**AN ACT TO *ADD* A NEW ARTICLE 10 TO CHAPTER 51
OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE
TO RECOGNIZING THE VILLAGES OF *INARAJAN*
AND *ORDOT* AS THE *HOST COMMUNITY* FOR
ACCOMODATING THE SOLID WASTE DISPOSAL
NEEDS OF THE ENTIRE ISLAND OF GUAM
RESULTING FROM THE OPERATION OF THE *LEYON*
LANDFILL AND THE *ORDOT* DUMP IN THEIR
BACKYARDS.**

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

1 (c) Infrastructure to provide access to utilities,
2 telecommunications, television and internet services to areas where
3 providing such services are cost prohibitive; and

4 (d) Village Beautification projects.

5 **§511004. Host Community Expenditures.** The Municipal
6 Planning Council of the *Host Community* village shall determine the
7 projects to be funded for the village.

8 **§511005. Host Community Premiums.** The Host Community
9 premium shall be assessed from the opening of the landfill until the closing
10 of the landfill. The aggregate *Host Community premium* is One Hundred
11 Fifty Thousand Dollars (\$150,000) per year for the village of *Inarajan*, and
12 One Hundred Fifty Thousand Dollars (\$150,000) per year for the village of
13 *Ordot*, as adjusted. The *Host Community premium* shall be reviewed at
14 least once every five (5) years and may be adjusted by the Public Utilities
15 Commission (PUC) to account for factors such as inflation. The Public
16 Utilities Commission (PUC) shall equitably determine the *Host Community*
17 *premium* for each residential and commercial account.

18 **§511006. Host Community Fund Management.** The
19 management of the *Host Community Fund* shall be the responsibility of the
20 Department of Administration. The Department of Administration shall
21 retain two percent (2%) of all collections by the Fund to cover the cost of
22 administration. The *Host Community Fund* shall not be commingled with
23 any other fund of the Government of Guam. No expenditure shall be made
24 from the Fund that is not approved by resolution of the Host Community
25 Municipal Planning Council. The *Host Community Fund* shall be subject to

1 periodic audit by the Office of Public Accountability and *not* subject to any
2 transfer authority.”



Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

June 23, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trenta na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

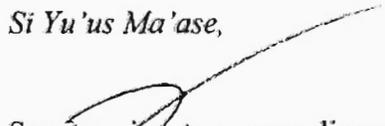
RE: Committee Report on Bill No. 303-30 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 303-30 (COR) As Substituted: "An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards." which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 4 TO PASS
- NOT TO PASS
- 1 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Si Yu'us Ma'ase,

Senator vicente c. pangelinan
Chairman

2010 JUN 28 PM 1:34


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

Member
Committee on Education

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

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

COMMITTEE REPORT
ON

Bill No. 303-30 (COR) As substituted:

“An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.”



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 23, 2010

MEMORANDUM

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

From: Senator vicente c. pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 303-30 (COR) As Substituted

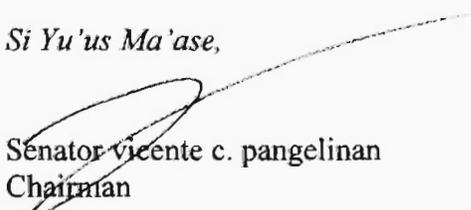
Transmitted herewith for your consideration is the Committee Report on Bill No. 303-30 (COR) As substituted: "An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards." sponsored by Senator Telo Taitague.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Bill No. 303-30 (COR)
- Copy of Substituted Bill No. 303-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 303-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Fiscal Note

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

Si Yu'us Ma'ase,

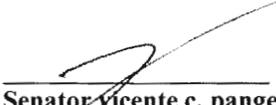
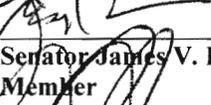
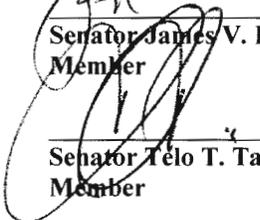

Senator vicente c. pangelinan
Chairman

I MINA' TRENTA NA LIHESLATURAN GUÁHAN

Committee Voting Sheet

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

Bill No. 303-30 (COR) As Substituted: An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
Speaker Judith T. Won Pat, Ed.D Vice Chairperson					
Vice Speaker Benjamin J.F Cruz Member					
Senator Tina Rose Muña-Barnes Member					
 Senator Frank B. Aguon Jr. Member	✓				
Senator Judith P. Guthertz Member					
 Senator James V. Espaldon Member			✓		
 Senator Telo T. Taitague Member	✓				
Senator Frank Blas, Jr. Member					



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Bill No. 303-30 (COR): “An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.”

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

Member
Committee on Education

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

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

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on March 10, 2010 at 8:30 am in *I Liheslatura*'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 March 3 (5-Day Notice), and again on March 8 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente “ben” pangelinan, Chairman
Senator Tina Rose Muña-Barnes, member
Senator Telo Taitague, member
Senator James Espaldon, member
Senator Tom Ada
Senator Adolpho B. Palacios, Sr.
Senator Rory Respicio

(b) Appearing before the Committee

Franklin Taitague, Mayor of Inarajan
Jesse Gogue, Mayor of Ordot/Chalan Pago
Benny San Nicolas, Inarajan resident

(c) Written Testimonies Submitted

Franklin Taitague, Mayor of Inarajan
Diane Selk, Inarajan resident
Jayne Flores, Inarajan resident
David Manning, GBB Receiver

II. COMMITTEE PROCEEDINGS

Senator ben pangelinan: Bill 303 is an act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. We have signed up with us Franklin Taitague, Mayor of Inarajan and Jesse Gogue, Mayor of Ordot/Chalan Pago. I would like to give an opportunity for the author to make a presentation on the bill.

(a) Bill Sponsor Summary

Senator Telo Taitague: Si yu'us ma'ase Mr. Chairman and I thank you for this opportunity. This should have been done a long time ago to one community village sixty (60) years ago. I'm hoping we don't make that mistake once we open a new landfill and start all over again. Basically, this bill provides the benefit for the host community of Guam's present and future solid waste disposal facilities. I've been over this bill several times with another colleague to make sure that everything was complete and we covered all angles. When we first started out with this bill we only had Inarajan to be the host community and to benefit from having the dump in their back yard, basically a landfill, when nobody else wanted. They have shoved it down their throats, without any compensation whatsoever. The real estate agencies were here, the realtors can tell you themselves, who is going to buy property down at Inarajan now. What is the appraisal going to be then? The traffic that goes through Inarajan is going to grow, the damage being done by the streets from in and out of the dump trucks going in and out.

Mr. Chair, this bill reflects what's being done in the United States, through all of the states. Providing compensation to communities that host landfills in exchange through either fee, funding of the village or community, or providing no tipping fees whatsoever. There are different ways to help compensate the burden their community receives, so we've come up with this bill that would help, hopefully it would be more, and maybe that could change during session floor. And then recognizing that Ordot/Chalan Pago who have been burdened for over sixty (60) years and the good mayor from Chalan Pago reminds me of how many years since Liberation he says, "All you have to do is count the Liberation years and that is how long the landfill has been in our backyard." And they have never been compensated. Not only was the facility itself when it was first built disgraceful and disgraceful to that village. So we have included Ordot/Chalan Pago in this bill as well in hopes that any funding that comes that way, can compensate for having it in their backyard. This bill will give that and other funding to their municipal councils to decide where the funding will go to. And I humbly ask that my fellow senators please please consider this.

Lastly, I have submitted to all my colleagues here a copy of a letter from GBB who is the receiver of the Leyon landfill. He states that this is done, the community benefits, all over other areas in the United States. We were also able to look at what type of funding or the fee that would be attached to the tipping fee to fund this host community bill. And as we did our math and the math that he submitted to us, it was such a minimal tipping fee. The last thing, for the sake of those who are listening, if the military is a customer, the receiver GBB estimates that the Leyon landfill will receive 135,849 tons of trash per year therefore 250,000 in benefits will result

sake of those who are listening, if the military is a customer, the receiver GBB estimates that the Leyon landfill will receive 135,849 tons of trash per year therefore 250,000 in benefits will result in a cost of \$1.84 per ton. The average family of four is expected to produce about half a ton of trash per year. Therefore the cost will be \$0.92 per year or less than \$0.08 a month per month to fund this endeavor. If the military is not a customer, the receiver GBB estimates that the Leyon landfill will receive 80,971 tons of trash per year therefore 250,000 in benefits for the host communities the cost will be \$3.09 per ton. The average family of four is expected to produce half a ton of trash per year. Therefore, the cost would be \$1.55 per year or less than \$0.13. And I ask that all villages consider \$0.13 or \$0.08 to not have it in their backyard to compensate for Inarajan and Chalan Pago for having this burden for so many years and the future of Inarajan community. Thank you Mr. Chair.

(b) Testimony

1. Franklin Taitague – Mayor of Inarajan

Good morning.

(Read written testimony – see attached)

And if I may honorable chairman and members of the panel because I just got your letter about the schedule for this morning, maybe perhaps it's wise for us to do justice for our residence if we could extend this hearing to our community for our community members. I know there are a lot of angry people down there but I just need to provide them the opportunity and whatever expression they have for the bill, we take them into consideration and a big open heart.

Si yu'us ma'ase and thank you for the opportunity.

Panel Comments and Questions

None

2. Jesse Gogue – Mayor of Ordot/Chalan Pago

Mr. Chair and fellow senator's thank you for this opportunity to speak on this Bill 303-30 submitted by Senator Taitague, Senator Ada and Senator Frank Blas, Jr. For the record my name is Mayor Jesse Gogue, the current Mayor of Ordot/Chalan Pago.

I'm here not only representing my district but my constituents and the Municipal planning council for Ordot/Chalan Pago. I appreciate the opportunity to speak on behalf of 303 and want to extend our gratitude for including the district of Ordot/Chalan Pago in this bill for an injustice I think have been left unattended for at least two decades. If you take a look at the history of the Ordot Landfill, you know I mentioned Senator Taitague that the landfill has actually been, or the dump we can't even call it a landfill because that really is what it is, a dump. It was a dump site even through the Japanese Occupation formally recognized as a Navy dumpsite after the Liberation of Guam. And since that

contaminants, not only from the solid waste that was placed in that dump, but the hazardous materials that were located in that particular area because it was a dump site and was leaking into other areas and of course right below the dump, the Lonfit river.

So, if you calculate the time, by the time the dump is closed we would have hosted that dump for seven (7) decades, 70 years. I appreciate the comment of my colleague here about the beautiful village of Inarajan potential negative impact the Leyon landfill may have on their districts. But unlike the Leyon landfill we're talking a state of the art landfill that would minimize any contaminants from leaking into the surrounding areas. Unfortunately, 70 years ago, that wasn't a consideration. And when we talk about the district of Ordot/Chalan Pago we can't say we have any real thing to recognize other than the beauty of our Pago Bay and the wonderful residents that live there. But we have never been able to capitalize on establishing an image for our village because we've always been over shadowed with the fact that when you talk about our district, it's the district where the dump is located. And in hopes the passage of this bill, the funding this will provide a viable funding source to try to erase away that cloud that has over shadowed our district for over 70 years. I looked at this bill and we are not asking to be on a life line forever because we've hosted this dump for the last 70 years.

You know I looked at the contents of this bill and propose a few recommendations. I noticed the proposal is for \$150,000.00 to the district of Inarajan, the village of Inarajan, the host community of our future landfill site and would like to ask the senators to consider an equitable amount for the Ordot dump because to waste away 70 years of not just solid waste but hazardous materials in this landfill. If we take a look at previous laws relating to this particular closure, Public Law 24-139, it talks about converting the dump site into a park. That's going to be decades to come. Because, until the area there is deemed safe for public community use, there is no way we're going to build a park in that place anytime soon. Hopefully with these funds we can find alternatives for the community of Ordot/Chalan Pago to possibly put parks in other locations until that area is deemed usable. And of course the concept of a park at the dump was reemphasized in Public Law 24-272 also passed by the Guam Legislature. It's great, again, a great concept but it's not going to happen any time soon. In order to ensure that there is a funding stream to our district to help promote a more positive image that twenty (20) years from now we can say this is what Ordot/Chalan Pago is really all about, not only our residents but our island community. We are looking for a funding stream to empower us to do so. And it's important that this bill notes that were not talking about small projects, we are looking at the intent of this bill which is to benefit youth/senior community centers in fact you may know that we do not have a senior citizen center in the village of Ordot/Chalan Pago and it's something near and dear to my heart and I'd like to see maybe one day come to fruition. These are not small time capital improvement projects. Recreation areas to include parks, sports fields and other gathering areas; once again not a small capital investment. If in fact this passes, there should be some consideration for these roll over funds so we can invest these money's in larger type projects. Similar to the Tourist Attraction Fund, we're able to roll over these money's so they can make some major impacts on some major areas to not only help improve our community but provide some real capital improvements to the village of Ordot/Chalan Pago.

impacts on some major areas to not only help improve our community but provide some real capital improvements to the village of Ordot/Chalan Pago.

And lastly, when we look at this I feel it is appropriate that after five (5) years of the full and total mitigation of the Ordot dump by EPA that it is cleared by EPA and there is no longer a public health threat of that dump to the community. We can be taken off or taken away from this host community because if we take a look at the Leyon landfill I think the life expectancy of that landfill is proposed to be thirty (30) years, it's going to move, it's got to move and it's going to go somewhere. And so we can take a look at moving those moneys to the next community that is going to host that dump thirty years from now because it's going to be done, it's got to be done. I'm saying if in fact we're fully able to mitigate and turn over to the community the Ordot land fill and use it as a park as stipulated by the laws previously passed. Then after five years we can then in turn use those moneys for the next district or village that will potentially host the next village or land fill. Solid Waste removal is a reality. And so those are the three things, looking at this bill that I think should be included in some way shape or form as far as the bill is written. I think the amount should be equitable, if Inarajan receives \$150,000 then it would be equitable that Ordot /Chalan Pago receive \$150,000 as well. Even though we're not looking at Ordot/Chalan Pago continuing to host the dump but we got seventy (70) years of not only solid waste but hazardous materials and an image that has overshadowed our community that we need to erase. And that's going to take a while to do it. And the only way to do that in a positive way is to actually promote some of the things this bill contains, youth, senior citizen center, community center, recreation area for our communities that not only the district can enjoy but anybody from throughout the island to enjoy to include our tourist. And for structure improvements that have been desperately needed in our district. We haven't had the luxury of the repairs to the roads leading into the landfill. If there has been repairs on that road then in six (6) months it has been damaged and it takes an act, as you know, of this legislature to provide additional funding to prepare those roads and so I share some of the concerns that my colleague has regarding the potential problems that Inarajan will face for the next 30 years once the landfill in Leyon is open because we faced them for more than six decades. And so I appreciate once again the fact that this committee and the authors of this bill have in fact saw fit to include the district of Ordot/Chalan Pago in this bill. And it's something the people have been hoping for, not only to find a way to close the dump, but to find a way to erase the principle negatives have always been associated with us which is that is where the dump is located.

In closing, I want to mention that, as Senator Taitague has mentioned earlier is that this host community compensation is not one that you can only find in the states. I did some online research as did Mayor Taitague and it's in the United States, and in Canada and in other places in Europe. It's just a mean as to adding revenue stream to a community that has to tolerate the fact that solid waste for a larger district, meaning for the entire island, is placed in their back yard. We've had it in our backyard for more than six decades and I'm hoping that this money's can be used to improve the image of our district and not just again the place where the dump is located. Thank you.

Panel Comments and Questions

Senator pangelinan: Thank you Mayor. We also have signed up a Mr. San Nicolas, he signed up to testify. And before Mr. San Nicolas can testify we would like to say that we received testimony from Ms. Denise Selk and Ms. Judy Flores on the bill and will be included in the committee report.

3. Benny San Nicolas – Inarajan resident

Good afternoon Senator. For the record my name is Benny San Nicolas and I am from the beautiful village of Inarajan. I've been very proud to be a resident of Inarajan. You know Inarajan has beautiful beaches, beautiful shore and beautiful view of the mountain. And I've always been proud to be a resident there but when this dump comes to our village, like the mayor was saying shoved down our throat even though we objected to it, it still went on so I am here to support this Bill 303 and I want to thank the authors of this bill, Senator Taitague, Senator Ada and Senator Blas and I would like to request the support of the other members that are here and all the legislature.

The dump that has been mentioned by the two mayors beautifully but the dump brings a negative effect, negative impact and is very demoralizing for the people of Inarajan and like I said we tried to stop it but we failed we were overruled by the other people that had a say on it. And it is very unfortunate that you cannot dictate what goes on in your village when you objected to its but still go along and do it to the residents it's very unfortunate. However like I mentioned, having the dump now we have to learn to accept it but with this legislation I think it would help us counteract some of the negative impacts the dump has brought to our village and to our environment as to the river, the stream, the road, the air, you name it. The stigma, the value of the property and just the pride for me to be saying, "I'm from Inarajan." I've always been proud and then you're going to say like the mayor said of Ordot/Chalan Pago, you're from the dump area. It's very very saddening and demoralizing. But with this \$150,000 it would be seed money similar to the Farmers Co-op to help us counteract some of these negative impacts. Some of the things mentioned are the recreational facilities that would help rejuvenate moral. For the community a community center for recreational center and of course hopefully we would be mindful and put somewhere to hire someone to monitor all this negative impacts that we are foreseeing are going to happen. But please Senator that is the least we the people of Inarajan can get is to give us this money to start addressing some of the negative impacts. Thank you.

Panel Comments and Questions

Senator pangelinan: Thank you Mr. San Nicolas. Those are the only witnesses that have signed up to testify on the bill this hearing. Anyone on the panel have any questions? If not then I would like to thank and welcome Senator Guthertz for joining us a while ago.

Senator Taitague: Thank you. I would like to thank the Mayors and Mr. San Nicolas as well. I think, Mayor Gogue, when you mentioned you lived in the shadow of your village being known as a dump, it says a whole lot. Listening to your sentiments as well, we don't want that impact and this funding will help the village with very good parks, very good recreation centers supporting their baseball leagues, their volleyball leagues, being able to say that this is a great community to live at regardless if the landfill is there. Hopefully this funding will help you get to that position. I should mention that it is a little low considering the cost now but I hope you see and I'm hoping my other Senators and colleagues see that for \$0.08 per month is all it is going to cost in addition to tipping fees. \$0.08 a month. And if the military isn't there then \$0.13 and that is very very inexpensive. And I'm sure by the end of the day when you are going into your pocket, changing your clothes getting ready for bed, you empty your pockets to give out and that's the least every village on the island can give to that. Thank you for your time and testimony. Thank you Mr. Chair.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports out Bill No. 303-30 (COR), as *sub* 1 by the Committee.



Committee Report

Bill No. 303-30 (COR): “An act to add a New Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.”

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

Member
Committee on Education

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

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

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on April 22, 2010 at 6:00 pm at the Inarajan Mayor’s Office.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on April 15, 2010 (5-Day Notice), and again on April 20, 2010 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente “ben” pangelinan, Chairman
Senator Telo Taitague, member
Senator Frank Aguon Jr.

(b) Appearing before the Committee

Franklin Taitague, Mayor of Inarajan
Jesse Gogue, Mayor of Ordot/Chalan Pago
Jayne Flores, Inarajan resident
Tomas Diego, Inarajan resident
Joe Crisostomo, Inarajan resident
Art Taimanglo, Inarajan resident
Charles Selk, Inarajan resident
Denise Selk, Inarajan resident
Paul Reyes, Malesso resident

(c) Written Testimonies Submitted

Franklin Taitague, Mayor of Inarajan
Diane Selk, Inarajan resident
Jayne Flores, Inarajan resident
Tomas Diego, Inarajan resident

II. COMMITTEE PROCEEDINGS

Senator ben pangelinan: Ladies and Gentlemen we are pleased to be here in the matter of the public hearing for Bill No. 303-30 here in the village of Inarajan for the members of this community, who may not have had the convenience of the work day and coming down to the Legislature to give their thoughts on the bill, as proposed by Senator Telo Taitague, would give them the opportunity to do so in their home village. We are pleased with the invitation and even more pleased to be in this beautiful village.

Bill 303 is a bill that would add a new Article 10 to Chapter 51 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. Before we start the hearing, I would like to thank the author of the bill and a member of this committee for joining us this evening, to be present here at this public hearing, Senator Telo Taitague. Welcome Senator, thank you. Also, we would like to extend our appreciation to Mayor Franklin Taitague for his hospitality and all of his assistance in providing us this venue to continue to meet with the people whose lives is affected by the decisions we make at the Legislature. We would also like to thank Senator, I always like to ask him to run as a Senator before that's why every time I see him I call him Senat...then I catch myself, to Mayor Jesse Gogue from the village of Ordot/Chalan Pago. We want to thank him also and welcome him for joining us this evening and his wife Elaine is here as well, thank you very much. Si yu'us ma'ase for your presence.

We have members of the public signed up but I would like to give the opportunity for the mayor of course, to please come forward, open meeting present any testimony for the public or yield if they wish. But I would like to invite you up before we begin the hearing itself, the formal part of the hearing and then of course we will have Senator Taitague present a synopsis of the bill as being proposed.

Good evening gentlemen and si yu'us ma'ase.

(a) Bill Sponsor Summary

Senator Telo Taitague: Thank you Mr. Chair and for everyone who is attending. Si yu'us ma'ase to Mayor Taitague for this opportunity to speak to the constituents here in Inarajan and most especially for them to voice their concerns for their support or non support of this bill that is intended.

The responsibility of this government for this proposal for solid waste has been neglected for so many years and this opportunity to now correct this problem where it has been our responsibility as a government and we have failed when it came to Ordot/Chalan Pago. So this is a bill to take away that area of non mitigating where the opportunity was never presented to itself to other areas to host a landfill with the benefits to include with them so Inarajan never had that opportunity to do so but that doesn't mean we can't stop from doing it and presenting it to them.

Basically this bill would help, not really mitigate, but most likely help with regards to any type of devaluation by having the landfill in their back yard and the increasing traffic flow that we've seen that will be coming to this area. We're hoping that with this type of small compensation for Inarajan it would help mitigate the situation here. It's simply put that the funding for the Bill 303 does not take any money away from the general fund or any government revenues whatsoever. The \$250,000 stated in this bill, which is \$150,000 to Inarajan and \$100,000 to Ordot/Chalan Pago was calculated based on research by the federal receiver and will be a nominal amount added to the user tipping fee.

In the letter that is dated February 4, 2010 the receiver estimated that the Leyon landfill will receive 80,971 tons of trash per year therefore 250,000 in benefits for the host communities the cost will be \$3.09 per ton. The average family of four is expected to produce half a ton of trash per year. Therefore, the cost would be \$1.55 per year or less than \$0.13 per month for the host community fee or premium. Now if the military becomes a customer this would further be reduced to \$0.08 per month and I believe that \$0.13 per month is very reasonable compensation to these villagers who will host this landfill, who did not want it in the first place, but now must accept it as a neighbor.

Thank you Mr. Chair.

(b) Testimony

1. Franklin Taitague – Mayor of Inarajan

Mayor Taitague: Good evening honorable senators and members of the committee, si yu'us ma'ase for yielding to my request to bring this hearing down to our community and to have our members, perhaps, the opportunity to testify.

I'd rather yield to my constituents that are probably eager to testify in advance of me because of commitments so I'm going to yield to them. But on behalf of the people of Inarajan, the municipal planning council, si yu'us ma'ase for allowing us this hearing.

Thank you.

Panel Comments and Questions

None

2. Jesse Gogue – Mayor of Ordot/Chalan Pago

Mayor Gogue: Yes, likewise. On behalf of the residents of Ordot/Chalan Pago I would like to thank Senator pangelinan and in particular Senator Taitague for introducing this bill and more importantly and not forgetting that the district of Ordot/Chalan Pago has hosted a dump, now soon to be moved to Leyon landfill, but we've hosted the dump for sixty (60) plus years and like my colleague Mayor Taitague, I would like to yield to the public and give them an opportunity to come before this committee and present you, not only their concerns for the Leyon landfill but the validation in the need to provide this

community as well as Ordot/Chalan Pago with some sort of compensation for taking on a responsibility for taking on an island wide issue. And that is what the bottom line is it's an island wide issue and it's got to go somewhere. And unfortunately more than sixty-five (65) years ago we did not have this opportunity to sit down as a government, to sit down as a people and possibly providing the villagers of Ordot/Chalan Pago with this opportunity to mitigate or find a revenue source to mitigate some of the issues that come along with being a host to a dump. Hopefully with this bill that will be rectified because my contention is, even after the Ordot dump is closed, there is a good possibility that the use of that land for the community of Ordot/Chalan Pago will not occur till Leyon is ready to close. The life expectancy for Leyon landfill is thirty plus years and with the unregulated dumping that has gone on in the village of Ordot for the last sixty-five plus years of unregulated dumping, it is quite possible that it will remain a dump site, or a site as a dump in excess of thirty years, the life of this future landfill.

I would like to yield to the public and give them an opportunity to provide testimony as well.

Panel Comments and Questions

None

3. Judy Flores – Inarajan resident

Ms. Flores: Thank you Senator Telo Taitague and Senator ben pangelinan for coming down here to Inarajan. My name is Judy Flores and I am a resident of Inarajan and I did give a written testimony but I wasn't able to come to the hearing the first time so I would like to reiterate and add more details behind the reasons for my written testimony here.

First of all, the Mayor just shared with me something that I think is very important for those who will be considering this bill, for your fellow senators, this has been researched this is not something new, it is based on what other communities have received as being the reluctant host of the dump. So I think this is important to note that it's practiced elsewhere and we certainly deserve to have some type of compensation for the various things that would happen to the community as a result of this landfill.

I recall in my letter, I went on record to say, I was against the landfill I think it's bad economically for Guam as well as culturally and socially.

(Read written testimony – begin and end on paragraph two)

If I could add a side note, they did their ecological studies, they did their environmental studies and they said there is nothing of significance in the savannah area of Dandan but I beg to differ. Not only are many of us aware, a significant village site was found recently in the Dandan hills. More recently I was digging for natural clay and I looked down and there was a pottery shard and there was another

one and the one with me showed me a lusong. You know, so people inhabited this area and I really recommend that they are closely monitored as to what they are digging up there. Because we could be losing valuable cultural resources as well and that is just a side as what I said in my letter.

(Read written testimony – last two paragraphs)

If we are going to be designated \$150,000 a year, that is not very much for capital expenditure but we look at the many things that are going to result from this. We need to leverage these funds and have these funds available to the Municipal council to make long term planning.

As you know the Master plan through DPW completed not too long ago had nothing planned from the highway from beyond Ylig. As you have driven down here, as we all have driven those roads, we know they are really in dangerous conditions. With the heavy traffic, with the increased traffic, we need to address this. So, if there is any way you could add this to this bill, I would appreciate that.

Panel Comments and Questions

None

4. Tom Diego– Inarajan resident

Mr. Diego: Thank you Senator pangelinan, Senator Taitague and Senator Aguon for coming down here to hear our voice of concerns. I provided written testimony for this, I am Tom Diego a resident of Inarajan and a member of the Municipal planning council and I am a voter. I would like to thank you guys for looking out at least, providing benefits for Inarajan even though this landfill is being imposed upon us even though we oppose it. I read the bill and we, the Municipal planning council, were working on a resolution similar to the bill. As I was reading it I was wondering, is this going to be a part of the bidding process or just a part of the law and comingled with the general fund? Would this make it a part of the bidding process?

Panel Comments and Questions

Senator Taitague: If I'm not mistaken, when you say bidding process, I don't think so. This allows the Inarajan Municipal Council to govern over this. It is given to you to decide what to do within your council on how to spend it. The process of procurement will apply if you are going out to rebuild your facility for the community center and you would like to use that money towards that, I'm sure you will have to follow the procurement process with regards to going out and bidding.

Mr. Diego: I understand. I guess I missaid it. Would this law make it a requirement a part of the bidding process for the operator to include this in the bidding process when the operator is going to build the land fill?

Senator pangelinan: What this would do is provide for the legal structure to assess that premium on top of that tipping fee and then that collection of the premium will be set aside on the special funds. So yes, if the land fill is operated by a private contractor then that private contractor who sends out the bills and take collections will be required by the passage of this bill to set aside that money and give it over to the Department of Administration to manage the funds.

Mr. Diego: Okay. Also, as part of the research we did with the land fill compensation back state side, some of the benefits that some of the communities have benefited from, they received free disposal fees. The residents that resided in that community were not required to pay for disposal of their trash. I don't know if that is a possibility here, I hope that could be a part of the possibility. Another thing is having them fund, as a good will gesture, our gym. As the initial building of the land fill, we have been waiting for a gym here since before I was born and we're still going through the process.

Senator Taitague: If I could have one moment Mr. Diego, if you look at page 2 of the bill, you will notice on section 511003 Host Community Benefits "to include but not be limited to the following:" So this allows you to, within the council's discretion it's not just limited these areas here. I'm sure your questions about the tipping fees, there may be a problem to exempt you from tipping fees but it doesn't stop you from using the funds to be able to pay for the community's tipping fees within that fund.

Mr. Diego: How about the Mayor's office? At least the Mayor's office.

Senator Taitague: Once again that is at the discretion of the Municipal council.

Senator pangelinan: No. I hate to say but the Legislature just passed a bill to require the Mayors to pay a tipping fee. Which to me doesn't make any sense and I voted against the bill but the Legislature passed that bill. It really isn't in the best interest of the community since the Mayor's when they work within the community, a lot of times they take some of the public trash that they find and now they are going to have to be charged for tipping. I just didn't agree with that bill.

Mr. Diego: And I also support Judy Flores concerns about the roads. You know they are already about 25% into the job in Leyon and the roads are not getting any better. Pot hole city coming up. Thank you and thank you for your time.

Senator, may I add that one of the things we found when we were doing the research that the operator was required to have Five Million dollars insurance and I hope that would be a part of the bill that would require them to have liability insurance to cover them. For any disaster that may result from the land fill.

5. Joe Crisostomo– Inarajan resident

Mr. Crisostomo: Good evening Senator. When I say Senator, all you guys are covered. I am more comfortable speaking on behalf of my Chamorro dialect, if Telo could understand. It's okay Telo? Anyway Judy said a lot already so far and Tommy. I'm just going to add a little bit.

\$150,000 is nothing for this community. But since we cannot back down already on the land fill mind as well get some of it, all of it for the community. I practically grew up there where they have the land fill, when I was a little guy I always go around there you know helping my family pick beetle nut and shrimp trapping what have you in that area. And I hate to say we will not, like you mentioned Telo that you guys keeping track of what's going on in that area. I think that is the most beautiful area on this island and now the land fill is coming in. Now, I understand the land fill is different than the dump, which is what happened in Ordot. Ordot is actually a dump not land fill. But those days fifty years back or longer than that, there is no such thing as EPA and rules and regulations like that before so anything could be dumped. But in this new land fill I think there will be good regulations and they will be on top of that. I know there will be people taking water sample below that area if I'm not mistaken. If they find contamination in that water down there, that dump will be shut down right away. Am I correct about that?

Panel Comments and Questions

Senator pangelinan: I would assume that would be a requirement of the subtitle D regulations.

Mr. Crisostomo: So that's what I said, this land fill is a go already so I would like to see the Mayor or the community of Inarajan to benefit out of this. It's good for me because I don't have to drive all the way to Ordot to make a dump. I just take a right turn and I can close my eyes and know I'm there. But since all these things are going on, people say it's a beautiful Inarajan but when you say Dump, right there, it goes down the drain because it's a dump. But I understand it's no longer a dump it's a land fill. And that's exactly what it's going to be. You know I worked for Guam Power Authority (GPA) for a long time and they built power plants all over this island and I know they dig a well down there. And in that area EPA would come around once a month and draw a sample of that water down there and if contaminated we will be load shedding again because they will shut down the plant right away. So I assume it is going to be the same down here at the land fill in Dandan.

I was kind of hesitant at first when I heard it you know, matter of fact it took a few meetings to go with it but it is already full force that it is going to be in Dandan area. So, what can we do? So let's get the benefit out of it. Know they are going to fix the road, bridges and stuff like that because they are not going to continue that heavy equipment coming this way for roads even dangerous for small cars. Eventually it's got to be fixed and to tell you the truth I already see some residents benefiting from this if you notice. I've seen people up there homes listed up for their office, grounds used for their equipment, we start to benefit out of this. So in the long run I don't think I'll be around to see that land fill contaminated. I'm positive that no matter what, Guam EPA, the federal

EPA is going to be on top of this project at all times. Thank you very much and Senator Taitague, it's nice to have a connection like you with the Mayor.

6. Art Taimanglo— Inarajan resident

Mr. Taimanglo: My name is Art Taimanglo, a resident of Inarajan and a member of the Municipal council. I would like to thank Senator Telo Taitague for introducing this bill. I know unfortunately we have the land fill in our back yard now and we have gone through every legal channel to stop it but we are already here so I want to thank you for introducing this bill and I hope it passes and all the Senators agree to that. There are several points I want to cover here that is not mentioned in the bill and I know Tom and I and residents here in Inarajan did a lot of research with all the public hearings going on and one of the things I noticed when doing this research on the land fill websites were public health issues. Nothing on this bill talks about public health issues should the residents of Inarajan start to get sick or anything. As you all know the land fill, there are methane gas going on and should that thing leak or get into the air we're the first people going to get sick. So if there is somewhere we can put back up should the residents of Inarajan start coming down with some sort of sickness that an additional funding will help the residents of Inarajan. I don't know how to write it or stipulate it but if the Legislature can look at that. And another thing that Tom mentioned and Senator Telo I know you mentioned should the bill pass, we should have \$150,000 at our disposal every year but as we all know, to build a gym is going to cost more than \$150,000. A baseball field is definitely more than \$150,000. So we're just asking the Senators, the Legislature to look around the villages from Yona to Talofoto, they got indoor gyms, Yigo, Santa Rita I'm sure. Inarajan has no baseball fields and no gym. I play basketball with a lot of the kids here in the village and we're looking at the radar. We'll all call each other and say, "Hey, the radar is clear let's meet up at the court." That's how we schedule our basket ball games down south. Other villages just say, "Hey, meet at 7, we'll play a game." We're not asking much we're just asking for what other communities have. \$150,000 isn't going to get us much but it will get us repairs and to beef up the infrastructure that we have but it's not going to get us the initial gym and baseball field.

Also, I want to thank Mr. Tom Diego who sent an email a couple of months ago to the senators and all of a sudden there's a bill out for host community. I want to thank Tom for really spear heading that. That's pretty much it. I can only hope we can increase this but if not \$150,000 is better than nothing. But if the senators could really take a look at our structure now, all we're really asking for is a gym and baseball field. And it's going to benefit everyone from the youth to adults. And maybe even some seniors, we have seniors playing basketball and baseball as well. That's all I have thank you.

Panel Comments and Questions

Senator Aguon: Thank you very much Mr. Speaker and thank you gentlemen for your testimony this evening. I think that I recall several months ago, six or seven months ago, the Mayor and the Municipal council discussed having something very similar in

nature to this and I thank the sponsor for taking the initiative and being able to push this but I know this idea originated from that original arena. When you look at the revenues that are going to be generated I think it's more or less giving back to the community, building a gym to use these resources to build the gym, I think there are other means in order for the government to identify those resources to allow those resources to come down to the village of Inarajan and to the people of the South. Certainly I support the legislation in trying to identify resources provided to the host community, I think in this case I'm sure the Mayor of Ordot/Chalan Pago may say, "Hey is there any way you can make this retroactive?" so it can apply to the last twenty or thirty years. But at least the good senator, the sponsor, is moving in the direction where we're moving forward, we're looking at what is being built here and how we are going to address supporting the local community which is actually going to be hosting this particular facility. Thank you very much, thank you very much Mr. Speaker.

Mr. Taimanglo: Excuse me, I have one more comment. Will any of you be willing to sponsor a bill to build a gym and baseball field separate from this? I mean, if you go up to Dededo there's lights all over the place and that's where several baseball fields are on. We're not asking for two baseball fields or four gyms, just one of each. It's long overdue, matter of fact, there is a place next to the basketball court in Malojloj that Governor Calvo started the baseball field, unfortunately he lost re-election and to this day I've been sending letters to Senators and maybe I missed you Senator Aguon and Senator pangelinan but you know the land is here. So there's no funding to subdivide a place or measure a baseball field. It was already measured, they started dumping coral but when Governor Calvo lost that were the last I've ever heard of it and I know Mayor Taitague has been trying to get it moving. I hope all three of you introduce that bill to finally get it done because there are already two or three generations already gone by and we have to go to Santa Rita or Agana just to play a baseball game.

Senator pangelinan: We'll certainly look into that, thank you very much.

7. Charles Selk– Inarajan resident

Mr. Selk: I'm not going to go on and on, I'm pretty much saying ditto to what everyone else has said and I would only reiterate that we didn't want this dump. We rather not have the money and not have the dump. Doesn't look like that is a choice right now so I think the Inarajan people should not have to suffer further by having the dump here. You know, the roads degraded more, the traffic congestion worse, more dumping on the side of the road so they don't have to pay the tipping fees. Those kinds of things would just be an added detriment unless something was done. Right now the mayor will be the first to tell you that he spends most of his man power mowing grass and picking up trash and it's only going to be worse. He's going to need more man power to keep up with that. The idea not to charge the residents of Inarajan tipping fee would be a good one because there would be no reason to dump it in the boonies if you don't have to pay. You could just get your trash disposed of for free. That's all I have to say.

Panel Comments and Questions

None

8. Denise Selk– Inarajan resident

Mrs. Selk: Hi Senators, welcome to Inarajan. First I would like to thank you for coming down and giving us a chance to talk again and express our concerns. This process has been going on for a couple of years now and I've noticed that the crowds have thinned because the residents here feel defeated. People here in Inarajan had great hopes in the beginning of all these meetings and a lot of people came in to practice their rights as Americans, hear our voices and express our dislike for a dump being put in a pristine historic place like Inarajan. After all the fighting and voicing our opinion, and being threatened with contempt of court, it doesn't matter what we've done to fight it or protest it, we feel beaten, and we feel defeated. I believe that is why there is very low representation here tonight. People have felt, "what's the use." There are a few of us here still trying to salvage something to help our living, to protect our health here, our lifestyle and hopefully the further deterioration of our beautiful landscape our natural and pristine environment here in Inarajan. We were promised years ago with all these dog and pony shows, when Duenas & Associates came down, when DPW and everybody came down with all their fancy charts. "We'll build you a gym, we're going to build you a library, and you're going to get all these things." Who is going to pay for that? They made it sound like the people paying for the dump are going to pay that. Is GBB paying for that? They just write something up to the judge and say here's a few million we need, just charge it to the people of Guam. We resent that immensely. I don't know about you, as our law makers, it must really irk you that these people have Cart Blanc to tell you what to do with our money. Enough is enough. We've really had it. The people of Inarajan can't do anything. You know how the saying goes, the rich get richer and the poor get dumped on. That's how we are feeling. Pardon the pun but we are literally getting dumped on. So with that I'm just going to read really quickly my testimonial that I sent in a few weeks ago.

(Read written testimony)

9. Paul Reyes – Malesso resident

Good evening. I just heard about this and my mind is racing trying to find something comprehensible to say. My heart is racing trying to keep up with my mind. But I would like to introduce myself, my name is Paul Reyes and I am from the village of Malesso. We talk about Inarajan and everything like that and giving Inarajan all this stuff, but what about the people of Malesso? We're also going to be affected by the traffic that passes through our village. We talk about improvements to the road, in Malesso we can't even fix the two bridges and that bridges were that way since the last previous election. I've spoken to a lot of Senators and said, "Hafa este, how can we do this thing?" And always I get that response, "Yeah, esta umbre." But it's still going on. Where else on the island are you going to find a major highway where one section of the road is closed and you leave it up to the people as to who is going to go? Shouldn't there be someone there directing traffic? There has been accidents occurring there and I'm surprised the people

there haven't taken up and seek suite with the Government of Guam for causing a hazardous situation to exist and continue to persist. The bridge in Inarajan is the same way and all that and we can't even fix that thing and now we are putting this land fill here and in one of the testimonies I heard here, the great dog and pony show, I thought all of this was supposed to happen already. Why are we here asking for these things? There is no 100% guarantee this is going to happen because you guys could turn it down or the Governor could turn it down or someone else higher up could turn it down and say No. The people of Inarajan went before and had a petition signed to seek address and redress only to be told, "You will not be heard." Is that Democracy in our island? And now we want to give \$150,000 to the people of Inarajan? Is that enough? That is probably enough to build a decent two bedroom home every year not counting the land. Especially down here in the South where the value of the land is sentimental. No, it's hard to get peoples land here in the South. And now you want to go put down four lanes of highway coming down with a center divider and all kinds of stuff. Down in Tongan, we subdivided our property, we had to give the Government of Guam because of a proposed Master Plan of widening of Route 4 to eighty (80) feet, seven hundred (700) foot long by twenty (20) feet in that area. What we gave up is bigger than any lot that we subdivided and we never had compensation for that. Either you do it or you don't get your property map approved. So what, we had to do it because the family wants to build so we're not going to go up there and fight over that thing. We wanted to subdivide so the family can build. Issues still persist today. How are you going to gather all that land for the widening? To tell you the truth my people here tonight and in the South, I don't want to see a widening of a road. I like it the way it is and the restriction that it does. The Southern area of the island we are where practically all the Chamorro are at and are asked to bear that burden of the land fill that as the years go by and populations continue to increase, the folks that are not Chamorro are putting the burden on the folks down here. We talk about the problems of the ecology and everything like that and the environment and maybe it's true, the land fill will take care of itself, there will be no problems. What guarantee will we have that all those trash as they are coming down that nothing will ever happen to them, nothing will ever break down and waste and hazardous stuff will fall out?

The area down here in the South is unique we have water ways and everything that runs into it. I think you realize what I'm trying to say, I'm trying to reiterate that the first time the people of Inarajan, the people of the South came and asked to be heard, we need to be heard. Thank you for offering this \$150,000, let's get what we can but I think maybe what we should do is start at a Million dollars and negotiate from there. Let's not start at the bottom, let's start at the top and let's negotiate from there. We'll sit across the table and we'll negotiate from there. We'll tell you why we need that and you'll tell us let's be reasonable, we can't fund it. We have testimony here from GBB in support showing a little graph saying we can support it, hey yeah they will. Can we pump up the \$150,000 to another \$100,000? Will that graph show that it can be supported?

Folks, thank you. Si yu'us ma'ase.

Panel Comments and Questions

Senator pangelinan: Thank you Mr. Reyes. Si yu'us ma'ase. Are there any other members of the public that have not signed up that would like to provide testimony? If there are none then we would like to go ahead and call the Mayors back up for any other comments other than their opening comments.

Mayor Taitague: I'm back. For the record, my name is Mayor Franklin Taitague and instead of reading my testimony I submitted earlier both written and oral, tonight I'll just extend my testimony with an oral submission.

Honorable Senators, just looking over the constituents input on some of the benefits they wish to see for Inarajan, I just want to share with you that my colleagues testimony over here about my anger yesterday with the consultant of Public Works at our Mayor's Council special meeting. I discovered that the many years that the community members are expressing about, of course, challenging the land fill site, and they are concerned about all the infrastructure problems that we may experience. Lo and behold the consultant presented to us that there are no Route 4 improvement or addition for that matter that would go for the traffic to Leyon. I was very angry because the citizens of Inarajan were expressing that that is one major concern that the Government should look at. Improve our highways, just like madam Selk mentioned so that we are not tied into traffic jams with all these heavy equipment hauling trashes to and from. So I was very angry yesterday that road improvement for Route 4 or public safety for that matter, on our highway to include guard rails – it's not there. So, Senators, unfortunately Senator Ada is not here because he is the chair for that, I hope he looks into that during a round table discussion as to why the highway master plan is not tied into the Leyon project.

The other thing I was also looking at that was put out by a constituent is the concern for public health and environmental insurance for our community and the capital improvement projects that this village really needs. Yes, to answer Mr. Taimanglo's concern, there is money that is appropriated by the 30th Guam Legislature, thanks to Senator pangelinan, and it's just a matter of getting that fund from DOA. It's a law now. But that just to repair our major facilities but the baseball field property that I am working on now is being cleared and I'm being assisted by the contractors that are doing the land fill project in leveling the ground. That's positive for Inarajan. A lot of other necessary repairs that maybe can be expedited in Inarajan are the Historic homes, our community centers. There are a lot of repairs needed for this community.

Aside from capital improvement, perhaps the gym is not the first year but maybe down the line, third or fourth year if this is the money that would fund it. But thanks Senator Aguon I know you will sponsor the new bill to give us a gym. Listening to all these desires for benefit, I am concerned if PUC would really be on top of the responsibility of determining the next premium rate. So maybe perhaps we should add that annually PUC should start presenting to you the Senators or to the community, perhaps if there is going to be an increase rate of if it will be lower. It will be determined on the Gross income?

Senator pangelinan: The gross tipping fee.

Mayor Taitague: Please consider that and listening to all the desires that we need to benefit from this land fill all I ask is that in the section of the initial funds that Inarajan is going to get, I'm asking your big consideration to increase that because I realize that a lot of the initial desire to benefit right away is perhaps more than \$150,000. At least a \$50,000 to a \$100,000 increase on top of the 150,000 and perhaps depending on the formula that is being used. Another thing I want to ask Senator pangelinan is, thank you very much, because from March 10 to present there was a lot of communication or feedback within our community members that they do demand and increase that we can have our community appreciate like a sports sponsorship or humanitarian, so more funding that is very valuable for our constituents. I want to share with you also that there is that feeling within our community members that they expect perhaps a little bit more than \$150,000 a year. Si yu'us ma'ase.

Mayor Gogue: Thank you again Senators and for the record my name is Mayor Jesse Cruz Gogue from the district of Ordot/Chalan Pago and I thank you for letting me close out this session. It was a great comment from Senator Aguon about retroactive, you think sixty-five plus years plus \$100,000 we're looking at \$6.5 Million not including interest. So when you're ready to pay up let me know because I know the residents of Ordot/Chalan Pago will be more than happy to use those funds and utilize it for many capital improvement projects that are needed in the villages of Ordot and Chalan Pago. To mention to the public here, Ordot/Chalan Pago doesn't have a gym either. Don't feel bad, we have a baseball field and a good one at that but we are still left without a gym that for many years we have looked to try and build in our community.

Getting back on to this bill, I hope with this first and second public hearing that we have held for this particular bill, that the number of people providing testimony doesn't lessen the importance of this bill and I think this bill should be looked at as hallmark legislation for the island of Guam. And I say that because if you take a look at the history and if we don't learn from our history, we tend to learn very little. But if we take a look at the history of the Ordot dump and when the dump was first cited back in the late 1980's for contamination of the ground and surrounding water ways adjacent to the Ordot dump, that it has taken more than twenty (20) years and a federal intervention to move this further along than it was not more than it was three years ago. This legislation, if properly enforced, and in fact provides the host community of Inarajan/Malojloj with some funding they can use to continue to improve upon their community while at the same time the land fill they are hosting devaluates some of the activity that goes on in this community like it has done in the village of Ordot. If we learn from that history, that thirty years from now, I always talk about thirty years from now because that's what our job is not what we are going to do tomorrow but our job as elected officials is to take a look at where this island is going to be five years from now, ten years from now, twenty years from now, thirty years from now. Those thirty years, when this Leyon land fill meets its life expectancy, what do we do next? Again, if this legislation is passed, signed into law and properly enforced, and the community that is to host, the beautiful village of Inarajan that the community actually realizes benefits for having hosted the community then it won't take twenty plus years when we meet the life expectancy of this land fill, twenty plus years to

decide where the next land fill will go. One of the lessons to be learned in the community, from the community of Ordot and it occurred and nobody can dispute that it took twenty plus years before a decision was made on where to put the next land fill. We were talking about not replacing a land fill but closing a dump - a dump.

Once again, I appreciate the time and opportunity and the kind hosting of this venue by the good mayor of Inarajan. For allowing us central people to come down and enjoy his hospitality in this beautiful, beautiful village it truly is a pristine village. In order to keep it that way they have to get the resources to do that. And like Inarajan, we are just asking for the resources to put Ordot/Chalan Pago back to where it could have been had the dump not been there. Thank you again, has a good evening.

Senator pangelinan: Thank you very much Mr. Mayor. You know Mr. Mayor you're mentioning thirty years as the life span of the land fill. And I worry quite a bit because in the last tour that the receiver took the federal judge down here, the question was asked is, given the current construction, what is the life span of this land fill and with the first two cells that are being constructed it's about fifteen years. If we take the military as a customer, its eight years so when we're saying we've got time to worry about this we don't. Some of us thought that our grandson would have to worry about a new land fill and some of the younger parents, younger than myself are still going to have to worry it and their son will have to worry about the new land fill and where it goes. Its themselves cause they are only forty years old and if we, as the receiver is demanding, telling us we need to take the military as a customer, why are they trying to force that on this community when we construct all the four cells, we could have a life span of forty to fifty years of the land fill. But if we take the military we can have an eight to sixteen year lifespan. So we as a community have got to think about that. So that as you say we know where we're going to go next and we have to go thinking now and whether or not really if this is in the best interest of the community. The estimate, if we took the military as a customer, the military was telling us the decrease in the current proposed tipping fee of thirty dollars a month for a resident, he's going to raise the price of that if we took the military as a customer we save three dollars a month but we could have a land fill that would last only fifteen years. It's not worth three dollars a month to burden our children with the same things that we're being burden today. So I think these are the issues we are trying to work out because they are absolutely hard, pressing hard, for us to sign a contract with the military to take their waste stream and if we look at if form these factors maybe we should say no. That you have to develop a plan to take care of your own waste stream, you can't put it over here because we don't have that room we may have the room today but eight years from now, ten years from now we won't have the room and we're going to have to take more of our own land, the people of Guam's land to develop a new land fill. Since we have taken a pristine place on Guam and we have hoped not have ruined it but provide a safe and sanitary place to place our land fill and we can hope to count on having access to that for the next forty to fifty years and not be forced to take another communities trash and have a brand new land fill in less than twenty years. I do want to articulate that because that is the result of the last tour of the receiver and the federal judge. That just happened a couple of weeks ago.

Mayor Gogue: And again, that just further emphasizes the importance of this bill that nobody, nobody on this island as we were going through the issues as to where to put that land fill, would buy into it. We take a look at Guatali, Santa Rita was up in arms and that's why I say that this is going to be landmark legislation. It's going to be one of the important tools that the Government of Guam, we as leaders can utilize to say there is an upside to this. Ordod has been my home my entire life other than the times I've gone to school in the states and of course I've served in the military. If we don't learn from the historical events that brought us to where we are at today, then we've learned nothing and we as leaders have not put into place tools that we could use to determine and help identify in a quicker fashion in twenty plus years and where the next land fill is going to go. It's going to go somewhere; it's got to go somewhere. Solid waste is something that has to be contended with and I know that Senator Barnes have talked about a recycling bill and there are a lot of issues that we can enact in order to handle the solid waste that this island generates. But the reality is there is going to be solid waste and if there is a benefit for the community in addition to the down falls of hosting a land fill and it has been proven not just in the United States but in the north American continent, in the European continent, it has been proven that this type of fund allows communities to buy into. Okay fine, environmentally this is the most logical place to put it and in turn we will gain some type of benefit by hosting this land fill. But we know there is no way around it that the solid waste this island generates has got to go somewhere. And by the passage of this bill and the signing in to law of this bill, it just provides us leaders an additional tool to use as we look to where the next land fill will go.

Senator pangelinan: I'm going to ask that Senator Taitague makes some closing comments but before that I think I'm going to ask her the liberty of amending her bill to, in respect to the opposition of the people of Inarajan, rather than host maybe we should say the Occupied community rather than host.

Senator Taitague: Thank you Mr. Chair, once again I would like to thank the Mayor of Inarajan for having us here at the community center to have us hear the voices of your constituents but most especially those that have been here today and with your committee to host it down here in my previous home of Inarajan. I believe this burden that has been placed on Inarajan should be justly compensated and it's a small price to pay on the premium, on the tipping fees on this community to take on that burden and I do believe the cost should go up for Inarajan in regards to that even Ordod/Chalan Pago as well but there is a beginning to everything and hopefully my colleagues will hear the voices of Inarajan and as well as Chalan Pago and as well as my voice bringing your concerns to my colleagues to ask for support of my bill, our bill, the host community bill to provide for them. I think Judy Flores said it perfectly, the pristine and as Senator pangelinan meant our beautiful area of Inarajan. I grew up in this area and I know every inch of Dandan as I used to motorcycle ride in the back area of Dandan and it is such a shame and I think other people on this island know Inarajan is going to have a neighbor and that neighbor is going to be a land fill and they do not want their village to be known as what Mayor Gogue has mentioned, when you say Ordod/Chalan Pago, what do you think of? Ordod that is where the dump is at. We don't want that to happen here at Inarajan. Inarajan categorized as, Inarajan the land fill. We're going to make this village

beautiful, hopefully fund the beautiful community center, the gym and all the people here to come down and remember Inarajan as a historical, pristine village as it always has been and will continue to be. I thank you again for this opportunity Mr. Chair and I ask for my colleague support.

Senator Aguon: Thank you again Mr. Speaker and thank you for bringing this public hearing down here and allowing the people of this community to render some comment and testimony. Mayors, thank you for representing your villages. There's one issue that I think caught me off guard Mayor Taitague in regards to there is absolutely no plans on the reconstruction of the highway. I was actively involved in a conversation about a month and a half ago in an oversight hearing whereby DPW and the contracted company and the consultants sat at the same table and they shared with us that yes, the roads will be upgraded but unfortunately it would have to be overlaid rather than expanded. Because there is a lot of issues in regards to private properties and not appropriately condemning the properties. That was the instruction given at that time, so I will look into that and not only talk to the chair but talk to the respective parties because that was a statement that was made publicly and it was my understanding that it was secured at that point in time. Another challenge I think goes back to the bridge and I heard someone mentioning a little earlier, there is one bridge that is kind of ironic that they look at overlaying an entire road way coming down to Leyon land fill and they forget to evaluate and assess Talofofu bridge. And it's already well known that in fact that bridge will not be able to withstand the nature of the trucks that will be coming down South and that wasn't a part of their overall equation and so the instruction was for them to go back and reevaluate it and assess the Talofofu bridge because that is a part of the total package. That was the issue that was shared at that time but I certainly will look into it and get back to your office so that you can also hear directly from DPW which is a government representative that is providing the financial resources in regards to supporting these consultants with the needs in our community and addressing some of these concerns. Thank you again for your statements and I think this is wonderful legislation and it really should have materialized many years ago with Ordot/Chalan Pago and it is just good that it's just coming out now and I thank you Mayor Jesse for reinforcing and support the community of Inarajan does deserve to be appropriately compensated. You were also advocating for your village but you also recognize what Ordot/Chalan Pago has gone through over the course of twenty or thirty years in terms of having to deal with that dump. I certainly hope that this legislation proceeds forward and that it was kind of interesting that the good speaker wanted to, hinted to changing the name from host to occupied community but I'll leave it to the chair of the committee. Mr. Speaker thanks you very much.

Senator pangelinan: Thank you very much Senator Aguon, thank you very much Mr. Mayor and to everyone here this evening, we certainly appreciate you taking the time to participate in this public hearing and presenting us with your thoughts and ideas in regards to the bill and improvements to the bill and we will certainly take all the comments to heart and we will compile all of them discuss any amendments that have been proposed here with the author and then the committee will do its due diligence to make sure that we get this bill on the floor expeditiously. In the traditions of the

Chamorro we have food and we want to invite all of you to please help yourself and in the tradition of real Chamorro we ask you to balutan some. I want to extend my appreciation to my staff who is here with me this evening and of course to the Mayor and his staff for hosting us this evening. Si yu'us ma'ase and everyone have a safe journey home.

III. FINDINGS & RECOMMENDATIONS

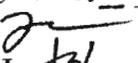
The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports out Bill No. 303-30 (COR), as substituted by the Committee with the recommendation _____.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 FEB 10 PM
MAM

Bill No. 303-30(corr)

Introduced by:

Telo Taitague 
T. C. Ada 
F. F. Blas, Jr. 

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF 10GCA RELATIVE TO RECOGNIZING THE VILLAGE OF INARAJAN AS THE *HOST COMMUNITY* FOR ACCOMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE ISLAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND THE ORDOT DUMP IN THEIR BACKYARDS.”

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

2 **Section 1.** A new Article 10 is *added* to Chapter 51 of 10GCA to read as follows:

3

4

Article 10

5

6

Host Community Benefits

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§511001. Definitions. As used in this Article are as follows:

9

10 *Host Community* means the concept of community master planning where benefits
11 are provided to the geographic region of a community where solid waste management
12 facilities are located such as sanitary landfills, incinerators and gasification facilities.

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14 *Host Community Benefits* means any capital improvement projects that are funded
15 by premiums collected for the benefit of the host community.

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Host Community Premiums means any premium assessed in addition to the tipping fee to cover the cost of the host community benefits.

Host Community Fund means a fund of the government of Guam that is separate and apart from all other funds of the government of Guam that shall be used for exclusive the benefit of the Host Community.

§511002. Host Community. For purposes of this Article, the host community shall be the villages of Inarajan and Ordot.

§511003. Host Community Benefits. Host community benefits may include, but not be limited to, the following:

- (a) Youth, Senior and Community Centers;
- (b) Recreation areas to include parks, sports fields and public gathering areas;
- (c) Infrastructure to provide access to utilities, telecommunications, television and internet services to areas where providing such services are cost prohibitive; and
- (d) Village Beautification projects.

§511004. Host Community expenditures. The municipal planning council of the *host community* village shall determine the projects to be funded for the village.

§511005. Host Community premiums. The host community premium shall be assessed from the opening of the landfill until the closing of the landfill. The aggregate *host community premium* is One hundred fifty thousand dollars (\$150,000) per year for the village of Inarajan and One hundred thousand dollars (\$100,000) per year for the

1 village of Ordot, as adjusted. The *host community premium* shall be adjusted annually
2 by a factor equal to the percentage change in the Guam Consumer Price index at the end
3 of each fiscal year. The Public Utilities Commission (PUC) shall equitably determine the
4 *host community premium* for each residential and commercial.

5
6 **§511006. Host Community Fund Management.** The management of *the host*
7 *community fund* shall be the responsibility of the Department of Administration. The
8 Department of Administration shall retain two (2%) percent of all collections by the fund
9 to cover the cost of administration. The *host community fund* shall not be commingled
10 with any other fund of the Government of Guam. No expenditure shall be made from the
11 fund that is not approved by resolution of the host community municipal planning council.
12 The *host community fund* shall be subject to periodic audit by the Office of Public
13 Accountability and not subject any transfer authority.

1 *Host Community Benefits* means any capital improvement projects that are
2 funded by premiums collected for the benefit of the host community.

3
4 *Host Community Premiums* means any premium assessed in addition to the
5 tipping fee to cover the cost of the host community benefits.

6
7 *Host Community Fund* means a fund of the government of Guam that is separate
8 and apart from all other funds of the government of Guam that shall be used for
9 exclusive the benefit of the Host Community.

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18 (b) Recreation areas to include parks, sports fields and public gathering areas;
19 (c) Infrastructure to provide access to utilities, telecommunications, television
20 and internet services to areas where providing such services are cost prohibitive; and
21 (d) Village Beautification projects.

22
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2 the village of Inarajan and ~~One hundred thousand dollars (\$100,000)~~ One hundred fifty
3 thousand dollars (\$150,000) per year for the village of Ordot, as adjusted. The *host*
4 *community premium* shall be ~~adjusted annually by a factor equal to the percentage~~
5 ~~change in the Guam Consumer Price index at the end of each fiscal year.~~ reviewed at
6 least once every five (5) years and may be adjusted by the Public Utilities Commission
7 (PUC) to account for factors such as inflation. The Public Utilities Commission (PUC)
8 shall equitably determine the *host community premium* for each residential and
9 commercial.

10

11 **§511006. Host Community Fund Management.** The management of *the host*
12 *community fund* shall be the responsibility of the Department of Administration. The
13 Department of Administration shall retain two (2%) percent of all collections by the
14 fund to cover the cost of administration. The *host community fund* shall not be
15 commingled with any other fund of the Government of Guam. No expenditure shall be
16 made from the fund that is not approved by resolution of the host community municipal
17 planning council. The *host community fund* shall be subject to periodic audit by the
18 Office of Public Accountability and not subject any transfer authority.



Mina' Trenta Na Liheslaturan Guahan
 THIRTIETH GUAM LEGISLATURE
 Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
 PUBLIC HEARING
 Wednesday, March 10, 2010
 BILL NO. 303-30 (COR)
 SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	REPORT Yes No
Mayor Franklin Tostoye	Director of Auto Reg. - Dept	482-4666	mayorfrank@agab.com	✓	-	✓
Mayor Vessy C. Sorote		472-8302	ccp.mayor@guam.net		✓	✓

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

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 AL



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 Wednesday, March 10, 2010
BILL NO. 303-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Benny Sankilientos		799-2030			✓	Yes

324 W. Soledad Ave. Hagatna, Guam 96910
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**Mayor Franklin M. Taitague
Municipality of Inarajan
P.O. Box 786
Hagatna, Guam 96932**

475-2510 (O), 828-8035 (H), 482-4666 ©

TESTIMONY ON BILL 303-30(COR)

For the record, my name is Franklin M. Taitague, Mayor of the beautiful & historic village of Inalahan.

Buenas yan Hafa Adai! On behalf of the Inarajan Municipal Planning Council and all the wonderful citizens of Inalahan, I wish to express my sincerest gratitude and Dungkulo na Si Yu'os Ma'ase to the Chairman and members of the Committee for the opportunity to hear testimonies on Bill 303-30(COR).

I wish to make it known that to date, the people of Inarajan are still not happy and continue to demonstrate negative feelings against processes, selection, and the decision in siting the landfill in Layon, Inarajan. Furthermore, because of past inactions in the closing of the Ordod Dump, the citizens of Inarajan find it very disheartening and very intimidating to be where we are at now. Federal enforcement and takeover seem to be looming over our government, our island leaders, and our communities.

The people of Inarajan, the Inarajan Municipal Planning Council and the Inarajan Mayor's Office feel powerless against all our efforts to stop the Layon landfill. Noteworthy however, are those elected leaders, organizations, and citizens who fought with us against the landfill in Layon.

Anyhow, seeing that there may be no recourse to stop the Layon landfill, the Inarajan Municipal Planning Council submitted a resolution in support of a Host Community Benefit (HCB) or a Host Community Compensation (HCC) program for Inarajan. We wish to personally acknowledge senators Telo Taitague, Tom Ada, and Frank Blas Jr. for authoring Bill 303-30 (COR). The bill as written may not satisfy or erase the concerns of the people of Inarajan, but as their Mayor and as elected leaders we must act accordingly in mitigating the risks and inconveniences that are greatly expressed by the citizens of Inarajan and other landfill jurisdictions.

Honorable senators, I was able to download a draft study (attached) that was performed for the island of Kaua'i, Hawaii. I asked that you carefully review its contents and perhaps make amendments/improvements to the bill and to consider the establishment of a Citizens Advisory Committee to perform the responsibilities noted

on page 7 paragraph 4.4.1 as well as to make recommendations on an increase or decrease of Section 511005 of the bill as years go by.

In closing, Page 1 section 2 "Host Community Compensation Overview" greatly reflects the sentiments of the Inarajan residents and the reasons why we are seeking such legislation.

Honorable senators, on behalf of the Inarajan Municipal Planning Council and the people of Inarajan, I am in support of Bill 303-30 (COR) in its present form.

Si Yu'os Ma'ase.

/s/ Franklin M. Taitague

DRAFT STUDY

**HOST COMMUNITY COMPENSATION STUDY ASSOCIATED WITH
THE PROPOSED KEKAHA LANDFILL EXPANSION
KEKAHA, KAUA`I, HAWAI`I**

Prepared for

County of Kaua`i
Department of Public Works
4444 Rice Street
Lihue, Kaua`i, Hawai`i 96766

Prepared by

Earth Tech, Inc.
841 Bishop Street, Suite 500
Honolulu, Hawai`i 96813

November 2007

1. INTRODUCTION

This study provides a review of Host Community Compensation (HCC) efforts around the country and proposes an approach for the County of Kaua'i Department of Public Works (DPW) to consider with regard to offering HCC to the community of Kekaha as part of the proposed lateral expansion of the Kekaha Landfill (KLF) located in Kekaha, Kaua'i. In general, this study focused on the following:

- An overview of HCC
- Background and reasons to consider HCC for the community of Kekaha
- Results of HCC research conducted
- Recommended approach for HCC for Kekaha

2. HOST COMMUNITY COMPENSATION OVERVIEW

HCC is a concept that is being utilized for the siting of "locally unwanted land uses", which landfills are considered. Communities do not want them located in their area and feel disproportionately burdened by them. Landfills also cause tension within the community involved and political conflicts between the agencies and communities involved. While it is inevitable that landfills will burden someone, HCC is a way to try and offset this burden. It is also an increasingly popular concept that is used to resolve conflicts arising from landfill siting or expansion and to minimize perceived losses to the parties involved.

HCC packages for landfill host communities are generally unique to each situation and try to equitably balance the perceived sacrifices of the host community and the undocumented benefit to those who do not live as the landfill's neighbor. The general perception is that there is no win-win situation; however, there is always opportunity to attempt to mitigate overall losses to the parties directly involved.

A comment from a Kekaha community resident (Earth Tech 2007) seems to indicate that direct dialogue between the landfill host community of Kekaha and the sponsoring agency, the County of Kaua'i DPW should be initiated in regards to HCC. The Kekaha resident commented:

Environmental justice is a movement promoting fair treatment of people of all races, income and cultures with respect to development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative impacts such as having the landfill nearby the community of Kekaha and therefore impacting the constituency (every man, woman and child) of the community.

As such, if the imposition of maintaining the solid waste landfill where it is for an extended period of time and creating a cumulative negative impact on the community, appropriate compensation should be made to the community for having that burden imposed upon them. The community can come up with a number of proposals which can be submitted to the appropriate officials.

HCC is a way to offset this sense of being disproportionately impacted. At least five states mandate host compensation for solid waste landfills and dictate minimum compensations (Georgia, Massachusetts, New Jersey, Pennsylvania, and Wisconsin) while other states incorporate HCC packages only at selected landfills.

Facility background information and the reasons why the County of Kaua'i should consider HCC in conjunction with their proposed lateral expansion of KLF is presented in the following section.

3. FACILITY BACKGROUND AND REASONS TO CONSIDER HCC

3.1 FACILITY BACKGROUND

The KLF is located 1.3 miles northwest of the town of Kekaha on the southwest side of the Island of Kaua'i and identified with Tax Map Keys 1-2-002:009 and 1-2-002:001. This facility is situated on approximately 98 acres of land and comprises two distinct refuse fill areas identified as Phase I, approximately 33 acres, and Phase II, approximately 32 acres. The KLF is bounded by Kaumuali'i Highway to the northeast, an unpaved access road and agriculture land to the southeast, a state agricultural park to the northwest, federal reserve lands to the west, the Hawai'i National Guard Rifle Range to the southwest, and a drag strip to the south

- The County of Kaua'i opened the Phase I landfill in 1953, and accepted solid wastes at the facility until operations ceased on October 8, 1993.

Phase II began operations on October 9, 1993 after the closure of Phase I. Phase II of the KLF was constructed to meet RCRA Subtitle D criteria and is currently the only active, permitted municipal solid waste (MSW) landfill on the Island of Kaua'i. Phase II was initially permitted for a maximum elevation of 37 feet above mean sea level (msl). However, to accommodate waste generated by Hurricane Iniki in 1992, a vertical expansion was required and approved in 1998 raising the maximum fill elevation to 60 feet above msl. The first vertical expansion added an additional 6 years of use to the site (Belt Collins 1998). A second vertical expansion was subsequently required and approved in 2005 to raise the maximum fill elevation to 85 feet above msl. The Phase II fill area is expected to reach capacity by approximately January 2009. Therefore, the County is now proposing to expand the limits of the Phase II fill area to include three additional cells. Cell 1 would expand the Phase II fill area into the existing leachate lagoon and adjacent acreage. Cell 2 would expand the Phase II fill area into the valley area between the closed Phase I landfill and the existing Phase II landfill. Cell 3 would expand the Phase II fill area directly over the closed Phase I landfill. Maximum height of these areas would be no greater than 85 feet above msl. The proposed expansion at full-build would increase the original Phase II fill area by approximately 32.7 acres and would provide capacity for an additional volume of approximately 1,550,000 cubic yards of MSW at the KLF. At the current filling rate, this would accommodate approximately 12 years of MSW filling operations. This expansion would provide the County with adequate time to site, design, and construct a new MSW landfill for the Island of Kaua'i.

3.2 REASONS TO CONSIDER HCC

An environmental assessment (EA) was prepared per the Hawai'i Revised Statutes Chapter 343, *Environmental Impact Statements*, and the HAR Title 11, Chapter 200, DOH implementing rules for the environmental review process. The Notice of Availability (NOA) was published in the *Garden Isle* on July 22, 2007 and the Office of Environmental Quality Control's (OEQC) *Environmental Notice* on July 23, 2007. This NOA announced the availability of the Draft EA and the 30-day public comment period of July 23, 2007 through August 24, 2007. In addition, a public meeting was held on August 9, 2007. The meeting was announced in the *Garden Isle* on August 6, 2007. During the public comment period, many community members, agencies, and residents of Kaua'i expressed that they are disappointed at the prospect of having Kekaha Landfill expanded for another 14 years. Examples of some of these comments are:

- "How is the county going to fulfill their duty to the Kekaha people for the injuries that was done to them in the past? How are they going to make sure that the primary goals enacted by Congress in 1976 were faithfully acted upon. How are the minds of the long time residents of Kekaha, those who lived there since 1976 and who lived with the landfill for 54 years are going to be protected from what already has been damaged? These people have carried the "burden" of the landfill too long not to be compensated for the loss of their dignity. They have been mistreated and taken advantage of. Too many people have died of cancer and suffered birth defects from the hazards of waste water seepage into the water tables of

the communities in Kekaha Gardens. How will this be prevented from reoccurring in the future?"

- "The mentality that people will allow continuation of being impacted on the west side while million dollar homes and resorts are built in other locations impacts all that have lived on Kaua'i longer than since Hurricane Iniki. The mentality that chemicals and waste will continue unabated on this island is hazardous to the lifestyle of an island. This island is not big enough to continue such disrespect for the land or the people living on the west side."
- "For this proposal to be a win-win situation there must be an honest, forgiving, and willingness of aggressive collaboration efforts between governments and communities to share in the burden, responsibility, development, and improvement of the solid waste management system."
- "Equally surely the Kekaha community does not deserve another 14 years of life with an ever-growing garbage dump in their backyards. Environmental justice concerns for a predominantly Hawaiian community must be addressed. At least one alternative should include the use of only one or two cells, a more limited lifespan for the landfill, and a commitment on the County's part to find a replacement site within a reasonable timeline."
- "The continued, neglectful impacts to the Kekaha community by these ever-extended actions on adjacent Ceded Lands constitute substantial impacts on the economic and social welfare, and the cultural practices of the Kekaha community. This draft EA addresses potential impacts on the wider Kaua'i community, which the County has only estimated to be negative if they are left to deal with the mess that the County, not the Kekaha community, made by not planning appropriately."

Based on the comments received, the County of Kaua'i decided to conduct this study on HCC. The first phase of the study was an extensive research with one key interview regarding HCC efforts around the country to determine typical host community concerns and mitigation options, community involvement, types of HCCs, and lessons learned. The research (including an interview) conducted for this study is summarized in the following section.

4. RESULTS OF RESEARCH CONDUCTED

4.1 CASE STUDIES

Much research has been accomplished regarding landfill siting; however, limited research exists regarding the factors that influence selection of various HCC packages. Two widely distributed papers on the subject are *Host Community Compensation and Municipal Solid Waste Landfills* (EPA 2002) and *Winning When You Have Lost: Cutting your Losses with Host Community Benefits* (Cornell 1993). These papers are included as Attachment A and Attachment B, respectively.

4.1.1 The EPA National Center for Environmental Economics Paper

The EPA paper (EPA 2002) focused on factors influencing the community bargaining position and compensation packages received by host communities of the 104 largest U.S. privately owned solid waste landfills in 1996. Table 1 (EPA 2002) summarizes the various types of compensation received by the landfill host communities.

Table 1: Percent of Communities Receiving Various Types of Compensation

Type of Compensation	% of Host Communities
None	52
Monetary, per ton of waste received	31
Monetary, percent of revenue	4
In-kind gifts	16
Free collection, disposal, or recycling	11

Preferential hiring or reimbursement for negotiation expenses	3
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Note: In some cases, host communities received more than one type of compensation; thus, the total percentage in the Host Communities column adds up to over 100 percent (%).

The majority of host communities received no form of HCC. For the host communities that did receive HCC, the most popular form of compensation was monetary. Approximately 35% of host communities received monetary compensation based on the amount of waste received or a percent of the revenue generated. In-kind gifts such as ball parks or collection trucks are normally given in addition to some other type of compensation; approximately 16% of the host communities received in-kind gifts. Approximately 11% of the communities received payment in the form of services provided such as free or reduced collection and disposal rates and 3% of the host communities received preferential hiring or negotiation expense reimbursement.

The EPA paper tried to determine the degree of influence that a number of variables had on the type of compensation packages received; the variables evaluated include eight risk and quality of life variables, four firm bargaining variables, four community bargaining variables, and eight socio-economic variables. Two hypothetical situations were considered in the EPA study: 1) compensating the host community, and 2) compensating the county. Since compensating the county is not applicable with this situation, only the situation compensating the host community is summarized below.

The eight risk variables were:

- proximity of landfill to nearest subdivision
- use of well water
- population of the community
- whether the landfill accepts out of state waste
- whether the landfill accepts asbestos
- whether the landfill accepts soil
- whether the landfill accepts sludge
- whether the landfill accepts tires

Two of these variables were found to be significant contributors to increasing the value of host compensation packages: 1) distance between the landfill and nearest subdivision, and, 2) whether the landfill accepts tires and sludge.

The four firm bargaining variables were:

- tipping fee
- annual tonnage accepted
- whether the landfill was owned by one of the big three; Browning Ferris, Laidlaw Waste Systems, or Waste Management, Inc.
- whether the owner and landfill were located in the same cities

The most significant finding was that if a landfill was owned by one of the "big three" the compensation packages were more valuable.

The four community bargaining variables were:

- degree of citizen involvement in the negotiation process
- percentage of the voting population that voted in the 1996 presidential election
- whether it was a replacement landfill in the same community
- whether the landfill was located in a state with mandated compensation

Three of the four were substantially significant factors, which contributed to a higher value of the compensation packages: citizen involvement in the negotiation process, whether it was a replacement landfill, and whether it was located in a state that mandated payment.

The eight socio-economic variables were:

- race
- income
- percent of population living in poverty
- whether the host fee was paid to the city or county
- northern geographical location in U.S.
- southern geographical location in U.S.
- eastern geographical location in U.S.
- western geographical location in U.S.

The most significant socio-economic variable contributing to the HCC package value was location. Host communities in the Midwest received much higher valued compensation packages than other regions of the country.

The findings suggest that communities have a better chance of success when they are more involved in host fee negotiations and when they are more knowledgeable about the issues surrounding hosting a landfill as well as about the existence of host compensation. To increase the readiness of communities to sit down at the bargaining table, policy makers should target their efforts at improving citizen education and involvement (EPA 2002).

4.1.2 The Cornell Waste Management Institute Fact Sheet

The Cornell Waste Management Institute Fact Sheet (Cornell 1993) discusses the benefits of developing the public communication and education process as early as possible when considering landfill development options. A community well-educated on landfill issues and with open communication channels to the landfill agencies will more readily sit down at the bargaining table and discuss how they can cut their perceived losses with a compensation package.

The fact sheet includes a table summarizing the results of public opinion polls conducted in two New York state counties regarding preferred benefits to include in a compensation package. Eight of the top ten preferred benefits for both counties were identical and included:

- guarantee to replace water
- free water tests
- hire own property appraiser
- monitoring well reports
- landscaping
- restricted operating hours
- local inspector
- enforce speed limits

Rounding out the top ten for one county were property value protection and creation of a special contingency fund. Rounding out the top ten for the other county were extending public water lines



A tyco International Ltd. Company

and controlling litter. Since the 1993 fact sheet was prepared, some form of monetary compensation in HCC packages has become increasingly popular.

The fact sheet also includes a case history for one of the counties discussed above: the county operated landfill in Tompkins, New York. Although the landfill was eventually abandoned due to wetland issues and reevaluation of priorities, the case history provides an illustration of how to introduce and implement the HCC concept.

4.2 INTERVIEW

An interview with Ms. Jane Furst, Legal Secretary with the State of Wisconsin Waste Facility Siting Board, was conducted as she was identified during the initial research as an individual heavily involved and knowledgeable of HCC and the siting or expansion of landfills. She indicated that Wisconsin enacted a law in 1982 that recognized the need for landfill is non-negotiable; however, an HCC negotiation with the host community is mandatory. She described that there is a mandatory membership for a local negotiating community, which is the Citizens Advisory Committee that includes the following individuals:

- 4 members from the host community
- 2 members from the county
- 2 members from the community residing within 1,500 feet of the landfill

She also sent copies of some successfully negotiated Landfill Agreements. These are included in Attachment C.

4.3 TYPICAL HOST COMMUNITY CONCERNS AND MITIGATION OPTIONS

The importance of educating the public cannot be over emphasized. An educated host community can distinguish between risk and inconvenience and understand how mitigation measures can reduce or eliminate risk and inconvenience. The experiences and knowledge of a community already hosting a landfill should be a benefit when it comes to negotiating a compensation package.

Table 2 presents a compilation of typical inconveniences felt by landfill host communities.

Table 2: Typical Landfill Inconveniences and Mitigation Measures

Typical Inconveniences	Typical Mitigation Measures
Noise	Natural barriers, designated routes, vehicle monitoring, and days/hours of operation
Odor	Active gas control systems, daily cover, and proper operation
Dust	Vegetative covers, water trucks
Litter	Fencing, scheduled litter patrol, daily cover, and wind direction consideration
Mud tracking	Paved access roads, watering trucks, and street sweepers
Vectors (rodents, birds and insects)	Weed and grass control, eliminate ponding, exterminators and rodent baiting
Speeding	Law enforcement and tiered complaint system
Road deterioration	Regular maintenance and tiered complaint system
Loss of development potential	HCC and proposed use after closure
Visual impacts	Berms, landscaping, vegetation, aesthetic screening, and post-closure monitoring plans

Table 3 presents a compilation of typical concerns that landfill host communities have regarding the siting of the landfill in their community. These fears, although perhaps unfounded, need to be considered seriously by the landfill owner/operator. If the public understands and trusts in a mitigation measure, there should be minimal fear resulting from perceived risk.

Table 3: Typical Landfill Concerns and Mitigation Measures

Concern	Mitigation Measures
Decline in property value	Property value guarantees
Groundwater contamination	Landfill liners, leachate collection systems, and groundwater monitoring
Uncertainty about future environmental problems	Public education
Distrust of technology	Public education
Concerns not heard	Communication channels and citizen action committees
Promises not kept	Trust building
Water drainage and erosion control	Proper grading, silt fencing, vegetation, and maintenance
Fire/Hazardous incidents	Emergency management plans and response services

The manner in which inconveniences and concerns are addressed varies greatly from host community to host community. Although it is recommended to keep HCC package negotiations separate from landfill siting decisions, the HCC package details most often are documented in the landfill negotiation document.

4.4 COMMUNITY INVOLVEMENT

The key to a successful HCC package is to get the community involved as soon as practicable, the sooner the better.

4.4.1 Citizen Advisory Committee

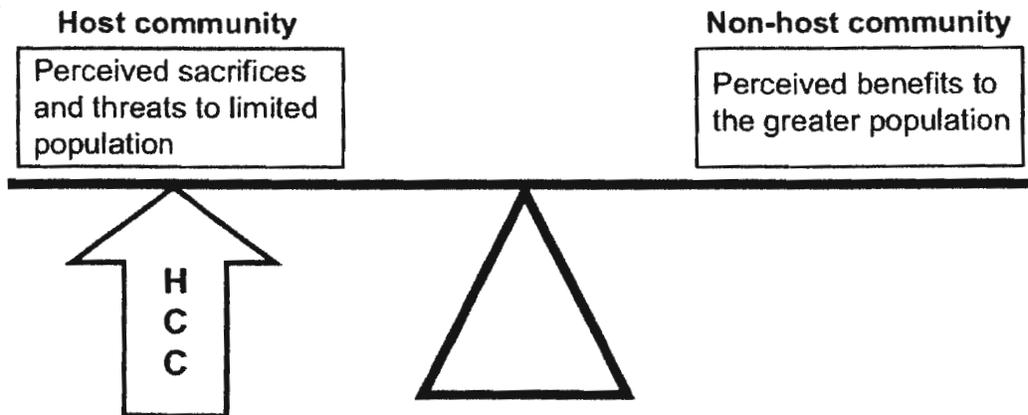
A Citizen Advisory Committee (CAC) should be formed and become the focal point for public participation in local government decisions with goals to protect and enhance the local environment. The membership should comprise concerned citizens with a variety of educational and professional backgrounds and be representative of the community. Some boards include government members from the local department of public works or waste management and the department of health. Other boards feel that government membership constrains their discussion process and choose to have a disinterested third party. Key components of community involvement include:

- Broad membership
- Getting information to the public on options available for the HCC package
- Conducting surveys of residents and property owners
- Having direct access to the powers that be (County of Kaua'i DPW, other local and state officials, landfill operator, appropriate community members, etc.)

The sponsoring entity for a survey can be either the county or the CAC; however, the survey should be conducted by a disinterested third party. Building trust and encouraging open communications is critical to the success of community involvement. There are many constraints on reaching the whole community through public meetings such as work hours, fear of public speaking, and transportation issues. A survey can help fill the void.

4.4.2 Finding the Right Balance for Your Community

There is great need to mitigate the sacrifices of and perceived threat to the host community and balance against the reverse benefits to the non-host communities who some feel benefit from use of the landfill but not having to have it located in their community. The benefits of a HCC package for the host community assist in balancing this perceived burden.



The Balancing Act

4.5 TYPICAL HCC

During the research part of this study, it was determined that typical HCC packages include the following types of compensation:

- Wellhead protection, private well testing and monitoring, and/or water main extension
- Property value protection and/or agreements to guarantee property value
- Fire responsibilities
- Direct lump sum or annual payments to area residents/affected property owners
- Community funds where lump sum or regular payments are made to the municipality for the benefit of local residents
- Tax breaks
- Service guarantees such as community/commercial/school districts recycling facilities and/or limited free disposal of solid waste and yard waste privileges and/or electronics recycling
- Tonnage based payment
- Parks/recreation facilities
- Landfill jobs
- In-kind gifts where the developer provides or pays for local community facility improvements, improvements to local environment and wildlife habitats, sponsorship of local groups and teams, school and educational support, etc.
- Hiring of local contractors during construction
- Retroactive compensation fees, especially in the case of expansions that may occur because of changes in what had been portrayed to the public (like their landfill would be closed and a new landfill would be sited somewhere else)

4.6 PERCEPTION OF BRIBES OR BENEFITS

Avoiding or minimizing the perception of a bribe is critical to the success of the HCC and must be considered by the landfill owner. The overall cost of HCC packages is very low when compared to the costs of developing a new landfill.

The manner in which the HCC is presented to the host community needs to identify the partial win situation in the minds of the community to avoid the perception that the HCC is a bribe offered for the siting of a new landfill or the expansion of an existing landfill. The landfill owner needs to ensure that the community feels some benefit to at least some of the "perceived" loss resulting from a landfill siting or expansion decision.

The landfill owner also needs to recognize the win that the non-host communities are experiencing from not bearing the burden of a landfill in their backyard. One way to do this is to have these communities bear some burden through additional taxes or user fees to compensate the host community.

The landfill owner needs to demonstrate a very serious and sensitive consideration for the residents' concerns; the community needs to feel they are being treated equitably and fairly. In order to foster a sense of better, more equal relationships between residents and decision makers, the decision makers need to involve the community in a participatory role.

4.7 LESSONS LEARNED

During the HCC research, the following "lessons learned" were identified:

- Form a CAC early on in the process, the earlier the better
- Build trust
- Be open and honest
- Communicate regularly
- Conduct informal and open negotiations to avoid suspicion of impropriety
- Consider the community's feelings and be sensitive to local perceptions and concerns
- Target specific benefits to specific concerns
- Conduct surveys by a neutral third party; these show serious consideration of local benefits
- Keep in mind that HCCs will not stop opposition or law suits

5. RECOMMENDED APPROACH FOR HCC FOR KEKAHA

5.1 KEKAHA COMMUNITY CONCERNS

Based on comments received on the Draft EA for the KLF Phase II lateral expansion, the Kekaha community is concerned with the following inconveniences listed in Table 2: noise, odor, dust, litter, speeding, and visual impacts. Concerns regarding noise, odor, speeding and litter extend beyond the KLF boundaries to the primary roadways used to haul municipal solid waste through Kekaha.

The predominant concern amongst the community was with regard to groundwater contamination, particularly the potential for groundwater contamination from the unlined Phase I landfill. Community members expressed concern regarding potential releases of hazardous materials in the event of a fire, explosion, or other emergency, as a result of failure of the Phase II base liner, or failure of the liner to collect and the impacts that these releases would have on the Kekaha

Comments received suggest that the Kekaha community does not trust that the technology and mitigation measures proposed will be fully protective of human health and the environment. Commenters also expressed frustration that their concerns have not been heard and that prior promises to site a new landfill away from Kekaha had been broken. Therefore, in entering negotiations with the Kekaha community, the County of Kaua'i DPW should understand that they will be negotiating in a high risk and low trust environment.

5.2 COMMUNITY MEETINGS

Based on the research and the interview conducted, the County of Kaua'i should form a CAC now; don't wait. The Final EA and the Finding of No Significant Impact determination will be announced in the November 23, 2007 OEQC *Environmental Bulletin*. This would start the 30-day legal challenge period. There has been no open dialogue with the community of Kekaha since the County of Kaua'i hosted a community meeting on August 9, 2007 held at the Waimea Neighborhood Center. So, the first priority would be to hold another community meeting at the Kekaha Neighborhood Center since there was complaint about having the meeting in Waimea instead of Kekaha. The meeting should be well published in the *Garden Isle* starting at least 2 weeks prior to the meeting to give people ample time to place it on their schedules, as there were complaints that the initial meeting was not published and only 2 days notice was given. Notices or flyers could also be posted in establishments in Kekaha such as the Neighborhood Center, churches, and/or market.

The objective of this first community meeting would be to start building trust and open dialogue. To meet this objective, it is recommended that the County of Kaua'i conduct the following:

- Thank the community for their comments on the Draft EA for the proposed lateral expansion of the landfill
- Indicate that all comments were taken under consideration and responses to comments have been prepared and have copies of the Final EA available
- Indicate that, based on the comments received, the County hired a consultant to conduct a study on HCC options
- Explain what HCC is and that the County would like to form a CAC to open dialogue with the community on their ideas regarding HCC
- Explain that information dissemination will be conducted at routine intervals during the development of HCC options for the residents of Kekaha. This may be through mailers, the County website, and subsequent community meetings.

5.3 CITIZEN ADVISORY COMMITTEE

The committee should comprise concerned citizens with a variety of educational and professional backgrounds and be representative of the community. The committee should consist of the following individuals:

- One Kekaha educator
- One Kekaha business man or woman
- One Kekaha politician
- One Kekaha retiree
- Two general Kekaha concerned citizens
- Two representatives from the County of Kaua'i DPW
- One representative from the Mayor's office
- One representative of the landfill

- One representative of the consulting firm that conducted this study
- A neutral third party facilitator, such as Gary Omori, who is used quite frequently for community involvement projects on Kaua'i

The reason it is recommended that the facilitator of the CAC be a neutral third party, not a County employee or consultant involved in the landfill expansion, is because otherwise the community may feel that they are being bribed or their concerns are not really given serious consideration. Once a committee is formed, it is recommended that the Kekaha committee meet to discuss types of compensation to consider and to then survey the community. These are outlined below in Sections 5.4 and 5.5, respectively.

5.4 TYPES OF HCC TO CONSIDER FOR KEKAHA

Once the committee is formed, they should meet to decide what types of compensation they would like to consider for inclusion in the community survey. Based on the comments received on the Draft EA, the community would be most receptive to the following types of compensation:

- Wellhead protection/private well testing and monitoring
- Direct lump sum or annual payments to area residents and affected property owners
- Community funds where lump sum or regular payments are made to the municipality for the benefit of local residents
- In-kind gifts where the developer provides or pays for local community facility improvements, improvements to coastal recreational areas, sponsorship of local groups and teams, school and educational support, etc.
- If and when the County of Kaua'i initiates curb side recycling, the community of Kekaha would be among the first communities to receive this service
- Tax breaks
- Service guarantees such as community/commercial/school districts recycling facilities and/or limited free disposal of solid waste and yard waste privileges and/or electronics recycling
- Tonnage based payment
- Parks/recreation facilities
- Hiring of local contractors during construction

There should also be early discussion establishing the purpose of the community fund "for the benefit of the community". There is unlikely to be a consensus as to what the community as a whole considers as a benefit. The concept of community benefits is principally about providing gain for the entire community, rather than enriching individual members within it. If the chosen purpose of a fund involves direct financial benefits to individuals, it is important to ensure that the reasons are clear and consistently applied. On the other hand, the fund could be used to develop a "community asset" such as the in-kind gifts explained above, in which case the CAC must decide which gift serves the community best as a whole. This involves discussions and negotiations on how to determine the purpose of the funds as the fund is being set up.

The benefit of being more specific at this stage is that it reduces the potential for disagreement later. These are all items of consideration that the committee should discuss early on and incorporate into the community survey, as appropriate.

The value of compensation packages that incorporate monetary compensation on a per tonnage basis vary widely between communities. However, per tonnage rates of compensation are typically between \$1 and \$3 per ton. Assuming that the rate of refuse acceptance for the KLF Phase II lateral expansion would be approximately 248 tons per day, the expected rate of compensation would

range between \$88,288 and \$264,864 per year (Table 4), with annual upward adjustments of 2% to 4%.

Table 4: Estimated Value of Per Tonnage Compensation for Kekaha

Per Tonnage Payment	Days of Filling Per Year	Rate of Refuse Acceptance (tons/day)	Annual Compensation
\$1.00	356	248	\$88,288
\$2.00	356	248	\$176,576
\$3.00	356	248	\$264,864

5.5 SURVEYING THE COMMUNITY

The next item of business that the committee should consider is the distribution of a community survey to: 1) ensure that the public comments received on the Draft EA accurately reflect the concerns of the larger Kekaha community, and 2) understand what forms of compensation the Kekaha community would be most interested in receiving. The CAC should consider following the steps below when creating and administering the survey:

✓ Step 1: Identify the Information the CAC is Looking For

The CAC should make a list of the information that they would like to receive from the survey. Write down the committee's goals for each piece of information and why finding it out is necessary. Determine within the committee the most important information to find out. This will help narrow down what to ask and how. Often times a survey becomes too long and many questions have to be cut out. Taking the time to prioritize the information you are looking for will help to shorten the survey. Prioritize those items that will give you the information you are looking for.

✓ Step 2: Designing Your Survey

Once the committee has narrowed down the information to receive from the survey, they should take the time to develop the questions that target the desired information. A guideline for this step is to look through other surveys designed for communities or projects similar to the one you want to survey to get ideas of ways a question can be asked. Question design tips include:

- Keep your language direct, use common words. If an uncommon word is used, provide a definition.
- Close-ended questions (Yes/No, True/False, Multiple Choice) receive the highest response rate. Close-ended questions narrow the range of answers and make it easier to compare your responses later.
- Be very specific.
- Avoid questions that can be answered with "I don't know".
- Do not combine two questions into one.
- Stay away from questions with multiple answers (i.e., *Circle all that apply*). These will be more difficult to work with when you are analyzing your data.

- Adding a "What else do you want us to know?" is a useful way to end a section or survey.
- The length of the survey should be kept as short as possible while still gathering the necessary information. Typically, surveys should not take longer than 15 minutes to complete.
- Avoid long introductions; the introduction should be short and name the organization doing the survey. It should also include how the information gathered will be used and let people know it is anonymous and/or confidential.
- The first questions will set the tone for the survey. The person should feel that they have something to contribute. By making the first few questions relatively easy to answer, you may have a higher success rate of getting surveys completely filled out.
- Don't leave the most pertinent questions for the end. Many surveys never get completely filled out.

✓ Step 3: Testing Your Survey

Before conducting the survey, the CAC should test it on at least 5 to 10 people who are not familiar with the survey or directly involved in the project. The CAC should review the questions answered, not answered, and how they answered them. If it appears that certain questions gave them problems, were unclear, or did not get a response, ask the respondents which questions didn't make sense or were difficult to answer; then refine the survey. Again, keep track of the time. If it took the survey testers longer than 15 minutes to complete, it is too long.

✓ Step 4: Analyzing Your Data

After the completed surveys have been collected, it is time to analyze the data. Data can be analyzed by entering it into an Excel spreadsheet and computing the numbers or by using a statistical software program. If someone has not responded to a question, do not assume they would have answered as the majority. Only consider information that has been actually answered. It is also useful to take note of those questions not answered and try to determine why. If possible, it would also be useful to debrief a representative group of the respondents, say 10 percent, to find out what their thoughts about the survey were, what was difficult, and what seemed to work.

The committee should then host another community meeting to present the results of the survey with the community.

6. ADMINISTRATION OF FUNDS

Successful HCC packages should have the following:

- Clear and enforceable agreement by the County of Kauai regarding the benefit to the community of Kekaha;
- A mechanism for ensuring the HCC agreement continues irrespective of County of Kauai officials involved;
- A clearly defined purpose for the funds; and
- A well defined, reliable, and accountable approach to managing and distributing the funds involving County of Kauai and local Kekaha officials with clearly documented procedures.

This section examines different approaches to achieving this goal.

The agreement to secure the community benefits should be formalized in a legal document to minimize the risk of future disputes and protect both the developer (County of Kauai) and the Kekaha community from the risk of misunderstanding.

The CAC would need to choose an entity (such as one listed below) to administer the compensation package. Community funds need to be controlled and managed by an organization that is, in some way, rooted in or answerable to the Kekaha community and have credibility within the community. Potential entities include:

- Sponsoring entity (County of Kaua'i)
- Mayor's office
- Local Kekaha community
- Separate body formed specifically for the purpose of administration
- Local charitable company
- Trust
- A combination of the above

Establishing clear systems for control and management of the money is very important. There are a number of questions which need to be answered including:

- Who can decide to spend the money and on what basis?
- How are potential conflicts of interest handled?
- Who authorizes payments from the bank and how is this monitored?
- What record keeping and audit procedures are in place?
- What happens to money that hasn't been spent? Is there an investment strategy?

It is important that the control and management of the funds be clearly documented to avoid the risk of fraud or embezzlement. By clearly establishing who, what, and how the funds are controlled and managed is essential for maintaining a successful HCC package.

7. CONCLUSIONS AND RECOMMENDATIONS

Clearly there are many approaches to take when it comes to HCC within a community. The most important aspect is establishing trust and open communication within a community prior to attempting such an endeavor. To be successful, this relationship should be initiated in the early stages of a proposed project. Based on the research conducted and the concerns of the community of Kekaha with the proposed expansion of the Kekaha Landfill, the following steps are recommended:

- ✓ Step 1: Conduct a community meeting at the Kekaha Neighborhood Center
- ✓ Step 2: Establish the CAC by soliciting individuals from the list provided in Section 5.3
- ✓ Step 3: Identify reasonable HCC options for the community of Kekaha
- ✓ Step 4: Create and test a community survey
- ✓ Step 5: Conduct the community survey
- ✓ Step 6: Analyze the data from the community survey

- ✓ Step 7: Conduct a community meeting to present the results of the survey
- ✓ Step 8: Establish appropriate HCC for the community
- ✓ Step 9: Establish the entity to administer the HCC package
- ✓ Step 10: Establish a system to control and manage the funds within the HCC package

By following these 10 steps, a successful HCC program in relation to the proposed expansion of the Kekaha Landfill can be accomplished within the community of Kekaha.

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WINNING WHEN YOU HAVE LOST: Cutting Your Losses With Host Community Benefits

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Since few communities volunteer to host a new landfill, usually a government or private entity outside the impacted neighborhood decides where the new site will be and imposes its decision on an unwilling community. Perceived fears provide the basis for opposition: decline of property values and community image; groundwater contamination; loss of development potential; uncertainty about future environmental problems; distrust of technology; increased truck traffic and consequent road deterioration and littering, to name a few. Compounding the problem are a lack of trust in promises of safety, lack of faith in governmental regulations and oversight, and fear that officials are neither sensitive to nor understand neighborhood concerns.

The arguments for and against a site polarize communities. One wins if the landfill is located in another neighborhood; one loses if it is forced to accept the site. Rarely are issues of fairness and equity discussed, such as how all those who use the new landfill benefit from it and therefore should share its potential detriments. And conversely, how those who shoulder the burden to a greater extent are entitled to fair and equitable treatment and some consideration for potential impacts.

This Fact Sheet examines a method investigated or adopted by many communities in New York and elsewhere to address this controversy and provide some way for affected residents to face the reality of compromise in resolving a common problem.

Are you in the midst of siting a waste disposal facility? Is the facility being sited in your back yard? Or are you breathing a sigh of relief because the facility is going elsewhere? If you answered yes to any of these questions, you need to know more about **Host Community Benefits**.

How your community disposes of your garbage can be one of the most controversial issues debated today. Nobody wants garbage dumped in their back yard. The situation can become even more contentious when waste from other communities is also involved. These conflicts have become more frequent as regulations have become stricter. Thus, forcing many

facilities to close. Public awareness and concern has heightened over perceived environmental, economic and social problems. Siting new waste disposal facilities has become costly as irate citizens block all attempts by others to discuss, inform or convince them that the facility not only will be safe, but is the best solution to an ever-growing waste problem.

Unfortunately, siting conflicts do not have a "win-win" solution for any involved parties—the local community, county or local government, or private industry. Host Community Benefits is an emerging concept to reduce the losses to all parties in the resolution of the siting controversy.

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VIEWPOINT

1993

Host Community Benefits

The cornerstones of Host Community Benefits (HCB's) are **compensation** and **mitigation**. The moral and logical goals of the concept are **equity** and **fairness**. The attempt is to balance the need for safe disposal of solid waste with the sacrifices borne by a solid waste disposal facility's host community. Additionally, such programs give citizens a participatory role in the process.

To understand how HCB programs work, one must determine their personal stake. Here's how:

For those in the impacted neighborhood who feel powerless and threatened, the stake is the perceived risk of siting a facility in the vicinity. "Winning" means only one thing—to stop the siting of the facility. If they cannot stop it, they have "lost." Or have they? Initiation of an HCB package after a site has been chosen is the only method of cutting losses. It ensures that you, your neighbors and your community will receive at least some compensation for the losses you feel are important.

For the county or private corporation, the primary stake is to succeed in siting the facility. If they alienate the public while accomplishing this goal, they will have "won the battle but lost the war" for the trust they need for future decision making, expansion or image building. Entering good-faith negotiations with affected citizens in

the development of an HCB package can help restore some of the trust. Even if a site is "lost," perceived sensitivity and openness in working with community representatives by responding to their fears will help maintain credibility for siting decisions and relations in the future and elsewhere.

For the citizens of the rest of the community or county who escaped the site, an HCB plan is the mechanism for reimbursing—through taxes or user fees—the host neighborhood for the sacrifices it will bear.

Therefore, no matter what the situation, everyone is involved in one way or another; everybody both wins and loses. An equitable balance is sought.

Benefit programs are unrelated to specific site selection. Rather they focus on helping the community at large fairly and equitably

manage its solid waste without penalizing a host community.

This discussion focuses on landfills, but the concepts can be applied to all waste management facilities.

A Balancing Act

Simply stated, the concept of Host Community Benefits aims to balance the *sacrifices* a local neighborhood and its individual citizens must bear in hosting the site of a waste management facility against the *reverse* benefits received by users of the facility who escape having it in their neighborhood. Various benefits can counterbalance perceived and real threats to public health; the social, economic and physical environment and individual rights.

In return for hosting a new landfill and accepting negative impacts,

Preferred Benefits

This table lists the benefits preferred and those rejected by citizens responding to public opinion surveys undertaken in Tompkins and Onondaga Counties, New York.

Tompkins County Landfill (Dryden)

Onondaga County Landfill (Van Buren)

Top 10 Choices

Top 10 Choices

<u>Benefit</u>	<u>Percent Favoring</u>
Free Water Tests	95%
Guarantee to Replace Water	92
Enforce Speed Limits	92
Hire Own Property Appraiser	92
Monitoring Well Reports	90
Property Value Protection	89
Landscaping	88
Restricted Operating Hours	87
Local Inspector	83
Special Contingency Fund	82

<u>Benefit</u>	<u>Percent Favoring</u>
Guarantee to Replace Water	88%
Extend Public Water Lines	88
Hire Own Property Appraiser	87
Control Litter	87
Free Water Tests	83
Landscaping	82
Monitoring Well Reports	80
Restricted Operating Hours	77
Local Inspector	75
Enforce Speed Limits	75

Bottom 10 Choices

Bottom 10 Choices

Community Festival	26
Neighborhood Pool	27
College Scholarships	29
Park/Playground	30
Support Community Center	41
Public Sewer Lines	45
Payments to Town	47
Landfill Job Priority	50
Public Water (by opening date)	50
No Private Construction Disposal	53

College Scholarships	19
Free Water	21
Wildlife Ponds	26
Housing Loans	31
Reduce County Taxes	34
More Landfill Entrances	38
Support Ambulance	41
Free Town Garbage	41
Payments to Town	44
Support Fire Service	48

the host community is entitled to certain benefits. Hence, the concept of benefit sharing applies to the whole community: the neighborhood near the landfill is given benefits to ameliorate the impact of the nearby landfill, while the rest of the community receives the benefits of a new landfill without having it close by.

Mitigation

Mitigation refers to reducing problems and impacts that the host community believe may be caused by the landfill. Acting as a preventative maintenance incentive, it is also a way of encouraging compliance by the operators of the landfill with agreed-upon protective measures and operating procedures. Mitigative measures involve guarantees of costly remedial actions that do not kick in unless contamination occurs due to sloppy management. To avoid this possibility, landfill operators are stimulated to manage it so as to avoid these costs kicking in.

Mitigation addresses the dangers and fears of drinking water contamination, deterioration of highways, littering, odors, noise, visual eyesores, vermin, and reduced property values. By providing free water testing and guaranteed replacement if contamination is found is one example of how drinking water contamination can be mitigated.

Compensation

Compensation means providing some kind of direct payment (usually money or services) to offset the intangible effects of the landfill, such as a blemished community image and lower quality of life.

Compensation benefits can be in the form of cash payments to the host community's government, tax breaks, extra support for fire and ambulance services, free garbage

pickup, new parks, and offering landfill jobs to local residents. Often, however, such benefits are perceived as bribes to buy off the community.

Flexibility

The process of determining an HCB plan is inherently flexible. It is as individual as each host community. Since each community has its own unique demographics, geography, and economic climate, the benefits to be gained are negotiated depending on the needs and character of that community. No two HCB packages are alike. Examples of preferred benefits are shown in the table to the left.

It is crucial to remember that negotiating HCB's will not remove opposition to landfill siting. It is better if HCB's are negotiated separately from the siting controversy itself. Otherwise HCB's may become entangled in the siting process, and used as weapons during an antagonistic process, making negotiation futile. Opponents may view HCB's as unacceptable bribes, undermining their opposition to a landfill site. Still, pursuing an HCB program is useful since opponents can use HCB's as a contingency plan should their efforts to prevent siting fail.

Citizens Advisory Committee

Citizens Advisory Committees (CAC) are a *critical part* of Host Community Benefits. Through them, citizens feel recognized and respected; they understand that they are part of the process and thus are empowered to participate. Two types of CAC's are important: **generic and site-specific**. This two-track system is attuned to the needs of both the larger community and the affected neighborhood, as well as to the different stages of the siting process.

A generic CAC is useful in the early stages of siting, before a spe-

cific site is chosen. It should have broad membership providing general citizen input to all aspects of the siting process, including the site search.

The CAC develops a generic HCB plan as a starting point for negotiating a more specific HCB program with the impacted community after a site is chosen. The generic CAC becomes the vehicle for providing public information on benefits to be considered and how they might be applied. Public opinion surveys may be conducted to obtain or verify public attitudes on solid waste issues, including HCB's.

After a site has been selected, the formation of a site-specific CAC can refine the generic HCB program to reflect the concerns of the affected neighborhood, who too often feel shut out, ignored or devalued. Frustration over feelings of impotence in the decision-making process is an important component of public reaction in the impacted community. To maintain credibility, the affected neighborhood should have dominant representation on this CAC.

Both types of CAC's must be officially recognized and have membership from, or at least access to, governmental planning, public works and health department staff to benefit from their expertise. If this is not possible or desired—the CAC may feel these experts' interests conflict with those of the committee—funds can be provided to the CAC, or directly to the affected community, to hire their own technical experts and conduct their own studies of the proposed site.

Public Opinion Surveys

Surveying residents and property owners in the vicinity of the proposed landfill provides data useful in assessing community feelings and perceptions and determining preferred benefits. Usually commissioned by the sponsoring entity

or a CAC and conducted by a neutral third party, the survey asks residents and property owners what they think of proposed benefits, what course of action they recommend, and their opinion of solid waste issues. The data generated should be freely shared to build trust and encourage open communications.

Such surveys demonstrate that the facility sponsor or local government will seriously consider local concerns. They are also an effective public education tool to inform people about HCB's since these are usually poorly understood; people are often suspicious of their purposes.

Public opinion surveys also provide another mechanism for citizen input. Public meetings are often the only source of direct public input. However, public meetings require that those who participate actively by speaking have confidence in their speaking ability and the courage to stand up in public. Also,

due to time constraints, only a limited number of people can speak at any one meeting, thus limiting the public's input into decision-making. A well-designed survey gives everyone equal opportunity to provide input unhampered by the pressures of public speaking.

Judging by surveys taken in various communities around New York State, the public's views are remarkably similar. For example, surveys undertaken in Chenango, Onondaga and Tompkins coun-

ties—which have markedly different characteristics—indicated that people shared the same attitudes about host community benefits.

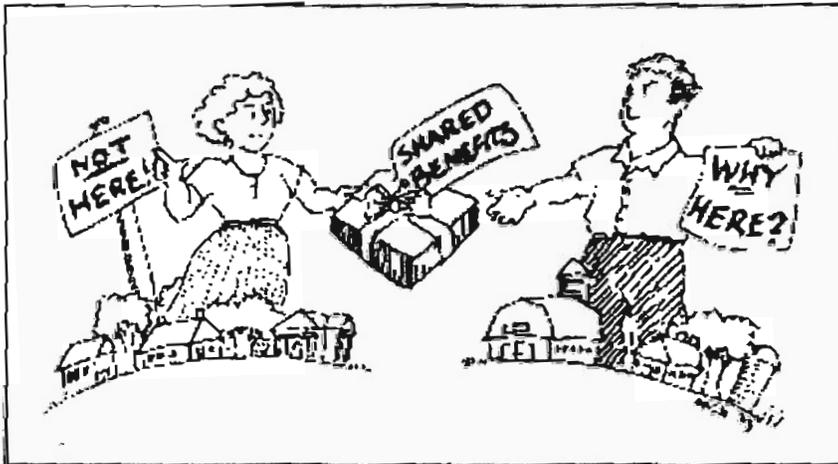
The conclusions of the public opinion survey concerning the proposed Van Buren Landfill in Onondaga County are indicative of statewide public opinion. "An examination of the responses to the questions leads to one conclusion," states the survey's Final Report. "Respondents to this study present an overall picture of rational concern: They are interested in preserving their environment as it now is—both natural and economic. They (like all of us) desire some control over the events which are impacting on their lives. Their belief in technology (technical safeguards to prevent water contamination, for

and fears is vital to the success of negotiations. Specific benefits can be targeted in response to specific fears.

Equally important in the negotiating process is determining who will be eligible to receive benefits. The impact area can be rigidly defined by drawing lines on a map or more loosely defined depending on meeting certain criteria in order to receive benefits, regardless of location. In the latter case, different criteria can be applied to different benefits. For example, threats of water pollution are more critical downhill from the site as opposed to uphill, while loss of property values may depend on access roads or wind patterns.

Administration

After negotiations have produced an HCB agreement some entity must be designated to administer it. This could be the sponsoring entity, the local community, a separate body specifically formed for the purpose, or some combi-



example) is limited. But their approach to solving the problem is, for the most part, a rational one." (Some results of the survey are shown in the table on page 2.)

Negotiation

To avoid suspicion of impropriety, negotiation of HCB's should be informal and open. Again, it is crucial that negotiations represent the community's feelings.

Sensitivity to local perceptions

nation of these. Whatever the composition of the administering body, to be successful, it must have credibility within the affected community. Following a protracted or contentious dispute or litigation, the impartiality and credibility of the administering agency becomes all the more important.

Benefits of HCB Programs

A Host Community Benefits program can accomplish several goals

Case History

The experience of **Tompkins County, NY** illustrates the HCB concept. This Central New York county (located midway between Syracuse and Binghamton) began consideration of a new county-operated landfill in 1985. A site was selected by the county in 1987 and implementation of benefits in the affected community began in 1989.

Initially the HCB concept was introduced to county officials, who were receptive to the concept and supported further discussion. HCB's were introduced to the public at several meetings on solid waste disposal issues.

Following a year and a half of quiet discussion and networking about the concept, one town supervisor (whose town included potential sites preliminarily identified by the county) proposed a detailed HCB program to the county solid waste committee. Subsequently, other towns proposed HCB plans.

The county Board of Representatives passed a resolution committing the county to negotiate a benefits program with the selected community. The resolution contained provisions for off-site well monitoring, creation of a citizens advisory committee, guaranteed potable water, property-owner compensation against adverse impacts, property value protection, financial compensation for the host town, and recycling and waste reduction programs. This resolution was passed six months before a site was selected.

Once a site was selected a Citizens Advisory Committee was created by the county from a list of people identified by community residents, citizen leaders and local officials. The committee was composed of 11 voting members: 2 selected by the affected town, 1 selected by a neighboring village, 5 selected by the county to represent landfill neighbors, 1 representative of the county board, and 2 selected by the county as at-large members. In addition, the county appointed the planning commissioner, public works commissioner, solid waste manager, assessment director, and environmental health director as nonvoting members.

A compensation task group was created to draft a more detailed HCB program. One of their first recommendations was to undertake an opinion survey of the affected neighborhood. The survey, paid for by the county and conducted by Cornell University, polled all property owners on the assessment rolls and all renters who could be identified within two miles of the proposed site—67% of property owners and 23% of rental households responded. In addition to gathering data on the affected community, the survey informed residents about the benefits program and guided the county in developing an acceptable plan.

The benefits preferred by respondents to the Tompkins County survey are listed in the table on page two.

Cornell Cooperative Extension of Tompkins County developed a countywide educational program on solid waste issues, including HCB's. County residents gave the presentations, not county officials (though a county official was on hand to answer questions), to several towns at well-attended public meetings.

A Neighborhood Protection Committee was created to implement the HCB program. The committee reviewed all requests for benefits and recommended appropriate action. The landfill was delayed due to wetland issues and continued reevaluation of priorities, and has now been abandoned on the basis of cost changes. Property value protection had been only benefit in effect.

Other New York counties have taken action on HCB programs, including Broome, Chenango, Dutchess, Monroe and Onondaga. Interest in the concept is being expressed by officials in a growing number of other New York counties. The New York State Department of Environmental Conservation, in a technical assistance guidance document for siting waste facilities, emphasizes that an HCB program should be strongly considered.

but does have *limitations*. It provides a more equitable and fair response to affected residents. It opens communication channels between residents and decision makers, and involves those who are impacted in the process.

Limitations of an HCB program

must be kept in mind. It will not stop opposition to a particular site nor will it stop lawsuits, although this may become part of the negotiations. Since it is best considered as a separate issue, it has little effect on the selection of a specific site.

Perhaps the greatest benefits of HCB programs are that they promote sensitive consideration of residents' fears and foster better, more equal relationships between residents and decision makers. In his book *The Community Development Process*, William Biddle found that

shared decisions are usually more actively supported by the community at large as well as being less prone to criticism or counter action by opposing groups.

The cost of HCB programs are low relative to the total cost of developing a landfill, particularly where mitigation (triggered by specific negative events) is favored over compensation (where funds are spent regardless of specific events).

A Host Community Benefits program directly addresses the fairness of competing interests between those who benefit from the new landfill and those who must live as its neighbors.

Lyle S. Raymond, Jr. is Extension Associate and Water Resources Specialist with the Local Government Program and the New York State Water Resources Institute in the Center for the Environment at Cornell University; Kenneth H. Cobb is Senior Extension Associate with the Waste Management Institute in the Center for the Environment at Cornell University; and Clifford W. Scherer is an Associate Professor in the Department of Communication at Cornell University.

This Fact Sheet was produced by Kenneth T. Marash and Susan A. Marash with Ghostwriters, Inc. of Ithaca, NY.

References

Biddle, William W., *The Community Development Process*, New York: Holt Rinehart & Winston, Inc. 1965.

Scherer, Clifford W., *The Proposed Van Buren Landfill: A Study of Public Concern and Opinion, Final Report*, Ithaca, NY. 1991.

The Cornell Waste Management Institute
Cornell University
Rice Hall
Ithaca, NY 14853-5601

Judy S. Flores, PhD
161 Tonggan Way
Inalahan, Guam
judyflores@guam.net

March 9, 2010

Hafa Adai Senator Ben Pangelinan and members of the 30th Guam Legislature,

I hereby submit my written testimony in support of Bill 303-30, an act relative to recognizing the village of Inarajan as the *Host Community* for accommodating the solid waste disposal needs of Guam resulting from the operation of the Layon Landfill.

For the record, I continue to believe that the Leyon Landfill is an unwise business decision that will drain our government resources, and an ecological disaster being imposed on this pristine landscape of Dandan and the Inalahan municipality. I likewise thank the authors of this bill for your efforts to recognize the negative effects this activity will have on Inalahan municipality by proposing benefits to help counter the impact with an identified funding source.

I support the intent of Bill 303-30, which designates that \$150,000 per year be provided for the purpose of public improvements and beautification projects in the Inalahan municipality.

I support the proposal that the Public Utilities Commission (PUC) shall equitably determine the *host community premium* for each residential and commercial user; and that the Inarajan Municipal Planning Council determine the projects to be funded for the village.

1. I propose that to insure that the host community premium not be comingled with the General Fund, that the premium share be deposited into a trust fund account in the name of the Inarajan Municipal Planning Council **at the time of monthly collections by the landfill management**, with a report of the amount deposited sent to the Department of Administration. This trust fund will thereby allow the IMPC to accumulate funds necessary to implement capital expenditures according to a master plan that has been presented to the municipal residents and approved by community public hearing.
2. The host community of Inalahan is already suffering from the deteriorated roads and bridges that will be further damaged by islandwide heavy truck traffic to the landfill. I propose that this bill address the provision of amendments to the Island Highway Master Plan to include construction of highways and bridges that can accommodate the increased traffic and heavy equipment.

Respectfully submitted,



Judy Flores

Thursday, April 22, 2010

*Honorable Ben Pangelinan
Honorable Telo Taitague.
Honorable Tom Ada
Honorable Frank Blas, Jr
Senator 30th Guam Legislature*

Reference: Bill B303-30

Hafa Adai Honorable Senators:

I am a register resident and voter of Inarajan. I oppose having the landfill in Inarajan due to the possible contamination of our natural resources for future generations and impact on our community as a hub of Chamoru Culture.

Since the landfill in Leyon has been imposed on our community of Inarajan despite our objections I am in SUPPORT of Bill B303-30, "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF 10GCA RELATIVE TO RECOGNIZING THE VILLAGE OF INARAJAN AS THE HOST COMMUNITY FOR ACCOMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE ISLAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND THE ORDOT DUMP IN THEIR BACKYARDS."

I would like to provide my inputs after reviewing the draft legislation on Bill B303-30 as follows:

Subsection 511003. Host Community Benefits.

Requirement to provide Funding for building of Community Gym and Baseball Field for Inarajan

Subsection 511005. Host Community premiums.

Requirement for Free disposal of all non-hazardous solid waste for registered residents residing in the Municipality of Inarajan and the Mayor's office of the Municipality of Inarajan.

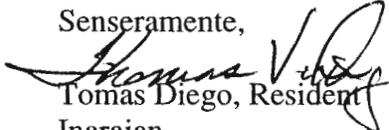
Requirement to provide non-hazardous disposal containers for community events as requested by the Mayor of Inarajan.

Requirement to provide employment preference to suitably skilled applicants that are registered residents residing in Inarajan with verification form provided by the Inarajan Mayor's office.

Requirement that Commercial Operator maintain commercial general liability insurance covering all activities to be conducted by the Commercial Provider in the amount recommended by U.S. Environmental Protection Agency with the Municipality of Inarajan.

In closing I would like Thank-you for ensuring that our Community of Inarajan receives some benefits from this unfortunate imposition on our Community.

Senseramente,


Tomas Diego, Resident
Inarajan

From: Denise Selk (denise.selk@gmail.com)

To: Judy Flores

Date: Wed, March 10, 2010 1:07:28 AM

Cc: Franklin Taitague; Dean Castro; Loretta Cruz; Tom Diego; BeJay Naputi; Deb Paulino; Selma Paulino; Gina Quintanilla; Bobbie Rolinski; Bernie Sablan; Jimmy Sian; Art Taimanglo; Ann S.N. Concepcion; Chris M. Duenas; Cathy S.N. Flores; Barb J. Mantanona; Duane M. Mantanona; Maria Pangelinan; Shena A. Paulino; Jessica Perez; Jesse L.G. Perez; Jessica Y. Quinata; Charles A. Selk III; speaker@judiwonpat.com; senadotbjcruz@gmail.com; tinamunabarnes@gmail.com; roryforguam@gmail.com; J Guthertz; senbenp@guam.net; senatortelo@gmail.com; sencialvo@gmail.com; ray@raytenorio.com

Subject: Re: Bill 303-30 (COR)

Dear Mayor,

I will not be able to be present. So I am sending in my testimony to you all and the senators. It seems that no matter how much we have fought with Mr. Joe Chargualaf against this landfill, it has been to no avail.

Inalahan residents are tired of being insulted with patronization. We need to be properly compensated. I suggest the following demands for **Inalahan residents only**. This should pertain to Inalahan residents as of January 1, 2010 and our descendants for the next 100 years.

The residents of Inalahan would benefit in form of compensation from the following, since we are going to be subjected to possible diseases, illnesses, and death from probable water contamination that may last well over 100 years:

1. No personal or business income taxes (GRT included);
2. No land taxes;
3. Every home or business should be given a 2,000 gallon water tank;
4. A community library (promised at the great "dog and pony show" village meeting a couple of years back;
5. A community gym (also promised at the same village meeting;
6. Improved roads (4 lanes so we don't get stuck behind the convoy of garbage trucks for miles to and from "downtown";
7. No tipping fees;
8. Compensation from the Government for negligence in the event of future illnesses and death from contaminated water.

These demands may seem outrageous, but the reality of putting a landfill on a major water source, is more outrageous. In fact, it is incomprehensible that the Federal Government would close the Ordot dump based on violating the Clean Water Act, and place a landfill on a drinking water source (which poses more danger).

We need to send a strong message to our politicians, if not the entire island who do not realize that ALL will be affected by the incredibly incomprehensible and expensive new landfill in Dandan.

Sincerely,

Denise Selk



SOLID WASTE
MANAGEMENT
CONSULTANTS
RECEIVER

February 4, 2010

Senator Telo Taitague
238 Archbishop Flores Street
Suite 501, DNA Building
Hagatna, Guam 96910

Dear Senator Taitague:

Thank you for your call and for sharing copies of the proposed legislation concerning a host community fee and legislation regarding the feasibility for installation of a commercial methane recovery system for the Layon Landfill. I would like to take this opportunity to share with you our thoughts on these two bills.

With respect to Bill 303-30(COR) providing for "Host Community Benefits," this is a common benefit provided for many communities who host landfills when the landfill serves a broader community than their own jurisdiction. Your bill's inclusion of the Ordot community is also understandable, given the history of this issue.

The bill would set an annual amount to be funded from a premium to be established by the Public Utilities Commission and assessed against each residential and commercial customer of the landfill. The aggregate host community premium would be \$150,000 per year for the village of Inarajan, and \$100,000 per year for the village of Ordot. These amounts would be subject to adjustment each year by the amount of the change in the Guam Consumer Price index.

Based on current scale data measuring the amount of waste being deposited into the Ordot Dump, plus estimates of the amount of waste that will be deposited at the new Layon Landfill by the Military, should they become a customer of the new landfill, we can estimate the amount of premium which would be required per ton should your bill become law. The data used to make this estimate is from our Quarterly Report to the District Court dated January 14, 2010. The full Report is available on our website at www.guamsolidwastereceiver.org. The following table represents our best estimate of the premium that would be required:

Government of Guam
Department of Public Works, Solid Waste Management Division
542 North Marine Corps Drive, Tamuning, Guam 96913
Phone: (671) 646-4379, Ext. 201 or 212
www.GuamSolidWasteReceiver.org
www.gbbinc.com

received
2/5/10

Estimated Premium Required to Produce \$250,000 Annually Layon Landfill		
Waste / Premium	With Military Participation	No Military Participation
Estimated Tons	135,849	80,971
Premium Required Per Ton	\$1.84	\$3.09

Given the range of premiums seen in other communities, the amounts shown in the table appear to be reasonable. The amount of any such premium and its allocation between communities is an appropriate decision for the Governor and Legislature of Guam.

You have also asked for our comments concerning Bill 310-30(COR) to create a feasibility plan for the installation of a commercial methane recovery system for the Layon Landfill. Managing the methane gas that is a byproduct of all landfills is a requirement for both the Layon Landfill and the Ordot Dump. The design of the Layon Landfill already includes a system for capturing the methane gas that will be produced. It should be noted, however, that it will be several years before the Layon Landfill produces a sufficient quantity of methane gas to consider any commercial application. This is true because the methane gas is a byproduct of the waste; therefore, a new landfill with little waste in its early years produces little methane gas.

You may also be interested to know that as we design a final closure plan for the Ordot Dump, it will also include a gas recovery system. We will carefully consider any commercial uses that the methane gas may have and evaluate the cost-effectiveness of any additional investment required to clean and commercially use the gas. While the Ordot Dump likely produces a significant quantity of gas, its commercial value is uncertain since neither the actual quantity nor the quality, including the methane content, is known at this time. Our work with design and other consultants will provide insight into these issues, to allow for an informed decision on how best to effectively manage the gas from the Ordot Dump.

Senator Telo Taitague
February 4, 2010
Page 3

We have had some very preliminary discussion with the Guam Power Authority concerning this matter and look forward to further exploration of the matter with them for both the Layon Landfill and the Ordot Dump. We will also consider potential partnerships with other organizations if our work indicates such a partnership may produce a better result for Guam. We will work closely with the Government of Guam and under the supervision of the District Court in making any decisions about this important matter.

Unfortunately, we do not believe that the 180 day time-frame envisioned by your bill is feasible since the work that will be needed to make an informed recommendation in this matter will be a part of a comprehensive examination of the issues surrounding the closure of the Ordot Dump and the design of a specific closure plan. We envision beginning the procurement work for this phase of our work during 2010, but it is not possible to establish a more specific schedule at this time.

We hope this information is helpful. We have also been asked to comment on your proposed legislation by Senator Ada and the Bureau of Budget and Management Research so we are providing them with copies of this letter. Please let us know if we can be of further assistance.

Sincerely,



David L. Manning
GBB's Receiver Representative

c.c. Senator Thomas C. Ada
Director Bertha Duenas

Bureau of Budget & Management Research
Fiscal Note of Bill No. 303-30(COR)

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF 10 GCA RELATIVE TO RECOGNIZING THE VILLAGE OF INARAJAN AS THE HOST COMMUNITY FOR ACCOMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE ISLAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND THE ORDOT DUMP IN THEIR BACKYARDS.

Departmental/Agency Appropriation Information

Table with 2 columns: Dept./Agency Affected and Dept./Agency Head. Rows include Department of Public Works, Department's General Fund (CF) appropriation(s) to date: \$9,724,110, Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund \$7,975,333; Solid Waste Operations Fund \$6,493,337, and Total Department/Agency Appropriation(s) to date: \$24,192,780.

Fund Source Information of Proposed Appropriation

Table with 4 columns: General Fund, Other, Total. Rows include FY 2010 Adopted Revenues (\$540,218,638), FY 2010 Appro. (P.L. 30-55 thru 30-75) (\$540,228,724), Sub-total: (\$10,086), Less appropriation in Bill: \$0, and Total: (\$10,086).

Estimated Fiscal Impact of Bill

Table with 7 columns: One Full Fiscal Year, For Remainder of FY 2010 (if applicable), FY 2011, FY 2012, FY 2013, FY 2014. Rows include General Fund, Host Community Fund, and Total.

- 1. Does the bill contain "revenue generating" provisions? // Yes /X/ No
2. Is amount appropriated adequate to fund the intent of the appropriation? // N/A // Yes // No
3. Does the Bill establish a new program/agency? // N/A // Yes // No
4. Will the enactment of this Bill require new physical facilities? // Yes // No
5. Was Fiscal Note coordinated with the affected dept/agency? // Yes // No

Analyst: [Signature] Date: 2/4/10 Director: [Signature] Date: FEB 04 2010
Bertha M. Ducas, Director, BBMR

Footnotes: 1/ The Bill has a potential fiscal impact, in terms of loss of revenues projected for the Solid Waste Operations Fund as potential revenues are diverted to the Host Community Premiums, which are fees or assessments in addition to the existing tipping fee, and which are for the benefit of the Host Community. A 2% allocation is given to the Department of Administration for administration costs. Such premiums are to be deposited into the Host Community Fund to cover the cost of the host community benefits to include capital improvement projects, determined by the Municipal Planning Council (MPC) of the host community villages of Inarajan and Ordot. The total initial premium established per the Bill for the 1st year, and for each year is \$250,000 (\$150,000 for Inarajan and \$100,000 for Ordot); with a total projected multi-year funding at a minimum of \$1,000,000 over the subsequent 4-year period. The \$1 M in host community premiums shall be adjusted annually equal to the percentage change in the Guam Consumer Price Index at the end of each fiscal year; and that the Public Utilities Commission shall equitably determine the host community premium each for residential and commercial. Additionally, unless the aforementioned capital projects approved by MPC undergo review and approval by Guam Land Use Commission and Application Review Committee, etc. as appropriate, then additional cost impacts may result.



COMMITTEE ON RULES

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

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December 18, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bills No. 301-30 (COR) to 303-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 301-30 (COR) to 303-30 (COR).

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

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

Si Yu'os Ma'åse'!

(1) Attachment

2009 DEC 22 AM 10:30 AM

I Mina' Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 2 of 2

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B303-30 (COR)	T. Taitague, T. C. Ada, F. F. Blas, Jr.	An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the <i>Host Community</i> for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.	12/18/09 1:31 p.m.	12/18/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			



The People

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Appropriations, Taxation,
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Land

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

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 3, 2010

Memorandum

To: All Senators
From: Senator vicente c. pangelinan
Re: Public Hearing

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **8:30am on Wednesday, March 10, 2010** and at **3:00pm** will conduct an oversight of the **Chamorro Land Trust Commission** at the Guam Legislature's Public Hearing Room.

On **Thursday, March 11, 2010**, the Committee will receive testimonies for the **Official Zoning Map and Amendments of the "Dos Amantes" Planning Area, Municipality beginning at 5:30pm** in the Guam Legislature Public Hearing Room.

Copies of the Agenda for March 10 and March 11 are attached for your review.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

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Wed, Mar 3, 2010 at 2:59 PM
First Notice - Public Hearing
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Office of Senator ben pangelinan will hold a public hearing on Wednesday, March 10, 2010 beginning at 8:30am.

**Public Hearing Notice
Wednesday, March 10, 2010
Guam Legislature Public Hearing Room**

Agenda

8:30am

Bill No. 239-30(COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

Bill No. 244-30 (COR): An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010.

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Bill No. 316-30 (COR): An act to add new definitions (j), (k), and (jj) to §1102 of Chapter 1, Title 16; to add a new §3102.2, §3102.3, §3102.4 to Chapter 3, Title 16, to add a new §6233 of Article 2, Chapter 6, Title 4; all of Guam Code Annotated relative to establishing charges and compensation for Department of Revenue and Taxation examiners who perform off-duty examinations.

Bill No. 319-30 (COR): An Act to Amend Section 30103 of Chapter 30, 22 Guam Code Annotated to Amend Section 104203 and Section 104208 and to Repeal Section 104210 of Chapter 104, 21 Guam Code Annotated Relative to Real Estate Broker Licensing Requirements and other purposes.

Bill No. 321-30 (COR): An act to appropriate One Hundred Fifty Two Thousand One Hundred and Three Dollars (\$152,103.00) and Two Hundred Forty Five Thousand Eight Hundred and Two Dollars (\$245,802.00) from the unappropriated Fiscal Year 2008 and 2009 ManPower Development Fund (MDF) Revenues to the Guam Department of Labor (GDOL) and to authorize use of MDF Fuds to hire unclassified workers.

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3:00pm
Oversight of Chamorro Land Trust Commission

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Instrument No. 737022, will be foreclosed.

POWER OF SALE contained in the above mortgage.

The property described below will be sold, WITHOUT WARRANTY BEING GIVEN, express or implied, regarding title, possession, rights of redemption or encumbrances, to the highest bidder at public auction, to be held at the Mayor's office in Mangilao, Guam at 3:00 p.m. on March 10, 2010, in order to satisfy the amount due on the mortgage and its promissory note at the time of the sale. Terms of the sale are cash, certified check or other terms deemed acceptable by Mortgagee. The Mortgagee reserves the right to bid all or part of the amount due on the mortgage at the time of the sale; to reject any bid made at the sale and to withdraw this notice and postpone the sale from time to time. The property subject to the mortgage and to be sold at sale is as follows:

Unit No. D-6, Villa De Oro Condominium, situated on Lot No. 5370-1-2-R3, Mangilao (formerly Barrigada), Guam, as said lot is marked and designated on Map Drawing No. ES-9235, recorded in the Department of Land Management, Government of Guam on March 11, 1993 under Document No. 485643.

The amount due the Mortgagee is for the sum of \$114,885.60, accrued interest as of October 20, 2009 of \$3,129.01, interest at the rate of 7.21% from October 20, 2009 to the date of full payment, attorney fees, and costs of this sale. The undersigned are the attorneys for the Mortgagee and hereby give notice that they are attempting to collect a debt and any information that is obtained will be used for that purpose.

Dated this 11th day of February, 2010.

McCULLY & BEGGS, P.C.,
Attorneys for Citibank, N.A.
By /s/MARK S. BEGGS
GUAM)

On this 11th day of February, 2010, before me, the undersigned Notary, personally appeared, MARK S. BEGGS, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as attorney for Citibank, N.A.

/s/MAUREEN E. TAITANO
NOTARY PUBLIC

In and for Guam, U.S.A.

My Commission Expires:

Aug. 15, 2010

Ste. 200, 139 Murray Blvd., Hagåtña



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

Senator vicente "ben" c. pangelinan

Public Hearing Notice

Wednesday, March 10, 2010, Guam Legislature Public Hearing Room

8:30am

Agenda

Bill No. 239-30 (COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

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3:00pm Oversight of Chamorro Land Trust Commission

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Senator vicente (ben) c. pangelinan (D)

March 8, 2010

Memorandum

To: ~~All~~ Senators

From: Senator vicente c. pangelinan

Re: SECOND NOTICE Public Hearing

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

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Committee on Education

Member
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Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
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The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **8:30am on Wednesday, March 10, 2010** and at **3:00pm** will conduct an oversight of the **Chamorro Land Trust Commission** at the Guam Legislature's Public Hearing Room.

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For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase,



Angelica Okada <aokada@guamlegislature.org>

Second Public Hearing Notice_All Senators

Anjelica Kulani Okada <aokada@guamlegislature.org>

Mon, Mar 8, 2010 at 8:50 AM

To: "Senator Tom C. Ada" <tom@senatorada.org>, "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J.B. Calvo" <sencalvo@gmail.com>, "Vice-Speaker Benjamin J. Cruz" <senadotbjcruz@gmail.com>, "Senator James V. Espaldon" <senator@espaldon.com>, "Senator Juith T. Guthertz, DPA" <judiguthertz@pticom.com>, "Senator Tina R. Muna-Barnes" <tinamunabarnes@gmail.com>, "Senator Adolpho B. Palacios" <ABPalacios@gmail.com>, "Senator Rory J. Respicio" <ronyforguam@gmail.com>, Senator Ray Tenorio <ray@raytenorio.com>, Senator Telo Taitague <senatortelo@gmail.com>, "Speaker Judith T. Won Pat" <info@judiwonpat.com>, Senator ben pangelinan <senbenp@guam.net>

Cc: COS - Frank Torres <fbtorres@yahoo.com>, Lisa Cipollone <cipo@guamlegislature.org>

Please see attached.

--

Anjelica Kulani I. Okada
Policy Research Analyst
I MINA'TRENTA NA LIHESLATURAN GUAHAN
senator vicente "ben" c. pangelinan
Committee on Appropriations, Taxation, Retirement, Banking, Insurance, and Land.
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Anjelica Kulani Okada <aokada@guamlegislature.org>

Mon, Mar 8, 2010 at 8:43 AM

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Wednesday, March 10, 2010 Guam Legislature Public Hearing Room Agenda

8:30am

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Bill No. 261-30 (COR): An act relative to transferring Lot Nos 20 and 21 of Block 11 Tract 268 located in the Municipality of Yona to the Yona Mayor's Office for the benefit of the residents of the village and the island community.

Bill No. 283-30 (COR): An act to amend Section 9102 of 2GCA relative to ensuring the rights of the members of *I Liheslaturan Guahan* to obtain a fiscal note on legislation placed on its session agenda.

Bill No. 298-30 (COR): An act to Amend §7120.2 of Chapter 7 Title 16 of Guam Code Annotated relative to Vehicle Registration Fees for Veterans rated at a 100% permanent and total disability.

Bill No. 303-30 (COR): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot

I MINA'TRENTA NA LIHESLATURAN GUAHAN
senator vicente "ben" c. pangelinan
Committee on Appropriations, Taxation, Retirement, Banking, Insurance, and Land.
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Wednesday, March 10, 2010

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SPORTS

NOTES

▲ Continued from Page 30

Champion Sporting Goods, Hog Wild, Big Hoop. An tournament fee must be paid at the Guam Restaurant's Co-op no later than March 20. Official rules are online at www.guamhunting.com. Info: Tom at 483-7491, Pete at 688-1421 or Ray at 482-0081.

Swimming. Department of Parks and Recreation begins swimming classes registration 8 a.m. to 2 p.m. March 8 through March 12 at the Hagibis pool. Fee is \$50 per student. Limit 10 students per class. Classes are Tuesdays and Thursdays from March 16 through April 15. Classes for 5- and 6-year-olds 3 to 4 p.m., classes for 7- through 9-year-olds 4 to 5 p.m., and classes for 10- through 12-year-olds 5 to 6 p.m. Info: Allen Ignacio at 472-8718.

Department of Parks and Recreation kite-gliding classes registration 8 a.m. to 2 p.m. March 8 through March 12 at the Hagibis pool. Participants are required to take a pre-test 8:30 to 9:30 p.m. March 15 at Hagibis pool. Info: Allen Ignacio at 472-8718.

ON THE AIR

TODAY

- ▲ **NASCAR:** Atlanta Motor Speedway, 3 a.m. on FOX6.
- ▲ **College basketball:** Florida at Kentucky, 3 a.m.; Missouri Valley Conference championship game, 5 a.m.; and Michigan at Michigan State, 7 a.m. on TV11.
- ▲ **NHL:** Detroit at Chicago, 3:30 a.m. on TV8.
- ▲ **PGA Tour:** Honda Classic, 5 a.m. on TV8
- ▲ **Bull riding:** Built Ford Tough

Invitational, 11 a.m. on GUOTV Channels 42/452

- ▲ **NBA:** Washington Wizards at Boston Celtics, 11 a.m.; and Portland Trail Blazers at Denver Nuggets, 1:30 p.m. on GUOTV Channels 30/400.
- TOMORROW**
- ▲ **NHL:** Dallas at Washington, 10 a.m. on GUOTV Channels 42/452.

Information for On the Air is provided by ABC7, FOX6, GUOTV, K-57, KUAM and MCV. The Pacific Daily News is not responsible for any changes in scheduling.

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Minis' Traits Na Lhasanar Guahan THIRTIETH GUAM LEGISLATURE
Senator vicere *hon' a pangasinan*
Public Hearing Notice
Wednesday, March 10, 2010, Guam Legislature Public Hearing Room
8:30am

Bill No. 238-30 (COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,530) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

Bill No. 244-30 (COR): An Act to amend Section 6540(a) of Chapter 66 of Title 21 Guam Code Annotated relative to restoring the DPW Building and Design Fee Account for the purpose of funding the operations of the Division of Engineering, Capital Improvement, Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for P2200.

Bill No. 249-30 (COR): An act to amend 552430 of Chapter 32 of 5 GCA relative to use of government funds for disseminating public information.

Bill No. 251-30 (COR): An act relative to transferring lot Nos. 20 and 21 of Block 11, Tract 255 located in the Municipality of Yona to the Vice Mayor's Office for the benefit of the residents of the Village and the exact community.

Bill No. 283-30 (COR): An act to amend Section 9102 of 26CA relative to amending the rights of the members of a Legislative Guahan to obtain a fiscal note on legislation placed on its session agenda.

Bill No. 286-30 (COR): An act to Amend 572102 of Chapter 7 Title 16 of Guam Code Annotated relative to Vehicle Registration Fees for Vehicles titled at a 100% percentage and total disability.

Bill No. 303-30 (COR): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Ipanan as the Host Community for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Layon Landfill and the Orbit Dump in their capacity.

Bill No. 316-30 (COR): An act to add new definitions (i), (j), and (k) to 51022 of Chapter 1, Title 16, to add a new 52022, 52023, 52024 to Chapter 3, Title 36, to add a new 56223 of Article 2, Chapter 5, Title 4, all of Guam Code Annotated relative to establishing charges and compensation for Department of Revenue and Taxation examiners who perform off-duty examinations.

Bill No. 319-30 (COR): An Act to Amend Section 30703 of Chapter 30, 22 Guam Code Annotated to Amend Section 104203 and Section 104203 and to Repeat Section 104204 of Chapter 104, 21 Guam Code Annotated Relative to Real Estate Broker Licensing Requirements and other purposes.

Bill No. 321-30 (COR): An act to appropriate One Hundred Fifty Two Thousand One Hundred and Thirty Dollars (\$152,133.00) and Two Hundred Forty Five Thousand Eight Hundred and Two Dollars (\$245,802.00) from the unappropriated Fiscal Year 2008 and 2009 ManPower Development Fund (MPDF) Revenues to the Guam Department of Labor (GDOL) and to authorize reuse of MPDF Funds to hire unclassified workers.

Bill No. 325-30 (COR): An Act to add a new 328971a and a new Subarticle b to Chapter 28, Part 5, Division 1 of Title 18 of the Guam Code Annotated and for other purposes.

Bill No. 327-30 (COR): An act to amend 562071e and 23031b, and to add a new 522313j to Article 3, Chapter 2, of Title 11 Guam Code Annotated relative to petroleum sale, accounting and inspection of petroleum products.

\$300,000 Oversight of Chamorro Land Trust Commission

For copies of bills, you can log onto <http://guamlegislature.com>

If you require any special accommodations, please contact the Office of Senator Ben Pangasinan at 473-94235, email at benpang@guam.net or by text at [671-688-8329](tel:671-688-8329)

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Phone: (671)735-5514/735-5517 • Fax: (671)735-5514 • TDD: (671)734-8324

NOTICE OF FUNDING AVAILABILITY
For the Program Year 2010
Workforce Investment Act, Title IV Adult Education & Family Literacy Act
Carl D. Perkins Act of 2006, Career & Technical Education

The State Agency for Adult and Career & Technical Education (Guam Community College) is anticipating the announcement of the availability of Federal education funds for the implementation of:

- Adult Education Programs described in the Guam State Plan for Workforce Investment Act, Title IV Adult Education & Family Literacy Act, July 1, 2005-June 30, 2010 (WIA, 1998) (CFDA 84.002) as amended;
- Career and Technical Education Programs described in Guam's Career and Technical Education State Plan, July 1, 2008-June 30, 2013 (Carl D. Perkins Act of 2006) (CFDA 84.048).

The State Agency Office (GCC-Planning & Development Office) is inviting eligible providers/recipients, as defined below, to submit applications:

- Eligible provider (WIA, Title I §2012(5)) is defined as (A) a local educational agency; (B) a community-based organization of demonstrated effectiveness; (C) a volunteer literacy organization of demonstrated effectiveness; (D) an institution of higher education; (E) a public or private nonprofit agency; (F) a library; (G) a public housing authority; (H) a nonprofit institution that is not described in any of the above (A)-(G) and has the ability to provide literacy services to adults and families; and (I) a consortium of the agencies, organizations, institutions, libraries, or activities described in any of the above (A)-(H).
- Eligible recipient (Carl D. Perkins, Career & Technical Education Empowerment Act of 2006) is defined as (A) a local educational agency, an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131 of (B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132

Estimated total program funds: \$700,000. Estimated number of awards: 10
Cost of Shipping or Mailing requirement: N/A

The State Agency Office (Planning and Development) will conduct two Technical Assistance Workshops for eligible providers interested in applying for adult education and family literacy program funds (WIA, Title I) applicants; workshop will be held on Wednesday, March 16, 2010 from 8:30 a.m. to 12:00 noon. For career & technical education program funds (Perkins IV) applicants; workshop will be held on Thursday, March 18, 2010 from 8:30 a.m.-12:00 noon. Both sessions will be held at GCC's Mangilao campus in Room 1201, Technology Center. Interested eligible providers should call for reservations by Wednesday, March 10, 2010. Please call Ms. Tori Chamberlain at 735-5514 for reservations, or if you should require special accommodations, Mini Clinics will also be conducted Monday through Friday, March 22-26 from 4:00-5:00 p.m. in the ASD Conference Room of GCC's Student Services and Administration Building.

Interested eligible providers/recipients should pick up application forms at GCC's Planning & Development Office, Room 2209 or 2210, Student Services and Administration Building beginning March 3, 2010. The deadline for submission of application is 5:00 p.m., April 15, 2010 at the Planning & Development Office. The application is subject to evaluation and availability of Federal funds.

This advertisement may also be viewed electronically at www.guampdn.com (What's New), if electronic access problems occur, please contact Ms. Tori Chamberlain at (671)735-5514 or E-mail torichamberlain@guampdn.com.

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/s/ Carmen K. Senita
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

Public Hearing Notice
Wednesday, March 10, 2010
Guam Legislature Public Hearing Room

Agenda

8:30am

Bill No. 239-30(COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

Bill No. 244-30 (COR): An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010.

Bill No. 249-30 (COR): An act to amend §52430 of Chapter 22 of 5 GCA relative to use of government funds for disseminating public information.

Bill No. 261-30 (COR): An act relative to transferring Lot Nos 20 and 21 of Block 11 Tract 268 located in the Municipality of Yona to the Yona Mayor's Office for the benefit of the residents of the village and the island community.

Bill No. Bill No. 283-30 (COR): An act to amend Section 9102 of 2GCA relative to ensuring the rights of the members of *I Liheslaturan Guahan* to obtain a fiscal note on legislation placed on its session agenda.

Bill No. 298-30 (COR): An act to Amend §7120.2 of Chapter 7 Title 16 of Guam Code Annotated relative to Vehicle Registration Fees for Veterans rated at a 100% permanent and total disability.



Office of

The People

Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 15, 2010

Memorandum

To: All Senators
From: Senator vicente c. pangelinan
Re: Public Hearing - FIRST NOTICE

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

Member
Committee on Education

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

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

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Thursday, April 22, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program.

Bill No. 371-30 (COR)(pangelinan): An Act to Amend Section 11 of Public Law 30-101 Relative to the Appropriation to the Guam Veterans Affairs Office.

At the request of the Inarajan Mayor, Mr. Franklin M. Taitague, we will conduct a second public hearing beginning at **6:00pm on Thursday, April 22, 2010** on:

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. The hearing will begin at 6:00pm at the Inarajan Mayor's Office.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

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Wed, Jun 23, 2010 at 11:26 AM

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--
Lisa Cipollone
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(671) 473-4236
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Angelica Okada <aokada@guamlegislature.org>

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Josh Tyquiengco <jtyquiengco@spbguam.com>
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PUBLIC HEARING

Thursday, April 22, 2010

AGENDA

9:00 AM

Location: Guam Legislature Public Hearing Room

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program

Bill No. 371-30 (COR)(pangelinan): An Act to amend Section 11 of Public Law 30-101 Relative to the appropriation to the Guam Veterans Affairs Office.

6:00 PM

Location: Inarajan Mayor's Office

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

--

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

Local Briefs

Governor off to Pohnpei

(ADELUP) - Governor Felix P. Camacho left Guam yesterday to attend the Pacific Islands Development Bank Board of Governors two-day meeting in Pohnpei, which began yesterday. The governor is expected to return tonight.

Summer workshops offered

(UOG) - The University of Guam's 4H Youth Development Program is offering 10 workshops on different fields. All workshops have a registration fee of \$800 and maximum of 25 students, except for the fisheries workshop, which has a registration fee of \$275 and maximum of 30 students.

The workshops are offered

to children from 8 to 15 years old, except for arts and crafts and horticulture workshops which have an age limit of 13 years old.

- Schedules are as follows:
- ▶ Arts and crafts, May 31 to June 4
 - ▶ Youth finance and entrepreneurship, May 31 to June 4
 - ▶ Computer and basic graphic design, May 31 to June 4
 - ▶ Horticulture: May 31 to June 4
 - ▶ Photography: June 7 to 11
 - ▶ Fitness and nutrition cooking: June 7 to 11
 - ▶ Entomology: June 7 to 11
 - ▶ Science, engineering and technology: June 14 to 18
 - ▶ Animal Care: June 14 to 18
 - ▶ Fisheries: June 24 to July 9
- For more information and applications, call 4H Youth Development Program at 735-2040-45 or fax 734-4448.

GFT begins contract renewal negotiation for nurses, bus drivers

By Tiffany Sukola
tiffany@mvguam.com
Variety News Staff

WITHOUT fair working conditions for hospital nurses and school bus drivers, the Guam Federation of Teachers says local residents could fall victim to a substandard healthcare system and thousands of public school children could be put in unnecessary danger.

GFT president Matt Rector said the union is currently negotiating renewal contracts for Guam Memorial Hospital nurses and Department of Public Works bus drivers to ensure that fair working hours, among other standard working conditions, are included in the renewal contracts.

If employees are not guaranteed good working conditions, Rector said job performance will dramatically decline putting the residents who use their services at risk.

"You don't want your nurse at GMH to have to work 16-hour shifts every day," Rector said, noting the importance of protecting employees who are tasked with vital jobs. "You also don't

want your kid's bus driver to suffer from poor working conditions, that's just not smart."

Rector said negotiations for nurses and bus drivers are on-going.

The contract for DPW bus drivers has already been negotiated, but is still awaiting signature from the agency's current director, Andy Leon Guerrero.

According to Rector, the process took a long time because the former public works director, Larry Perez, refused to sign.

Rector said the former public works director wanted to include a clause in the contract that would prevent the contract from being voided. However, when GFT said it would not agree to that term, the contract was put on hold.

Rector said all that separates DPW bus drivers from a fair work-

ing contract is current acting director Andy Leon Guerrero's signature. Rector said GFT is still waiting for a response from Leon Guerrero.

Contract negotiations for GMH nurses, on the other hand, are still in the initial stages said Rector.

"We're just starting the process, and we're working on a good plan," said Rector of the process to negotiate the hospital's second contract with GFT.

Rector said GFT also wants the contract to address the need for a reasonable nurse to patient ratio. He said that ratios of 40 to one, which GMH has had in prior years, are not acceptable.

Similar to teacher-student ratios in schools, the nurse-patient ratio is vital to providing patients with an above average level of healthcare.

"Good working conditions for nurses and bus drivers are lifesaving conditions for Guam's families," Rector said.



NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct a Regular Meeting on Thursday, April 22, 2010 at 12:00 p.m. in the Justice Monessa G. Lujan Appellate Courtroom, Third Floor, Guam Judicial Center, 120 West O' Brian Drive, Hagåtña, Guam. An agenda will be made available prior to the meeting.

Persons needing special accommodations, auxiliary aids or services should contact the Administrator of the Courts at 475-3544 or Joleen F. Respicio at 475-3300 or at the address above.

/s/ CHIEF JUSTICE ROBERT J. TORRES
Chairman

Guam Housing and Urban Renewal Authority

Board of Commissioners' Meeting
10 A.M. THURSDAY,
APRIL 22, 2010

GHURA Conference Room
2nd Floor, Sinajana, Guam

For special accommodation,
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

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

PUBLIC HEARING
Thursday, April 22, 2010

AGENDA

9:00 AM

Location: Guam Legislature Public Hearing Room

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article I, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program

Bill No. 371-30 (COR) (pangelinan): An Act to amend Section 11 of Public Law 30-101 Relative to the appropriation to the Guam Veterans Affairs Office.

6:00 PM

Location: Inarajan Mayor's Office

Bill No. 303-30 (COR) (Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the Host Community for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 475-3236, email at senpang@mvguam.net or log onto www.senpang.org. This ad paid for with government funds.

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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangellinan
Office of the People

PUBLIC HEARING
Thursday, April 22, 2010
AGENDA

- 9:00 AM**
Location: Guam Legislature Public Hearing Room
- Bill No. 370-30 (COR) (pangellinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program**
- Bill No. 371-30 (COR)(pangellinan): An Act to amend Section 11 of Public Law 30-109 Relative to the appropriation to the Guam Veterans Affairs Office.**
- 6:00 PM**
Location: Inarajan Mayor's Office
- Bill No. 303-20 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the Host Community for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordo Dump in their backyards.**
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**Sol No.: N62742-10-R-1304
HOSPITAL REPLACEMENT
GUAM NAVAL HOSPITAL**

Bid Date: 13 May 2010 at 2 pm (HST)

Black Construction Corporation is seeking participation from Small Businesses, Small Disadvantaged Businesses, HubZone Small Businesses, Woman-owned Small Businesses, Service-disabled Veteran-owned Small Businesses, Veteran-owned Small Businesses, Ability One (formerly JWOD NISH) organizations and HBCU / Minority Institutions in providing subcontracting opportunities for the referenced Bid above.

All inquires and interested businesses are requested to contact the following:

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Contact: Jesse Pangelinan (ext. 833)
smallbusiness@blackguam.com

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Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 20, 2010

Memorandum

To: All Senators
From: Senator vicente c. pangelinan
Re: Public Hearing - SECOND NOTICE

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

Member
Committee on Education

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

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

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Thursday, April 22, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program.

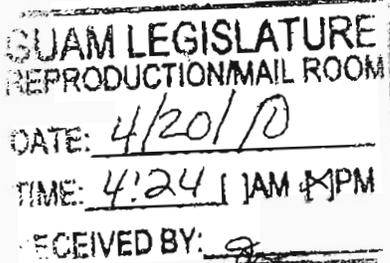
Bill No. 371-30 (COR)(pangelinan): An Act to Amend Section 11 of Public Law 30-101 Relative to the Appropriation to the Guam Veterans Affairs Office.

At the request of the Inarajan Mayor, Mr. Franklin M. Taitague, we will conduct a second public hearing beginning at **6:00pm on Thursday, April 22, 2010** on:

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. The hearing will begin at 6:00pm at the Inarajan Mayor's Office.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase.





Angelica Okada <aokada@guamlegislature.org>

FW: Public Hearing - SECOND NOTICE

Yong Pak <yong@guamlegislature.org>
To: Anjelica Okada <aokada@guamlegislature.org>

Wed, Jun 23, 2010 at 11:27 AM

From: Lisa Cipollone [mailto:cipo@guamlegislature.org]
Sent: Tuesday, April 20, 2010 4:35 PM
To: Tom Ada; fbaguon.guam@hotmail.com; Frank B. Aguon, Jr.; Frank F. Blas, Jr.; Edward J.B. Calvo; senadotbjcruz@gmail.com; Jimmy Espaldon; Senator Judi Guthertz; Tina Muna Barnes; Adolpho B. Palacios; Rory J. Respicio; Ray Tenorio; Telo Taitague; Judi Won Pat; senatortonyada@guamlegislature.org
Cc: Stephanie Mendiola; Bill Phillips; feaburgos@gmail.com; fbtorres@yahoo.com; jamespcastro@gmail.com; juliette@senatorada.org; patrick cepeda; rjquitugua@gmail.com; mona.duenas@gmail.com; phill@raytenorio.com; epogue@hotmail.com; roberto.phil@gmail.com; Robert Tupaz; Pat Santos; Yong Pak; tungsiog@guamlegislature.org
Subject: Public Hearing - SECOND NOTICE

Please see attached.

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

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Angelica Okada <aokada@guamlegislature.org>

Fwd: Public Hearing - SECOND NOTICE

Josh Tyquiengco <jtyquiengco@spbguam.com>
To: aokada@guamlegislature.org

Wed, Jun 23, 2010 at 1:18 PM

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

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Subject: Public Hearing - SECOND NOTICE

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PUBLIC HEARING

Thursday, April 22, 2010

AGENDA

9:00 AM

Location: Guam Legislature Public Hearing Room

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

GPD seeks community dialog



By Jennifer Naylor Gesick
jennifer@mvguam.com
Variety News Staff

IN AN effort to get more people involved in fighting criminal activity, the Guam Police Department will hold

a community meeting at 6:30 p.m. on Thursday at the Yona Community Center.

GPD wants to encourage as many people from Yona and the surrounding villages to attend this meeting and share their concerns with authorities, GPD spokesman John Edwards said.

Edwards said members of the community with any ideas, information or worries about crimes in their area should be there to help make their village a safer place. "We are going to be there to listen to

the concerns of the community and start gearing a lot of our community based actions as well as neighborhood patrols toward that," he said.

Another meeting will be held at the police substations in Yigo and Mangilao, but the dates have yet to be set.

"We want them to bring their concerns and help with continuing police efforts to help us out with things like information on crimes or to keep an open eye on the community so it can police itself and help us police it as well," Edwards said.

GPD plans to have more meetings with other villages in the near future, Edwards said.



From left, veterans Tom Devlin, Art Mesa, Frank Crisostomo, and Office of Veterans Affairs administrator Fred Gofigan, listen to Dr. Anita Borja Enriquez announce the awarding of a grant to start the Veterans Business Outreach Center on Guam at the University of Guam Monday. Zita Y. Taitano / Variety

Center soon to open for veterans eyeing business

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

THE Veterans Business Outreach Center in Asan will soon open for veterans who are seeking to start a business.

The center will offer a place, information resources and an adviser who can provide veterans with all the information they need to start a business.

The University of Guam's School of Business and Public Administration, the Office of Veteran's Affairs and the Small Business Administration, along with advocates for veterans, gathered yesterday during the announcement of the grant awarded to the Veterans Business Outreach Center. The opening date for the center has yet to be set.

Guam's program is among the eight new veterans business centers all over the nation that have been awarded a total of \$2.5 million in grants. Guam's center was awarded

\$150,000 for fiscal year 2010.

"It was a competitive grant application," said Anita Borja Enriquez, dean of the business school. She acknowledged the collaborative efforts of all the parties involved to get the grant and cited the Business Resources in Action.

Veterans Affairs Office administrator Fred Gofigan said that a significant number of veterans attend SBA's annual small business conference.

He was approached by Ken Lujan, SBA administrator for Guam, to advise him to take advantage of the grant funding to help those veterans.

Lujan said with the military buildup at the island's front door, the center will provide new opportunities for veterans. "We have a lot of reservists and guards men coming back from the desert looking for the business opportunity. We can help fine-tune their skills," he said.

Frank Crisostomo, the outreach center's director, said he will go to veterans who are unable to make it down to the Asan office.

"With today's modern technology, I do have a lap top and I will travel," Crisostomo said, adding that as a veteran himself, he believes he can help.

"Should someone come to me for procurement assistance, I can work with that individual but at the same time I can go to the resource partners. I think my biggest job right now is to set milestones. Find veterans, bring success either through funding, starting the business, marketing the business," he said.

Veterans advocate Art Mesa said the center is also beneficial for disabled veterans. "This has never been done before. This opportunity has never been presented to these guys before," he said.

Community

The Department of Agriculture's Division of Aquatic and Wildlife Resources will be hosting a marine preserve planning session to discuss the management of recreational and commercial activities in the Piti Bomb Holes Marine Preserve. The session will be held at the Hagatna Youth Center on Tuesday, April 27, from 6 to 8 p.m. Call 735-3955.

The Guam Visitors Bureau Board of Directors will hold a regular board meeting on Thursday, April 22, at 4 p.m. in the GVB main conference room. For assistance, call 646-5278.

The Department of Parks and Recreation will be conducting free swimming lessons on Saturdays, starting May 8 through May 29. Registration is from April 19

to 30, 8 a.m. to 3 p.m. at the Hagatna Pool. Registration is on a first come, first served basis. The classes are limited to 20 students per age group. For ages 13 and above, the swimming lesson will be from 10 to 11 a.m. For ages 8 to 12 years, the swimming lesson is from 11 a.m. to noon. For 5 to 7 years old, the swimming lesson is from noon to 1 p.m. DPR is also conducting free Youth Water Polo lessons for ages 11 to 17 on Wednesdays, from 6:30 to 7:45 p.m. For more information, call the Hagatna Pool at 472-8718.

The Port Authority of Guam Board of Directors rescheduled its April 22 meeting to Thursday, April 29, at 5 p.m. in the board of directors conference room located on Cabras Island in Piti. For info, call 477-5931, ext 430.

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Come to the GAIN Animal Shelter in Yigo or call 653-4246.

Mina' Frenta Na Lihesdaturan Guahan
TIKHTU GUAM LEGISLATURE

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

PUBLIC HEARING
Thursday, April 22, 2010

AGENDA

9:00 AM
Location: Guam Legislature Public Hearing Room

BILL No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program

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6:00 PM
Location: Inarajan Mayor's Office

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If you require any special accommodations, please contact the Office of Senator Ben Pangelinan at 473-4256. E-mail at: bpangelinan@pangelinan.com or bpangelinan@legis.gov.gu. This ad paid for with government funds.

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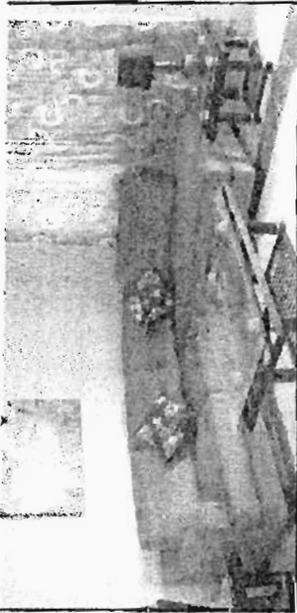


Mina Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
 Senator vicente "ben" c. pangellinan
 Office of the People

PUBLIC HEARING
 Thursday, April 22, 2010

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MANGILAO: Land, 1,706sqm Front of Rt. 10. \$150K
TAMUNING: Land Flat, R2 929sqm, \$165K
TAMUNING: Land Flat, 1,984sqm, R2. Includ, 12 units Condo Const. Plan. \$425K
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

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

PUBLIC HEARING
Thursday, April 22, 2010
Inarajan Mayor's Office
6:00pm

AGENDA

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 7/2/10

VOTING SHEET

SBill No. 303-30(COR)

Resolution No. _____

Question: _____

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

TOTAL

15 _____

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 FEB 19 PM
MM

Bill No. 303-30(cov)

Introduced by:

Telo Taitague
T. C. Ada
F. F. Blas, Jr.

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51 OF 10GCA RELATIVE TO RECOGNIZING THE VILLAGE OF INARAJAN AS THE *HOST COMMUNITY* FOR ACCOMODATING THE SOLID WASTE DISPOSAL NEEDS OF THE ENTIRE ISLAND OF GUAM RESULTING FROM THE OPERATION OF THE LEYON LANDFILL AND THE ORDOT DUMP IN THEIR BACKYARDS."

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

2 **Section 1.** A new Article 10 is *added* to Chapter 51 of 10GCA to read as follows:

3

4

Article 10

5

6

Host Community Benefits

7

8 **§511001. Definitions.** As used in this Article are as follows:

9

10 *Host Community* means the concept of community master planning where benefits
11 are provided to the geographic region of a community where solid waste management
12 facilities are located such as sanitary landfills, incinerators and gasification facilities.

13

14 *Host Community Benefits* means any capital improvement projects that are funded
15 by premiums collected for the benefit of the host community.

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Host Community Premiums means any premium assessed in addition to the tipping fee to cover the cost of the host community benefits.

Host Community Fund means a fund of the government of Guam that is separate and apart from all other funds of the government of Guam that shall be used for exclusive the benefit of the Host Community.

§511002. Host Community. For purposes of this Article, the host community shall be the villages of Inarajan and Ordot.

§511003. Host Community Benefits. Host community benefits may include, but not be limited to, the following:

- (a) Youth, Senior and Community Centers;
- (b) Recreation areas to include parks, sports fields and public gathering areas;
- (c) Infrastructure to provide access to utilities, telecommunications, television and internet services to areas where providing such services are cost prohibitive; and
- (d) Village Beautification projects.

§511004. Host Community expenditures. The municipal planning council of the *host community* village shall determine the projects to be funded for the village.

§511005. Host Community premiums. The host community premium shall be assessed from the opening of the landfill until the closing of the landfill. The aggregate *host community premium* is One hundred fifty thousand dollars (\$150,000) per year for the village of Inarajan and One hundred thousand dollars (\$100,000) per year for the

1 village of Ordot, as adjusted. The *host community premium* shall be adjusted annually
2 by a factor equal to the percentage change in the Guam Consumer Price index at the end
3 of each fiscal year. The Public Utilities Commission (PUC) shall equitably determine the
4 *host community premium* for each residential and commercial.

5
6 **§511006. Host Community Fund Management.** The management of *the host*
7 *community fund* shall be the responsibility of the Department of Administration. The
8 Department of Administration shall retain two (2%) percent of all collections by the fund
9 to cover the cost of administration. The *host community fund* shall not be commingled
10 with any other fund of the Government of Guam. No expenditure shall be made from the
11 fund that is not approved by resolution of the host community municipal planning council.
12 The *host community fund* shall be subject to periodic audit by the Office of Public
13 Accountability and not subject any transfer authority.