



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 DEC 17 PM 4:05

DEC 14 2010

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. 474-30 (COR): "AN ACT TO REPROGRAM THE SUM OF ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000) FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS" which was signed into law on December 13, 2010 as **Public Law 30-217**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Handwritten notes: 3-455/10, 12/17/10

Attachment: copy of Bill

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

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

This is to certify that Substitute Bill No. 474-30 (COR), "AN ACT TO REPROGRAM THE SUM OF ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000) FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS", was on the 30th day of November 2010, duly and regularly passed.



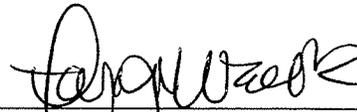
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at
1100 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 13 Dec. 2010

Public Law No. P.L. 30-217

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

Bill No. 474-30 (COR)

As substituted by the Committee on Economic Development,
Health and Human Services, and Judiciary,
and further substituted and amended on the Floor.

Introduced by:

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

**AN ACT TO REPROGRAM THE SUM OF ONE
MILLION FIFTY THOUSAND DOLLARS (\$1,050,000)
FROM UNUSED BOND PROCEEDS TO THE
DEPARTMENT OF PUBLIC WORKS FOR THE
PAVING OF VILLAGE STREETS AND THE REPAIR OF
DAMAGES TO VILLAGE STREETS AS A RESULT OF
TRAFFIC DIVERSIONS RELATED TO ONGOING
ROAD CONSTRUCTION PROJECTS.**

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1. Appropriation to the Department of Public Works for**
- 3 **Various Road Repairs.** The sum of One Million Fifty Thousand Dollars

1 (\$1,050,000) is hereby appropriated from the balances of the appropriations
2 contained in §1513 of Article 5, Chapter 1 of Title 5, Guam, Code Annotated, to the
3 Department of Public Works for said purposes. *No* funds appropriated herein shall
4 be used for damage caused by road construction for the Department of Defense.
5 Damage and/or mitigation for secondary roads that result from Department of
6 Defense road projects *shall* be paid by the Department of Defense.

7 **Section 2. Additional Authorizations.** Of the amounts appropriated in
8 Section 1 of this Act, *not less than*:

9 (a) Two Hundred Fifty Thousand Dollars (\$250,000) is reserved
10 for the repair of street damages or associated traffic mitigation actions within
11 the village of *Barrigada*, including the *Toto-Cañada* Road, caused by
12 increased traffic resulting from the road construction project at the tri-
13 intersection of Routes 8, 10 and 16.

14 (b) Eight Hundred Thousand Dollars (\$800,000) is reserved for
15 completion of the Gill Baza access road within the village of *Yigo*, as
16 determined by the Department of Land Management and the Department of
17 Public Works. The construction of the Gill Baza access road *shall not*
18 commence *prior* to the grant of public access for said road easement.

19 (c) The funds identified herein *shall* be applied *solely* for the
20 purposes set forth, and *shall not* be subject to the transfer authority of *I*
21 *Maga'lahaen Guåhan*.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 11/30/10

VOTING SHEET

SBill No. 474-30(COR)

Resolution No. _____

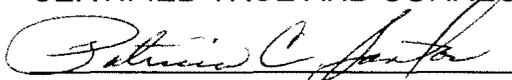
Question: _____

<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.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray /	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

November 23, 2010

Honorable Judith T. Won Pat
Speaker
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

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

RE: Committee Report - Bill No. 474-30 (COR), as Substituted by the Committee.

2010 NOV 23 PM 3:22
W

Dear Speaker Won Pat:

Transmitted herewith is the **Committee Report** on Transmitted herewith for your consideration is the Committee Report on **SUBSTITUTE BILL NO. 474-30 (COR)**; "AN ACT TO APPROPRIATE THE SUM OF \$1,000,000 FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS." Introduced by Telo Taitague, F. B. Aguon, Jr., and T. C. Ada, and referred to the Committee on Economic Development, Health & Human Services, and Judiciary. Bill No. 474-30 (COR) was publicly heard on November 16, 2010.

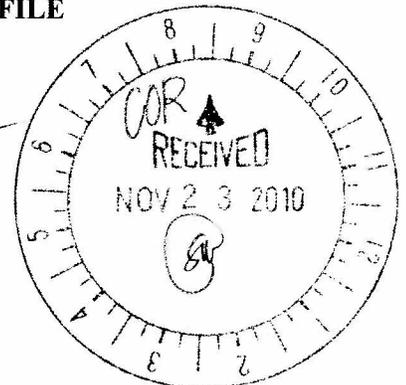
Committee votes are as follows:

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

Respectfully,

SENATOR FRANK B. AGUON, JR.

Attachment



FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



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**COMMITTEE
REPORT
ON**

BILL NO. 474-30 (COR), as Substituted

Sponsored by Telo Taitague, F. B. Aguon, Jr., and, T. C. Ada.

**“AN ACT TO APPROPRIATE THE SUM OF \$1,000,000 FROM
UNUSED BOND PROCEEDS TO THE DEPARTMENT OF
PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS
AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A
RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING
ROAD CONSTRUCTION PROJECTS.”**



**COMMITTEE ON ECONOMIC DEVELOPMENT,
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November 15, 2010

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

Subject:
BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

MEMORANDUM

To: ALL MEMBERS

Committee on Economic Development, Health & Human Services, and
Judiciary

From: SENATOR FRANK B. AGUON, JR.
Committee Chairperson

Committee Report on Bill No. 474-30 (COR), as Substituted.

Transmitted herewith for your consideration is the Committee Report on **SUBSTITUTE BILL NO. 474-30 (COR)**; "AN ACT TO APPROPRIATE THE SUM OF \$1,000,000 FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS;" Sponsored by Telo Taitague, F. B. Aguon, Jr., and, T. C. Ada.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Substitute Bill No. 474-30 (COR)
- Copy of Bill No.474-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 474-30 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

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 me.

Si Yu'os ma'åse'!

Attachment



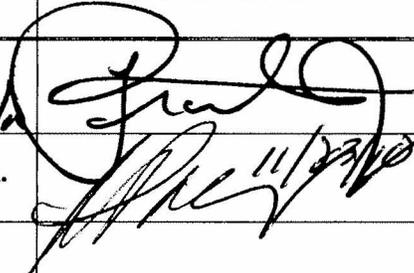
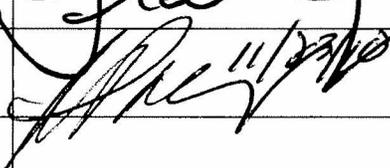
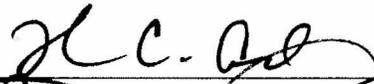
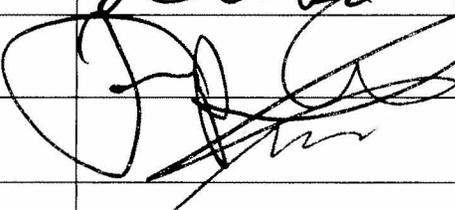
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COMMITTEE VOTING SHEET

BILL NO. 474-30 (COR), as Substituted

“AN ACT TO APPROPRIATE THE SUM OF \$1,000,000 FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.”

SPONSORED BY SENATOR TELO TAITAGUE, FRANK B. AGUON, JR., AND THOMAS C. ADA.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman		✓				
ADOLPHO B. PALACIOS, SR. Vice Chairman		✓				
BENJAMIN J.F. CRUZ Vice Speaker						
TINA ROSE MUÑA BARNES Legislative Secretary						
THOMAS C. ADA		✓				
JUDITH P. GUTHERTZ						
RORY J. RESPICIO						
FRANK F. BLAS, JR.						
TELO TAITAGUE		✓				
RAY TENORIO						



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COMMITTEE REPORT DIGEST

Bill No. 474-30 (COR), as Substituted

I. OVERVIEW: The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing on October 19, 2010. The Hearing convened at 09:00 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of on **SUBSTITUTE BILL NO. 474-30 (COR)**; "AN ACT TO APPROPRIATE THE SUM OF \$1,300,000 FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS;" Sponsored by Telo Taitague, F. B. Aguon, Jr., and, T. C. Ada.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on October 12, 2010 (5-Day Notice), and again on October 15, 2010 (48-Hour Notice). Notices were published in the Marianas Variety on October 12, 2010, and in the Marianas Variety on October 15, 2010.

Senators Present

Senator Frank B. Aguon, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Speaker Judith T. Won Pat	Ex-Officio Member
Senator Thomas C. Ada	Committee Member
Senator Tina R. Muna-Barnes	Committee Member
Senator Telo T. Taitague	Committee Member
Senator Vicente C. Pangelinan	Senator
Senator Anthony Ada	Senator

The public hearing on agenda item Bill No. 474-30 (COR) was Called-to-Order.

II. SUMMARY OF TESTIMONY & DISCUSSION.

CHAIRMAN FRANK B. AGUON, JR., convened the Public Hearing on Bill No. 474-30 (COR). Ladies and Gentlemen. We are going to proceed with Bill 474-30(COR) - AN ACT TO APPROPRIATE THE SUM OF \$1,300,000 FROM UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE

REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.

Senator Aguon: That being said, Bill 474- which is an act to appropriate the sum of \$1,500,000 to the Dept of Public Works for the Repair of Damages to Village Streets as a result of Traffic Diversion related to the on-going road construction projects....And if I can invite individuals who have signed up, I have Mr. Andrew Leon Guerrero, Mayor Jesse Palican, and Mr. Jose Garrido. But, before I open it up for statements, I like to invite the major sponsor of this Bill to provide some copies. May I advise Vice Mayor Hofmann, I apologize, Senator Taitague.

Senator Taitague: Thank you, Mr. Chair. And you know, I appreciate the explanation and you know...I wish we had this discussion first... because...I have been more happy and not more happy but have been also happy to have it heard by Senator/Speaker Ben Pangelinan's Office. Well, Mr. Chair, Bill 474 is a bill that provides funding to repair village roads that are damaged by the excess traffics, by motorists seeking to avoid congestions/intersections resulting from... as the highway construction is going-on. In addition, it was brought to my attention, Mr. Chair, with regards to the...(I guess, I hate to say this,.. in no disrespect to DPW but,) the lack of planning ahead of time. I was... that....This was brought to my attention by my many constituents and one of the most was actually, Vice Mayor of Barrigada, June Blas, which I know he isn't able to attend today. Without being said.. requesting for no who's side to discuss the impact that's happening in the villages which is particularly the Barrigada...and with that.... sitting with good chairman of the Committee for DPW, we had a round-table discussion...and which we talked about the issues and the impact and maybe finding ways to mitigate this problem..and it was from the Dept Public Works & Leon Guerrero, finding this funding in which the funding that was discussed previously in Bill 473 with regards to the Buses. That's needed and that, to me, I appreciate that with Andy Leon Guerrero..for recognizing that funding. So that means said...at that point, knowing that it's the pot hole repair fund was just a perfect match, in a way, which is needed in Barrigada...and I know that's gonna hang us. Well, it's having an impact with this construction, but that being said, Mr. Chair, I'm looking forward to favorable support from the Senators as well as the Community to help mitigate the circumstances and most especially the safety of our village streets. Thank you.

Senator Aguon: Thank you very much, Senator Taitague. Mr. Leon Guerrero.

Mr. Leon Guerrero: Thank you, Mr. Chairman. Senator Taitague. Yes, we did meet. We actually had a round-table discussion with our acting Highway Administrator and as yourself and I, in your office. We did determine though \$1.5 million that was available from previous month. You did bring up the concerns from the Mayor's especially that those that are from the Mayor of Barrigada and the Vice Mayor of Barrigada. I do understand exactly the situation..because I too live in the village of Barrigada and I do know the inconveniences that the construction at the Tri-intersection has caused and some of the distressed that has been put upon our road systems in Barrigada...most specifically Sancti Drive, San Roque Drive, Roke Drive, the Manibusan Way, Cepeda Way and even Joleen Leon Guerrero St. I do understand that,(this I think)...I'm in full support of this Bill because it will help address some of the mitigation processes that need to be in place once the project is completed..I do know the difference from Sancti Drive and at the intersection of Guahan Santi and Route 10- Altenrnte Santi...there has been a continuous pot hole repair work. I know that the Vice Mayor and the Mayor have... requested for Speed Bumps to be put along those tertiary rail systems because speeding does occur in those rail systems..It becomes very difficult for residents to get in and out of their driveways during peak hours, so I do know exactly what the Mayor and the Vice mayor of Barrigada are going through and it would be very dangerous as possible on our part to try to find

ways and help mitigate and assist the system of these affected villages by our whole way projects. Thank you.

Senator Aguon: Thank you much, Mr. Leon Guerrero... Mr. Mayor

Mayor Palican: Thank you, Mr. Chair and to the Senators. Thank you very much for allowing me this time...to personally file this Bill 474. And I'm in favor. For the record, my name is Jessie Palican. I am the mayor of Barrigada. And I like to also thank the Vice Mayor for being here at a time...when I was there. But, yes..in all fairness with the Director of Public Work..when he came in, in terms of planning this intersection and Tri-intersection. In 2005, Larry Perez at that time, as the Director of the Public Works, we're looking at that, I brought up... I brought a letter to Public Works about our issues on that Tri-intersection and how poorly it is maintained now, it's been deteriorating, and all that through out the years and the reflectors are gone and our residents from Route 8-A which is Ray de Vera coming out and having a hard time because of the increase in traffic.In 2005 back then, we were looking at, maybe making that another try but forward... opening many entities, help alleviate some of the traffic. Since then...to this day, when we heard that this construction is gonna happen at tri-intersection, I know we'd been working very hard to try to cite these issues that we work..sure like how many, how the biggest... impact in our community would be in terms of more are risk- taking the secondary roads...

So before me today, I like to just give you an idea of how much we spent so far in terms of our community on our budget at the Mayor's Office and the impact that has happened in terms of,...from the start of the construction to this day forward. We've spent already over about \$ 30,000 regarding Speed Bumps and we put in 13 speed bumps so far. In Cepeda Way, we added 7 speed bumps. In Manibusan, we had additional 3 speed bumps. We also had to, in terms of that cost, put in One-Way Signs. I had to see with the residents, we had to figure out the best plan on the safety, because when that , the first time they were laying down the concrete barriers at Route 16, we were reading the impact. We saw the number of vehicles, I had my staff come out and start counting the cars. And just to give you an idea between an hour & a half, that they we're going through the Cepeda Way and Manibusan was about 790 cars. And at that time, you know Cepeda Way and I know..it's only enough for one car to go through at a time. And we are having a traffic jam of cars passing through both direction from Route 8-A to Route 16 into Cepeda Way., where they're meeting in the middle and nobody wanted to move.

Out of those issues are the impact, I'm saying that, I wish, like I mentioned to Senator Telo, in the beginning we should be able to sit down here and plan this out early, before anything, before even the construction plan was introduced . And in all fairness with the Director, he just took over, and just what I was saying , we had been working together, we try to get this issue resolved about the impact on our secondary roads...So, if you can see how we put these Speed Bumps there,..7 speed bumps they just speed away...I just like to illustrate that...because that's what it took to satisfy the residents who are up in arms, about cars going in there at 15, 20 25, miles an hour and how they were, you know , really impacted, like the Director said, the residents, they are not at peace anymore, because to worry about their kids, and their playground, their yards playing, to worry about them just to get out of that road. Imagine that 970 cars trying to go thru out there really big time...And our residents how they affected them, so to speak, the speed bumps we put in, were not actually the right speed bumps. I'm saying that in terms of requirements and Mr Director we can time any time but, the required speed bumps cost now is about \$10,000. And I'm talking about a sleeping policeman. What we put in are the shorter version which cost us about the total of \$6,700 for the Speed Bumps alone, It's just a material, the hot meats. I am not even talking about regarding the manpower, putting in the signage cost us about \$3,000- the Do Not Enter, One Way, Speed Limits, Slow Down, you know and hour of that ...is just talking about Cepeda Way and Manibusan, then Joleen Leon Guerrero we added additional 3.

So, then, it's the starting point. But, we didn't have the budget as far as Mayor's. We didn't plan this out. So, we did our best. We tried to see what we can do to protect our residents -their safety in our community... Don't trucks would go in on those roads..You know, I had meetings with Congresswoman Madeline, I had meeting with the Navy regarding this issue if they can find ways to alleviate. I had meetings with the Post Office, I had meetings with Air Port, I had meetings with Fire Dept, and I had meetings with GPD, and Andrew Leon Guerrero here was also there, the director of the DPW, Andrew Leon Guerrero, was also there and tried how we can resolve this., avoiding all these impact in our secondary roads...And remind you, it was summer time and our concern too is when school starts, and all the kids (will go to school) and the additional cars going thru there..in terms of being drop off to and from school...so adding all that. I did count cars,. I had the help of GPD borrowing their radar speed device that would tell you how far you're going in our village and the secondary roads. We've gone thru all that and we've done all we can... to try and help mitigate to solve the issue on the impact in our communities. And I'm only talking to that point. Even now today, I still trying fight for our residents and our business residents too that are impacted.

And you know I feel for them, because you know, this is their bread-and-butter; this is what feeds their family and I really hope that we can plan this much better and consider that just because a construction is going on at the Tri-intersection. How's gonna affect the entire community and not only in Barrigada, but like in Sinajanya and other areas. So, it was a learning lesson for me as the Mayor and the Vice Mayor for our council members. We've met also with the Contractor, we brought out the issue about this construction starting....and they were concerned too about the safety of our community. So, we did everything we could to try and help the situation.

But, today I'm still not sure....Mr Director, if you can tell me.. Are we, because I'm not sure exactly if there's gonna be a construction...that's gonna end in June 2011 or it's gonna a little bit more delay because if you can help me out on this, because it's gonna be... a situation where I gotta also put more Speed Bumps in the other areas like in San Vicente, San Roke, Leyang Road,..We put already in some signages in the Loop, also at Borja St., and other areas that I need to plan for? I'm trying my best to, you know, mitigate this thru planning properly and hoping that the delay if there's any news thereon whether the construction will be probably in by June 2011 we're looking at, if there's is any delay..because I heard that there might be another delay because of ..now they're heading ... clay.... way below..is that true

Senator Aguon: Mayor,..Mayor... Andie..if we can go to respond to the mayor's question, please..

Andrew Leon Guerrero: Certainly, Mr. Chairman....Yes. There happened that the contractor has actually run into some problems on route trenching on Route 16. They ran into what as before to as clay, limestone...Because of the elements, the rain that has occurred in the past few weeks, it had made the clay machete and the contractor unable to actually trench and dig out the clay that is underneath it. This was unexpected. But, according to the foreman that I spoke with last week because I actually went there and investigated.... a comment that Mr. Ray Gibson had made at anytime he went by there that he never saw anybody working. So I certainly wanted to take him on and I went down there and showed enough on the Route 16 area right across Katty Mart that there was any activity to what I explained a little earlier and that was the reason for that, but the crews were on the Route 10 side working and actually surfacing... resurfacing that portion... they've already prepared for resurfacing and they've also.... they were also working on the Route 8 side area, So we were right to some extent where there was actually none.... work being done on the Route 16 area but due to the circumstances that they faced.

Senator Aguon: Thank you very much, Andie. Mayor...

Mayor Jessie Palican: Thank you very much, Mr Chairman, Mr Director. Now, I'm getting into now the turn, the side I addressed already... right now I'm talking about now, about the village as well as the Canada Area. I still got to put in 13 more speed bumps. And it's sad to say because I didn't have the money back in June and July because I was putting on the radio and in Cepeda Way which was our priority, right after our bad..because of the condition of the roads which were narrow. Like I mentioned that... as speedway was narrow and only one car can go thru at a time. So now I gotta start planning for San Vicente Road, start planning for Leyang Road, San Roke, start planning for Nalao ,Rabon , Leyang and all these roads that are lined out to Canada Area...and that I try to plan. So in support of this \$100,000 given to Barrigada, it's much needed...and I'm wondering though that if I can ask the good Senator Telo regarding now the expenditures... if I'm just limited to pot holes or also speed bumps as included, because if I was to start putting in the right speed bumps or how you call it, but..which is the sleeping policeman... I believe that cost is about \$70,010.... just to start all those. And that's the secondary roads that I'm talking about that is allowed in our villages...

And like I mentioned, I spoke to Fire Dept...I spoke to GPD, I mentioned... that these were the speed bumps I informed you... that I gotta put in. And yes, they'd come out, they'd seen it,, they'd sent many, They just got to do, and work with that in terms at least... you're letting us know...where you're putting the Speed Bumps at, potholes even on, you know, Andrew Leon Guerrero, the Department has even given us call mates at that time, we stored it, we helped out. So, it's a helping situation where we take whatever potholes throughout our secondary roads throughout even the tinier section area and report them. But we're fining them and we've spent about \$3,200 out of our budget to also help in regards to other streets in our villages that are extending down to Canada and when you have dump trucks going thru and all these containers, you know it came to appoint that I almost asked that we cannot allow these heavy equipments, vehicles to take our secondary roads because they're eating up our shoulders, they're really damaging because I don't believe these secondary roads, and they're 30 or 40 yrs old, ...can manage the weight and the width and the safety...Same with these cars...remember I mentioned just in the Cepeda Way, we had 709 speed away , we had also in San Vicente Route, the car count I'm giving you, just to give you an idea of the 1,096 cars going from Route 10 to Leyang Road and then they take our secondary roads, going in to one Y Street down to Canada, some our going to down to Aguon Store thru San Vicente School and coming out that way,...some are going thru our village. so 1,009 cars from the time 7AM to 8:30 am that's just an hour and a half.

Senator Aguon: So Mayor did you want Senator Telo Taitague to respond to your question?

Mayor Jessie Palican: Yes, Mr. Chairman.

Senator Aguon: Senator Telo Taitague

Senator Taitague: Yes, Mayor Palican, there could be an amendment in the Bill to address some of other concerns other than potholes. You know, with that, and I'm sure Senator Peng Pangelinan will assist me on that one.

Senator Pangelinan: Yeah.

Mayor Palican: Yeah, and to include signage, because remember, we have to make sure by law that whenever they are into the road , that's they're clear and visible top signs. We have also to make Slow Downs , we have also to make sure that 15 per hours Speed Signs were on the road...

Senator Telo Taitague: Probably Mayor, I know that Senator Peng Pangelinan has taken that... his amendments to be included into this bill to include all that you need in this testimony that it's gonna help and address that question.

Mayor Palican: Okay. One more question.

Senator Aguon: Also Mayor, if you take at the language to page 2 ... it says, “ To the village of Barrigada, for the repair of the street damages or associated traffic mitigation”, so my understanding of associated traffic mitigation will be inclusive of potholes, will be inclusive of speed bumps. You know that, that would be at the actual discretion upon the funds that will be utilized. That’s where Speaker Pangelinan and his financial expertise steps into these.

Mayor Palican: Okay, I certainly appreciate it. Thank you for clarifying that.

Senator Pangelinan: That will be in front of Andie’s house

Senator Aguon: He always remembers.

Mayor Palican: Yes, yes..

Senator Pangelinan: I always come and go by his house.

Senator Aguon: So, is that you?

Andrew Leon Guerrero: Well, if I may interrupt. You know, there was really a Relief in Sight right now. We have been negotiating with the military. The Admiral has accepted our design works, our proposals, for a bypass that we’re going to Tiyan..... So we are looking actually at the right-of way issues with the existing roads adjacent to Route 16. Should that be cleared, it would take about a week or two for us to actually complete the by-pass. So, that now, you will have a traffic heading south bound from Route 16 onto Route 8 and that should definitely alleviate some of the congestions that you finally try at the tri-intersection and also once we complete Phase One of the Project which is the existing road that is being bagged up and to be re-paved,... that will now become a three-lane street , so instead of a two-long street which is being utilized today at the tri-intersection that will not become a three-lane street... so that will also provide additional lane for vehicles to transfers.

Mayor Palican: So, that’s a great news...because like I said,...representing our business community too, the impact that in it has... day-in and day-out... I checked on them...and see what they are doing.. at Happy Mart you know who came out, and we’re one of us too and the gas station and even the Portridge that’s still along at Route 8 that’s closing down..I feel for them and I understand where they’re coming from and like I said... the planning , the impact. And you know, we had to consider during our meetings at the Public Works and with the Parsons and with the Contractors, I said.. where was the planning regarding the impact on the community? In terms of how it’s gonna affect..because, now that I understand... it’s one year..and now it would take even longer.

And you know, can you imagine how everyday they wish... the impact they’re having when they don’t have the traffic flow that they’re used to and accustomed. So, now some of them are moving...and relocating... because they said, Mayor, it’s just too long of a time and we’re affected because of the impact, I am not getting any business. So, like I said, in all fairness, to Director Andrew, he came in and this has happened, and I just wish that we would have sat here or in the beginning, way before even the planning part and really study this carefully because it is a big impact in our community and I share this in the Mayor’s council, and I said, please.... I just wanna share these with you, Guys because you know down the line, if you have your other construction happening, you gonna be aware of this situation. So, thank you for the bill and thank you for your time...

Senator Aguon: Thank you very much Mayor. Mr. Vice Mayor. Please identify yourself...

Andrew Leon Guerrero: Mr. Chairman, If I may just interject real quick.. in all fairness to the DPW and Mr. Larry Perez, normally they always have what we call these construction conferences. Okay, during these conferences, we invite all agencies that are impacted by the whole construction project. It is at that time that they have the opportunity to express their concerns in order for them...normally before the construction actually begins...then where the DPW and the Contractors, and whomever is involved will then sit down and looked into for these concerns and find ways to mitigate it. I think the problem here with them, we did attend actually some free construction conferences, I think it needs to be come earlier than when this was actually called for. So, I think in the near future with more projects...down the road that that needs to be taken into consideration. I'm going back to the construction conferences, I know the very good mayor here played their part and the fact that on Route 4 whether there was supposed to...it was intentionally..to have bike lanes on Route 4. Input from their half-men, input from Mayor Jesse Gogue that came to DPW who had..they had these concerns about the middle lane,a turning lane..that's why because of the input that they had submitted to the DPW, we re-considered the bike-lanes and actually I'm sorry Senator Pangelinan, we actually included that that's why went and we included the turning lane instead. So, we do all we seek.... these considerations. I mean the concerns into consideration. Thank you.

Senator Aguon: Andy, I certainly appreciate the comments that you provided especially in the light of the pre-conference construction activity or gatherings. But one of the concerns I have is, you looked at Parson, you looked at the Contract, you looked at the level of activity and the level of vehicles or the number of vehicles moving in that particular area and it should have been planned out accordingly. I mean we would have known that before hand, before the construction actually commenced, that in fact... this can be made to challenge. You know and re-routing the traffic and looking at some of those options that are being utilized now and that you're continuing to pursue. I think those things could have been anticipated and planned accordingly. So, you know, with all due respect to the previous director, my Primo, I think that perhaps a little bit more efforts should have been put in terms of being able to accommodate the traffic congestion. Because just looking at the number of vehicles travelling in that intersection area, we would have called for an immediate diversion of traffic...but thank you very much. So, Vice Mayor.

Vice Mayor Hoffman: Thank you Senators. Good Afternoon. I'm Vice Mayor Hoffman from Sinajana as well as the Vice President of the Mayor's Council of Guam. We stand in full support of the Bill No.474 that is introduced and we'd like to ask that Sinajana be included as well in this Bill. I have attached and submitted testimony with attached photos of some of the growing potholes that you see in the district here, mainly in the main roads of Chalan Makahna, Palekerun, Chalan Canton Tutujan, KA Angel Flores and Herman de Leon St. I have testimony here,.... I won't read it here but what is kinda happening here is people are using Sinajana to find every which way to by pass, the traffic there. And they're making.. they're kinda find all the roads and their way and we have little cords and little things. And so, I know Senator Ada I appreciated it too and to get home, he's no choice to get thru Route 4 and go to Sinajana. He sees that happened...

We express the same delays and the same problems that Barrigada has as well and like I said, our communities are seeing better days and in the stuff that we submitted as well. We submitted file of paper works for DPW as well as Parson regarding the safety..because the roads in Sinajana were both in the early 60's and then, so they're very slippery when wet and as well as GPD...we average about 1 or 2 cars a month going over the side in Palekerun and if you can drive a day you could see the traffic, you could see the skid marks on the road, and it's very dangerous. We posted signs. We've changed the speed limits. We posted school safety signs as well, but some people don't just really

have the plain respect to drive there. So we're concerned. So, we don't wanna put speed bumps. This is the last thing we wanna do...because It is a big concern.

It is the delay for the Fire Station, because the Fire Station is in Sinajana and it does respond to the rest of the central area. We had,.. The last time we had previous mayors who put in 26 speed bumps within a small span and which kinda...was excessive. And so, the residents asked that they be removed and they wanted as some kind of a resolution..so it would be either diverting the route. The traffic right now...is .the traffic down..but this will also cause the traffic hazard. So, people started turning onto private property to avoid them, they start jumping curbs in certain areas, So, if we could be included as local community in Sanajana, we greatly appreciate that as well as my fellow colleague mayors and I'm sure that with the intention of this original fund, The Pot Repair Fund..it was for the communities and it was once for the villages.

It's something we always look forward too. Every year each mayor spends a couple of thousand dollars of our budget. Things that we really can't spare. But, we have too because ultimately (it will be always) for the concern of the residents..in the high traffic area. And with the build-up coming at our doorsteps, we're only very...we're more concerned what's gonna go to Sinajana on that time because there is as delay already in the road construction. Thank you....I have a radio show to go to. And I have to go to my K57 show at 12 o'clock. So, I give you all kudos there.. So if you have any question, but, it's all here(in the written documents)..if you need any additional information..if you need..the location and the notifications of the streets, we did have a kind of survey and costs; so it averages about \$2,000 to \$3,000 per pot hole for a 6 foot X 6 foot repair fix. So that was about the average on and we're doing pretty okay up there, but we feel for Barrigada as well.

Senator Aguon: Thank you very much, Mr. Vice Mayor. We appreciate it. Uncle Joe.

Jose Garrido: Thank you, Mr. Chairman. I do know that Sinajana really has very bad roads than Barrigada...I know that for a fact and I'd been all over that place...trying to get away from these traffic congestions. Even in Barrigada, I know where Cepeda Way is and not to mention the impact it cost on Lizama St...in fact all over...that the village roads...

Now, I am Jose Ochoa Garrido. You know, I am going to testify as a Federal Consulting Party in all these projects- Federal Projects... because they are projects funded by FHWA and these projects relates to the F.E.I.S. and the Build-up and I am not necessarily opposed to this Bill. I am just saying that the funding source is coming from the wrong place...and I am just surprised that the world class contractor that is hired to manage the projects under DPW which is the Parsons Global, Parsons Transportation, Parsons America are not doing a good job in managing the Hi-way projects..Not to mention... having a legal access to afford the planners whether some of these projects require NEPA process. And I know that these folks may have very good knowledge in managing these kinds of projects, but, they don't have the institutional knowledge of a Small Island, a Compact Community and the Weather... that we have here. So, they come in terms of bringing their stateside perspective to do an island perspective project.

And I have meetings with these folks as well and they don't impress me at all. They don't. And I know that some of these projects require NEPA process. This is to afford the process to identify whether they are significant impact to the Community, to the Environment, to the Economic Community, here on the island.

And the standard procedure from these folks is to identify these projects as categorically excluded... which mean that when you put a project in that, it identifies the project that as having no significant impact whatsoever. Some of these projects are CATEX...for example the water at Macheche, Route 25, which is the Alageta St., those folks down there... are like B Nest. They are going all over the village roads, just as well as Barrigada. How in the heck it was categorized as CATEX is beyond my belief. As a consulting party, I'm aware of Federal Law Requirements and these folks are hired so

that they can plan these projects and comply to Federal Laws as it is required. And they have not done so. I might add as “sufficiently”.

The other requirement which is of course one that, part of my job, in handling is the NHPA process which requires this project to comply to Section 106 of National Historic Preservation Act. But, let me say that, that when you have a Bill that says Repair Damage, Damages to Village Streets caused by increased number of vehicles traversing these streets due to travel diversion, relate it to the Hi-way construction projects in the vicinity, that description is the starting point of making sure that FHWA provides \$1.5 million... to afford all the necessary repairs being caused by these ...by the on-going construction in several areas of Guam. It is called Mitigation. When you have a federal project that affects the community, that in all phases of the community...then that impact has to be mitigated. That Federal Law says if FHWA has the legal and financial responsibility to mitigate that problem...and I am not saying... I don't support the repairs of this village streets, but we need to make sure that those appropriation comes from the right funding source. And maybe because of the priority needs of, right now, like as I speak, that the \$1.5 million is available right now and can be used... but I am saying... that some legal way, legal address must be made to FHWA... that we're coming back and we want you to re-imburse this \$1.5million, so you could put it back to the LAPS FUND of the BOND for Future Use as Appropriated by our Island. We have...it's absolutely... inappropriate for us... to provide funding to repair damages caused by the Federal Projects. This is just ridiculous..this is not..it is not done that way.

This is the reason why I say that the Mr. Parsons who is up there at DPW, or in ITC, they have a big Headquarters and they are awarded \$16million or more to manage the \$160million Hi-way projects. They need to conduct themselves better and they need to do to manage this project in the best interest of the Guam Community. I'm afraid that they have been short-staying, short-changing this community in the best interest of FHWA and it's not done that way and I oppose this Bill...as I say, I wrote it down..because I don't know how else I can oppose it, if I support the intent of repairing the street. I.I do support that. But, if you want to appropriate \$1.5Million... to repair the roads and forget about the liability of FHWA in this matter, that may be up to you and up to Mr. Andrew Leon Guerrero.

But I know that he has also... the responsibility as the Director of DPW... to tell that guy up there... Mr. Parsons, who is a Lawyer, to get his butt over his chair.. and do about this thing..because we cannot be spending on our own money... to fix what the Federal Government damaged. It's plane and simple, honestly. I am familiar with this and I know what I'm talking about...And it's a good Bill. It's just that the money shouldn't be coming from us...it should be coming from FHWA for this matter. Thank you.

Senator Aguon: Thank you very much Mr. Garrido. You know, I think that Mr. Garrido brought up very legitimate concern and looking at some of the traffic mitigations... Andie..are they potentially reimbursable to the Government of Guam? Any cost incurred?

Andrew Leon Guerrero: You Know, I will comment... as to the best of my knowledge, Senator. I'm still in learning the process. When Mr. Garrido spoke of the NEPA process...whenever construction projects are being drafted, a NEPA process occurs...and what it does? it looks that project and sees what impact it has... on the surrounding community. It is up to the DPW, Federal Hi-ways and its consultants to take all these impacts into consideration, as I said, and make sure that once the project begins that there was a mitigation effort in place and moneys in place, so that once the project, or even during the project is completed... that these moneys are dedicated to those mitigation processes. Right now, if we were to allocate \$1.5million..Let's just say to Barrigada alone, because it didn't go to the NEPA process, it would not be able, we would not be able to reimburse the Government of Guam that \$1.5million. So we can like of late in dollars..or dollars short in those terms. For future projects,... these need to be taken into consideration. For example Pago Bay, and

once we go thru that... That needs a process that needs to look at all the surrounding areas. And how with that construction projects..impact the surrounding community. And that's when we need the Fund, we need to develop the mitigation process..we need to be able to find the funding to mitigate those processes. That is my understanding. I don't know with Mr. Garrido, if he agrees with that or not.

Senator Aguon: I think, Mr. Leon Guerrero, I guess more or less, my concern was a physical upgrade requirement in terms of redirecting traffic. Perhaps in conjunction with the NEPA, but more or less, like for example the (job that would be) incurring of the cost for the Speed Bumps. I would think that because traffic, in most cases is being re-diverted to allow for,..I guess... more convenience for the community..in addition to using the main traffic thorough-way, that...that's should be part of the consideration in terms of the reimbursable expenses. And I am just looking at the whole project in totality, so, I don't know, if I can honestly say where they lay in dollar short. I can say that if we go and ask..say look these are some of the mitigating issues that we have to address and they were not previously anticipated then I think the Federal Hi-way may be able to come in and okay, we may look at it possibly of reimbursing you for this amount of cost... associated with speed bumps, associated with re-directing traffic, so that in fact the traffic congestion is not as hectic as it could otherwise be. So, that's how I've looked at the Federal Funds, yes you may come at after the fact, guess what you gonna get..you've got to put a good fight for it, because,... otherwise all those resources have already been rededicated and committed to other projects. But, you know, that's where your expertise comes in and that's where we have to put a lot of emphasis in terms of your responses and your approaches to these. So, I certainly appreciate your comments...Senator Taitague..any comments, any questions?

Senator Telo Taitague: Actually, Yes. Andie, I have a question. When it comes to Federal Hi-way Funds, do you receive any money for the village streets? Let's say there is no construction or anything like that...just the wear-&-tear of the village streets on a normal basis and potholes. Do you receive any Federal Funds?

Andrew Leon Guerrero: No, we don't. Actually, the funding we get to mitigate such items as pot holes or repairs. Our village streets repairs... comes from our Guam Highway Fund.

Senator Telo Taitague: The Guam Highway Fund?...In which we... actually have to be clarified
Andrew Leon Guerrero: That's correct.

Senator Aguon: I think you need to clarify that. I'm sorry, Senator Taitague... Andie, I think you need to clarify that...because primary road ways are funded by the Federal Highway Funds. So, village streets, I consider Route 1 as a village street within Hagatna. It's just a portion that deals directly. So, I just want to make sure that this clarification of the funding of the primary roadways versus the secondary and tertiary.

Andrew Leon Guerrero: Yes, Lot of Road Ways.

Senator Telo Taitague: So, Cepeda Way, and your streets. And all those streets..that are impacted,,but... Do they receive Federal Funds?

Andrew Leon Guerrero: No, they don't

Senator Telo Taitague: They don't. Okay. You know. I actually, you know , I like that other senators speak or just say... as I do make my closing at the end.

Senator Aguon: Thank you Senator Taitague. Senator Ada...Senator/Speaker Pangelinan, any comment.

Senator Pangelinan: Yeah,...Just one comment, Andie. I guess, like you say. You know, you're still...you're pretty new in the DPW and there some things that have occurred in the past that you may not be aware of...But, I heard you... on the talk, on the call with the contractor..and he said that quarter of the delays, that of course, their findings, these utilities where they were not supposed to be, it's not being shown...And I just wanted to ensure that during all of these construction..that all of these utilities that are being put it now...that there's a law now that requires Ask Bill Drawings...to be filed with...the DPW when the projects are complete...because you may go in there and say..you gonna put this, you know, this 20 inch pipe, 4 feet from the shoulder but then you go in and you find that you have to do some filled revisions...and now they're 5 ½ feet from the shoulder instead of 4 feet that at the conclusion of the project, those contractors are supposed to file...these Ask Bill Drawings. And now you show these as it's not that 4 feet and it's the 5 ½ feet. The next time they come and do something..you don't have these delays and that was...There was a Bill that, you know, I introduced that requires these Utility Companies to give you these Ask Bill Drawings and we don't have these delays...and we find them where they are supposed to be.

So, I just want to make sure that it gets enforced. Make sure, you tell Parsons. You know...and I agree with Mr. Garrido. That, I mean, this is supposed to be some World Class Global Engineering Company and you know, so far the best thing they have been able to do is make deposits, you know the Banks from the contract. That's the best thing. Some of the planning of this thing is just atrocious, I think. And so we wanted to make sure that those issues get a resolve at the front-end rather than the next project. Now, we have another delay because, nobody filed the Ask Bill Drawing or your contractor didn't do it. So..we want to make sure that they get done. The other issue is that ...on this..on the diversion of traffic..I agree with Joe Garrido that even now.... that you could,... if you have to build a by-pass, because you couldn't pass thru there, because of the project itself... in order to guarantee accessibility and traffic that... that by-pass is paid for... other than Project Funds...

And so, I don't see why we couldn't provide and reserve money. Even afterwards...even afterwards... after we complete all this project which we take a portion of that Highway Fund and say... we're now...we gonna repave these streets, repair all of the damage, that has occurred and make those street better using this Federal Highway Fund because there are(streets that)... have been damaged as a consequence of that Federal projects. So...I would encourage you to work with Parsons, work their show...try and do that now..so that when we finish the Tri-Intersection we can do and re-do the Lizama Way and San Vicente, and all the other streets that have been damaged as a consequence of that Federal project.

So, I would encourage you to explore that possibility because I would tend to agree with Mr. Garrido that we can mitigate those things pursuant to the requirements of these projects and federal statutes. So that's all Mr. Chair. Thank you very much.

Senator Aguon: Thank you very much, Speaker Pangelinan. Senator Tony Ada. Any questions, any comments?

Senator Tony Ada: Just one...Is there anyway you would be able to assist the Barrigada Mayor and Sinajana Mayor as to the trucks that are going to the villages? Just I mean..some types of signs that..restricted... to 2 ½ tons..or some things you know,... trucks prohibited?

Andrew Leon Guerrero: We certainly could, but I think, once we get a \$100,000 issue, I think we don't have any problem with getting the signs. No, in all honesty, Senator Ada, It is very difficult to police that sort of situation as much as you want to....even considering the by-pass... on the Tiyan Route-Way adjacent to Route 16..we were to limit that to only passes at most as far as capacity is concerned, but we are also concerned that, you know, the other vehicles, other trucks...would be able to probably go thru the other way..because, you know, we just don't have people available to spot check the by-pass, so I think it may be ... very difficult request..But we certainly..will take a good look at it., you know, we can put signs up..we can do whatever we can,... but, now it's up to the motorists to make sure that they respect whatever signs , you know, are in front of them and that they abide by the laws , you know, that govern the streets. Thank you.

Senator Tony Ada: Thank you.

Senator Aguon: Thank you very much, Senator Tony Ada...Senator Taitague, any final comments?

Senator Telo Taitague: Thank you, Mr Chair....Andie, thank you so much. You know, meeting with my staff and Senator Tom Ada with regard to this.. in introducing this bill, but most especially locating this funding...and I just want to make it clear that I do realize that you just came into this capacity..but I feel so confident that any future project that come up, especially with regards to Mr. Garrido's concern...is something we already talked about and it was..it was true a dollar short..you know, a daily dollar short, was very true...and in the fact that we must preplan this and I'm sure that after these circumstances to something that you gonna forget the next time as we go thru it. We have to realize too that this fund money that was intended for the potholes and repairs are also intended for the villages, ... villages that don't receive Federal Highway Funds and there are many streets, and other villages that could use this additional money. I'm hoping that this \$1.5 million is actually gonna be enough for Barrigada and Sinajana alone and the way that costs sight. It may not be even...it might be completely finished...by \$1.5million.But, even be finished, You know \$1.5million...I am hoping that as well, we can continue the efforts, of the intent of this money and that so many people out there need their roads repaired... that are inside the villages. Many of them who are in the back, who have...they have safety issues with regards to the roads and flooding ... because things are...when rain comes, it floods one particular street out, and these things need to be done. And you know...and considered... with the money ...that is in this Fund. I do realize that there's more money, now... that Senator Tom Ada which I agree... that the buses need a help... as well as the police officers..but I'm hoping that... and the other mayors... after we've taken cared first in Barrigada and Sinajana... that mayors should come to you for help with regards to this funding,... that you'll be able to give them and I am hoping that there's money in there. Because we gonna have to address that... as well, one of these days. You know..So, thank you so much. And Thank you, Mr. Chair.

Senator Aguon: Thank you very much, Senator Taitague. And just a general comment with regards to the Bill 474, before the Committee is gonna get a clarification as to...(because we know that) the Funding Source originated from the Bond. A certain amount of those proceeds were deposited to this particular funding source. So in fact, it is within our right appropriation and I think, this is to be re-directed to the Appropriate Committee.

The Bill No. 473-30 is a re-programming of funds, Funds that have not been utilized todate. So, there is a variance in terms of...a difference in terms of allocation of some of these proceeds...but, yes,..Mr. Garrido, you have some comments.

Jose Garrido: Actually, it's really a reality. We actually could stop the project.. if...but..you have to litigate it.. in court. ..because they have not followed the proper procedure...which is... you do a short EIA process that would determine whether the project will require...And so that wasn't done. And so if we want to stop the project right now..and in Barrigada...you could...if you litigate it. But we don't want to do that, you know, it will probably create more mess though. But, in the hindsight, I think, we should all learn about this and try our best to do a better job...in the future. Thank you.

CHAIRMAN AGUON: Thank you, Mr. Garrido. Mayor Palican, Mr Andrew Leon Guerrero, thank you very much for your testimony. This concludes our discussion. Thank you very much. Have a good day.

There being no further testimony, or questions by Senators, Chairman Aguon adjourned the public hearing on Bill No. 474-30 (COR), subject to the receipt of written testimony, as well as information requested during the hearing, for the next ten (10) working days.

Written Testimony Received:

- 1) **Mayor Jessie B. Palican and Vice-Mayor June U. Blas, Barrigada;** submitted written testimony **IN SUPPORT** of Bill No. 474-30 (COR).
- 2) **Mayor Roke B. Blas, and Vice-Mayor Robert R.C. Hofman, Sinajana;** submitted written testimony **IN SUPPORT** of Bill No. 474-30 (COR).

III. FINDINGS & RECOMMENDATIONS

The Committee on Economic Development, Health and Human Services, and Judiciary, finds that severe impact to inner village roads is occurring directly due traffic being rerouted from the road construction projects along Routes 8 and 10, and at the Tri-Intersection in Barrigada. The same situation is occurring in Sinajana with the Route 4 and Route 4 Sinajana intersection, which is also causing a significant rerouting into the village's inner roads. This is severely impacting the already aging interior village roads which were not designed to handle this large volume of heavy traffic. This is especially notable in the villages of Barrigada and Sinajana. Bill 474-30 (COR) would facilitate the repair of these roads which are being severely damaged.

The Author requested (letter attached), that the funding source proposed in Bill No. 474-30 (COR), as introduced, be substituted and instead proposes to utilize funds, which shall be deposited into the Road and Pothole Repair Fund, from unreserved fund balances of Government of Guam Limited Obligation Highway Bonds, 1985 Series A, refunded by Government of Guam Limited Obligation Highway Bonds, 1992 Series A, refunded by Government of Guam Limited Obligation Highway Bonds, 2001 Series A and appropriated to the Department of Public Works for purposes outlined in section 2 of Bill No. 474-30, as Substituted.

The Committee considered the proposed expenditures which were presented in four categories, and deleted the proposed \$800,000 for the completion of the Gill Baza Subdivision access road, which the Committee finds should be completed by the developer – not the government of Guam. The other three categories are incorporated in the substitute bill, as follows:

- (1) Three Hundred Fifty Thousand Dollars (\$350,000) is reserved for the repair of street damages or associated traffic mitigation actions within the village of Barrigada caused by increased traffic resulting from the road construction project at the Tri-Intersection.

(2) One Hundred Thousand Dollars (\$100,000) is reserved for the repair of street damages or associated traffic mitigation actions within the village of Sinajana.

(3) Five Hundred Fifty Thousand Dollars (\$550,000) is reserved for the Mayors Council of Guam and shall be used for the repair of village streets.

The total amount of funding proposed in Substitute Bill No. 474-30 (COR) is for the sum of ONE MILLION DOLLARS (\$1,000,000).

A Fiscal Note was requested on October 11, 2010, pursuant to §9101, §9102 and §9103 of Chapter 9, Title 2, Guam Code Annotated. As of this date, November 15, 2010, a Fiscal Note has not been received. Therefore, Bill No. 474-30 (COR) is hereby reported out without a fiscal note, but is nonetheless in full compliance with the provisions of §9105 of Chapter 9, Title 2, Guam Code Annotated.

The Committee on Economic Development, Health & Human Services, and Judiciary, hereby reports out **Bill No. 474-30 (COR), as Substituted**, with the recommendation to PASS.

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

Bill No. 474 (COR)

As Substituted by the Committee on
Economic Development, Health and
Human Services, and Judiciary

Introduced by:

Telo Taitague
F.B. Aguon
T.C. Ada
R. Respicio

**AN ACT TO APPROPRIATE THE SUM OF \$1,000,000 FROM
UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC
WORKS FOR THE PAVING OF VILLAGE STREETS AND THE
REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT
OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD
CONSTRUCTION PROJECTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1
2
3 **Section 1. Authorization to use RPRF for heavily trafficked village roads and**
4 **Appropriation thereto.** Notwithstanding any restrictions in 5GCA: Chapter 1: Article
5 5: §1513, funds in the *Road and Pothole Repair Fund* (RPRF) may be used to repair
6 damage and to prevent/mitigate expected damage to village streets caused by the
7 increased number of vehicles traversing these streets due to travel diversions related to
8 highway construction projects in the vicinity. The SUM of ONE MILLION DOLLARS
9 (\$1,000,000) shall be deposited into the RPRF from unreserved fund balances of
10 Government of Guam Limited Obligation Highway Bonds, 1985 Series A, refunded by
11 Government of Guam Limited Obligation Highway Bonds, 1992 Series A, refunded by
12 Government of Guam Limited Obligation Highway Bonds, 2001 Series A and
13 appropriated to the Department of Public Works for purposes outlined in section 2 of
14 this Act. No funds appropriated herein shall be used for damage caused by road

1 construction for the Department of Defense. Damage and/or mitigation for secondary
2 roads that result from Department of Defense road projects shall be paid by the
3 Department of Defense.

4 **Section 2. Additional Authorizations.** Of the amounts appropriated in Section
5 1 of this Act, not less than:

6 (1) Three Hundred Fifty Thousand Dollars (\$350,000) is reserved for the repair
7 of street damages or associated traffic mitigation actions within the village of
8 Barrigada, including the Toto-Canada Road, caused by increased traffic resulting from
9 the road construction project at the Tri-Intersection.

10 (2) One Hundred Thousand Dollars (\$100,000) is reserved for the repair of street
11 damages or associated traffic mitigation actions within the village of Sinajana.

12 (3) Five Hundred Fifty Thousand Dollars (\$550,000) is reserved for the Mayors
13 Council of Guam and shall be used for the repair of village streets. The funds *shall* be
14 expended in accordance to a statement of *pro forma* expenditures submitted, in writing,
15 by the Mayors Council of Guam to the Speaker of *I Liheslaturan Guåhan*. The
16 statement of *pro forma* expenditures *shall* only include expenditures related to this
17 Section and be approved by resolution of the Mayors Council of Guam.

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

1 OCT -8 PM 4:45
LWH

Bill No. 474-30(cov)

Introduced by:

Telo Taitague
F.B. Agnon
T.C. Ada
R. Ruspicio

AN ACT TO APPROPRIATE THE SUM OF \$1,500,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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Section 1. Authorization to use RPRF for heavily trafficked village roads and Appropriation thereto. Notwithstanding any restrictions in 5GCA: Chapter 1: Article 5: §1513, funds in the *Road and Pothole Repair Fund* (RPRF) may be used to repair damages to village streets caused by the increased number of vehicles traversing these streets due to travel diversions related to highway construction projects in the vicinity. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000) is hereby appropriated from the *Road and Pothole Repair Fund* (RPRF) to the Department of Public Works for said purposes.

Section 2. Additional Authorizations. (1) Funds appropriated in Section 1 of this Act may be used to reimburse village Mayoral Offices for road repairs required because of damage from increased traffic as described in Section 1 above on village streets caused by highway construction projects that were funded after February 17, 2009.

1 (2) Of the amounts appropriated in Section 1 of this Act, not less than One
2 Hundred Thousand Dollars (\$100,000) is reserved for the repair of street damages or
3 associated traffic mitigation actions within the village of Barrigada, including the Toto-
4 Canada Road, caused by increased traffic resulting from the road construction project at
5 the Tri-Intersection.



SENATOR TELO T. TAITAGUE

I Mina' Trenta Na Liheslaturan Guåhan

November 23, 2010

Member of the
Committee on
Appropriations,
Taxation, Banking,
Insurance, Retirement
and Land

Member of the
Committee on
Economic
Development, Health &
Human Services and
Judiciary

Member of the
Committee on Utilities,
Transportation, Public
Works and Veterans
Affairs

Member of the
Committee on the
Guam Military Buildup
and Homeland Security

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

Member of the
Committee on Tourism,
Cultural Affairs, Public
Broadcasting and
Youth

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

MEMORANDUM

TO: Honorable Senator Frank B. Aguon, Jr.
*Chairman, Committee on Economic Development, Health & Human
Services and Judiciary*

FROM: Senator Telo T. Taitague *TT*

SUBJECT: Sub Bill No. 474-30 (COR)

Thank you for the opportunity to hear Bill 474-30 (COR). Throughout the past weeks, I have been diligently working to get all the information needed to have this bill heard on the session floor.

A few weeks ago, it was brought to my attention from Bertha Duenas of BMMR that the funding source in the original bill was not held in the Road and Pothole Repair Fund (RPRF), but still retained in the bond. Through discussions I've had with BMMR, and the Office of Finance and Budget, I was able to locate the correct funding source, which is the unused bond proceeds, also known as the unreserved fund balance of the bond. This is detailed in the substitute version of the bill worked on by Sen. Pangelinan's office.

I assure you that the substitute version of the bill keeps with the original intention of the bill.

Thank you very much.

9:13 AM
TT
11-23-10

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

Bill No. 474 (COR)

As Substituted by the Committee on
Economic Development, Health and
Human Services, and Judiciary

Introduced by:

Telo Taitague
F.B. Aguon
T.C. Ada
R. Respicio

**AN ACT TO APPROPRIATE THE SUM OF \$1,300,000 FROM
UNUSED BOND PROCEEDS TO THE DEPARTMENT OF PUBLIC
WORKS FOR THE PAVING OF VILLAGE STREETS AND THE
REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT
OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD
CONSTRUCTION PROJECTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1

2

3 **Section 1. Authorization to use RPRF for heavily trafficked village roads and**
4 **Appropriation thereto.** Notwithstanding any restrictions in 5GCA: Chapter 1: Article
5 5: §1513, funds in the *Road and Pothole Repair Fund* (RPRF) may be used to repair
6 damage and to prevent/mitigate expected damage to village streets caused by the
7 increased number of vehicles traversing these streets due to travel diversions related to
8 highway construction projects in the vicinity. The sum of One Million Three Hundred
9 Thousand Dollars (\$1,300,000) shall be deposited into the RPRF from unreserved fund
10 balances of Government of Guam Limited Obligation Highway Bonds, 1985 Series A,
11 refunded by Government of Guam Limited Obligation Highway Bonds, 1992 Series A,
12 refunded by Government of Guam Limited Obligation Highway Bonds, 2001 Series A
13 and appropriated to the Department of Public Works for purposes outlined in section 2

AUTHOR'S PROPOSED SUBSTITUTE BILL NO. 474-30 (COR)

1 of this Act. No funds appropriated herein shall be used for damage caused by road
2 construction for the Department of Defense. Damage and/or mitigation for secondary
3 roads that result from Department of Defense road projects shall be paid by the
4 Department of Defense.

5 **Section 2. Additional Authorizations.** Of the amounts appropriated in Section
6 1 of this Act, not less than:

7 (1) Two Hundred Fifty Thousand Dollars (\$250,000) is reserved for the repair of
8 street damages or associated traffic mitigation actions within the village of Barrigada,
9 including the Toto-Canada Road, caused by increased traffic resulting from the road
10 construction project at the Tri-Intersection.

11 (2) Fifty Thousand Dollars (\$50,000) is reserved for the repair of street damages
12 or associated traffic mitigation actions within the village of Sinajana.

13 (3) Eight Hundred Thousand Dollars (\$800,000) is reserved for completion of the
14 Gill Baza access road within the village of Yigo, as determined by the Department of
15 Land Management, Department of Public Works and the Mayor of Yigo.

16 (4) One Hundred Thousand Dollars (\$100,000) is reserved for the Mayors
17 Council of Guam and shall be used for the repair of village streets. The funds *shall* be
18 expended in accordance to a statement of *pro forma* expenditures submitted, in writing,
19 by the Mayors Council of Guam to the Speaker of *I Liheslaturan Guåhan*. The
20 statement of *pro forma* expenditures *shall* only include expenditures related to this
21 Section and be approved by resolution of the Mayors Council of Guam.



SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature

PUBLIC HEARING DATE / TIME: Tuesday, October 19, 2010 / 9:00 am

AGENDA ITEM: BILL NO. 474-30 (COR) – Telo Taitague, F.B. Aguon, Jr., T.C. Ada, R. Respicio

AN ACT TO APPROPRIATE THE SUM OF \$1,500,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.

NAME (PLEASE PRINT)	SIGNATURE	AGENCY OR ORGANIZATION	TESTIMONY		IN FAVOR	OPPOSE	CONTACT #
			ORAL	WRITTEN			
✓ ANTONIO LEON GUERRERO		DPW	✓		✓		
✓ MAYOR JESSE PALFON		BADR Magna	✓		✓		734-3737
✓ JOSE U. GARRIDO		Federal Consulting Party	✓			✓	632-7968
✓ ROBERT HERRMAN		MLOH - SIGMA	✓	-	-		



JESSIE B. PALICAN
MAYOR

MUNICIPALITY OF BARRIGADA

OFFICE OF THE MAYOR & VICE MAYOR
124 LUAYAO LANE, BARRIGADA, GUAM 96913



JUNE U. BLAS
VICE MAYOR

October 20, 2010

The Honorable Frank B. Aguon
Chairman, Committee on Economic Development
Health and Human Services & Judiciary
THIRTIETH GUAM LEGISLATURE
7th Floor DNA, Ste. 701
Hagatna, Guam 96910

3:10 PM
10/25/10
JTB

Dear Mr. Chairman and Members of the Legislature:

This is to express our support of bill 474-30, section 2. Additional Authorizations.

Since the commencement of the Tri-Intersection Construction (Routes 8, 8a, 10 & 16) in July 2010, the Barrigada Mayor's office has been inundated with telephone calls regarding the safety of the residents resulting from the increased traffic on the secondary roads within the village.

Since the start of school on August 5, 2010, our office has been conducting car counts in various locations in the village during traffic peak hour (7 am to 8:30 am), and in one location (Route 10 into Leyang Road) our staff had counted 1,096 vehicles, all resulting from motorist attempting to bypass the Tri-Intersection construction.

The impact of the increased traffic has created unsafe conditions and deterioration, simply because these roads are not built to handle the demands of the traffic from vehicles and heavy equipment machinery commuting these routes daily.

To-date, we have installed (11) speed-bumps, various signage (one way, do not enter, exit, slow down, speed limit, and speed bump signs) and in addition, fixing potholes and side shoulder roads in effort to address the safety of our village community.

The expenses incurred from July thru October 2010 totals \$10,027 of which was not earmarked in the mayors 2010 budget.



JESSIE B. PALICAN
MAYOR

MUNICIPALITY OF BARRIGADA

OFFICE OF THE MAYOR & VICE MAYOR
124 LUAYAO LANE, BARRIGADA, GUAM 96913



JUNE U. BLAS
VICE MAYOR

We anticipate that with the Tri-Intersection construction project to be completed by April 2011, our office will continue to incur expenses on road repairs and maintenance.

In closing, we are requesting your support and approval on Bill No. 474-30, in addition, your consideration to increase the fund appropriation from \$100,000 to \$200,000.

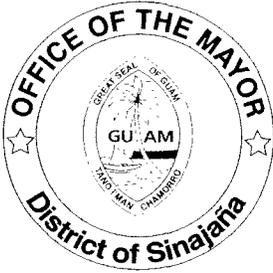
Should you require additional information, please do not hesitate to contact our office at 734-3859 or 734-3737.

Si Yu'us Ma'ase,

MAYOR- JESSIE B. PALICAN

VICE MAYOR- JUNE U. BLAS

JBP/JUB/mtb



MUNICIPALITY OF SINAJANA
MAYOR'S COUNCIL OF GUAM
Konsehelon Mahot Guahan

Roke B. Blas
Mayor

Robert D.C. Hofmann
Vice Mayor

P.O. Box 786 Hagatna, Guam 96932

October 18, 2010

The Honorable
Telo Taitague
Senator, 30th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Senator Taitague and members of the 30th Guam Legislature:

Buenas yan Hafa Adai! We are writing in full support on Bill 474. An act to appropriate the sum of \$1,500,000 to the Department of Public Works for the repair of damages to village streets as a result of traffic diversions related to ongoing road construction projects.

We wish to thank you and your co-sponsors- Senators' Aguon, T. Ada and Respicio for recognizing the inconvenience and damage caused to our village aging roads since the road construction began on Route 4. Since construction began motorists have used every road available in Sinajana in attempts to find a faster way and pass through traffic. Our office has handled numerous complaints from residents who are frustrated with the traffic flow and the conditions the roads have become.

Built in early 1960's our village streets have seen better days. Presently, the road conditions on several main arteries of Sinajana are unsafe and DPW as well as PB will concur that we've been requesting some assistance in rectifying the conditions on Chalan Macanja, Pale Kieran Drive, Chalan Canton Tutujan, Calle Angel Flores and Herman DeLeon to name a few. We hope that this august body finds our community worthy to repair numerous pot holes (please see attached photo's) throughout our district.

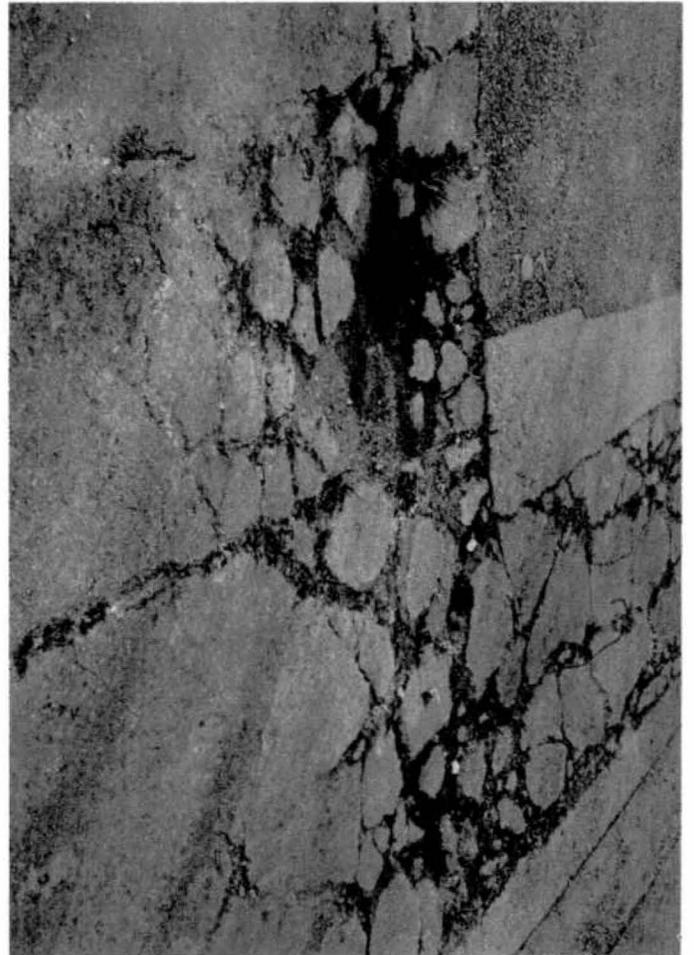
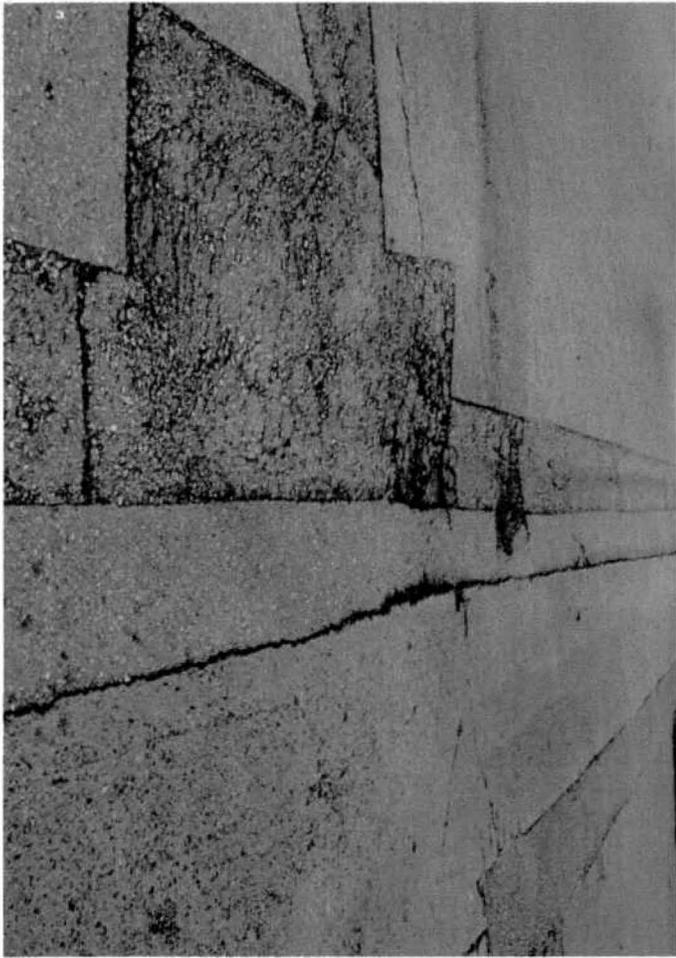
We look forward to working with you and the members of the 30th Guam Legislature and the Department of Public Works on finding a safe and viable solution in making the streets of Sinajana a safer. *Si Yu'os Ma'ase!*

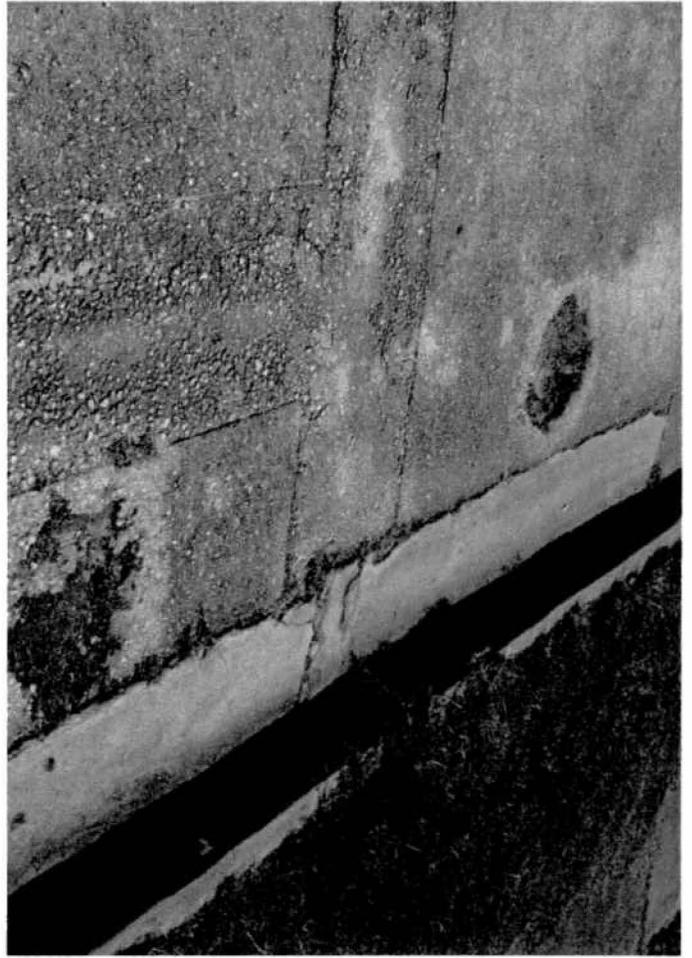
Senseramente,

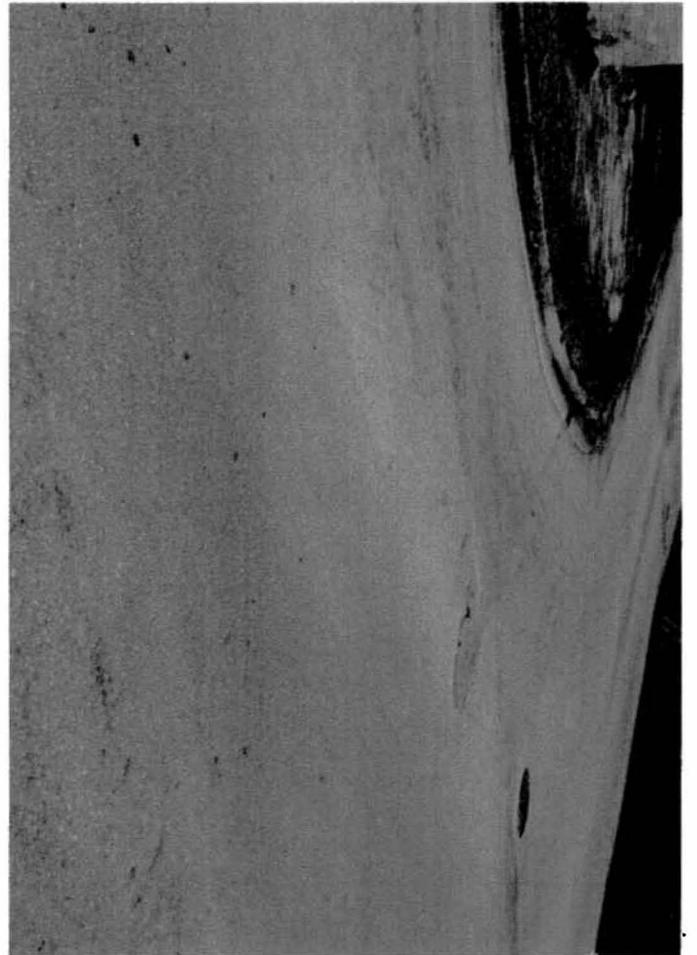
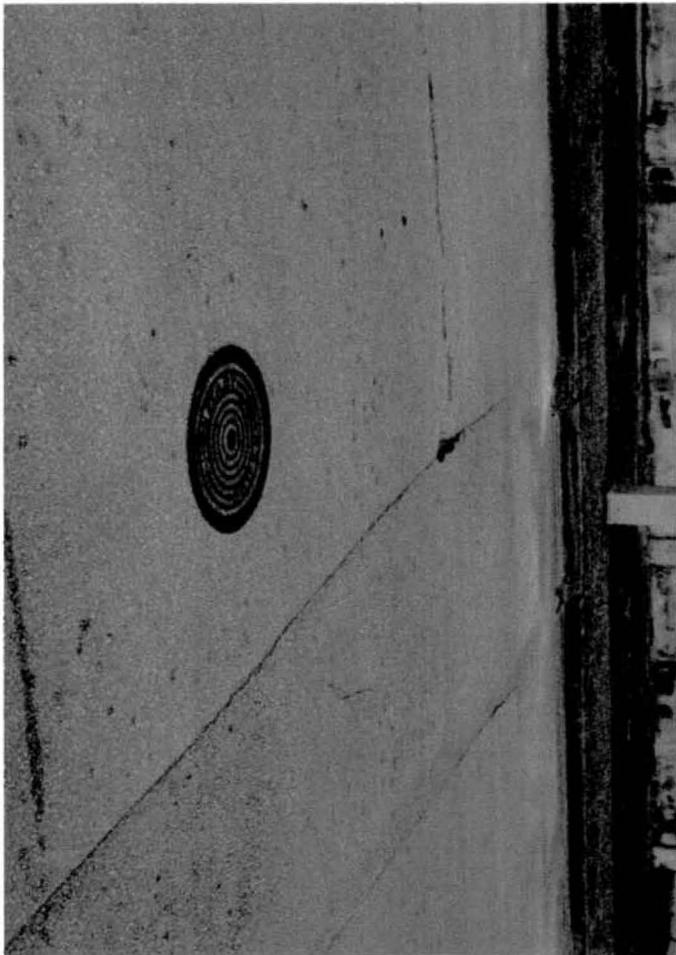

Roke B. Blas
Mayor

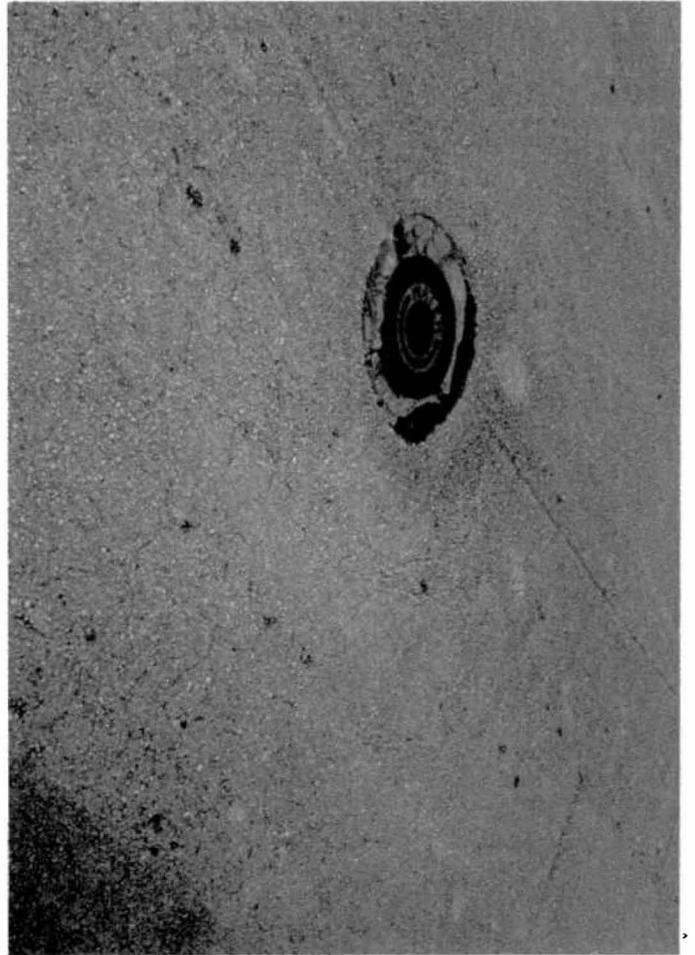
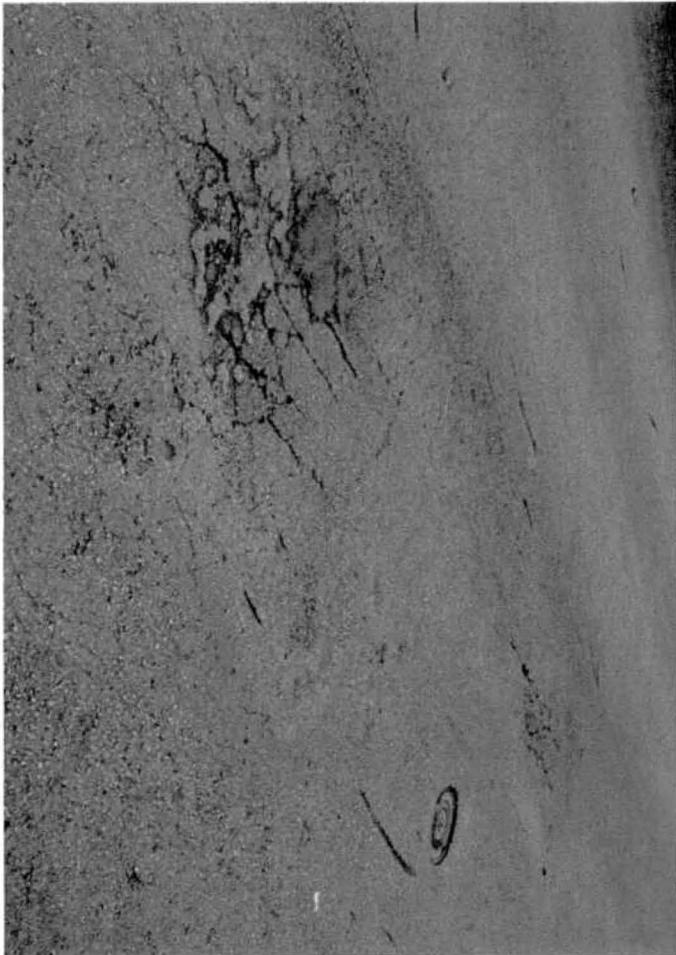

Robert R.C. Hofmann
Vice Mayor

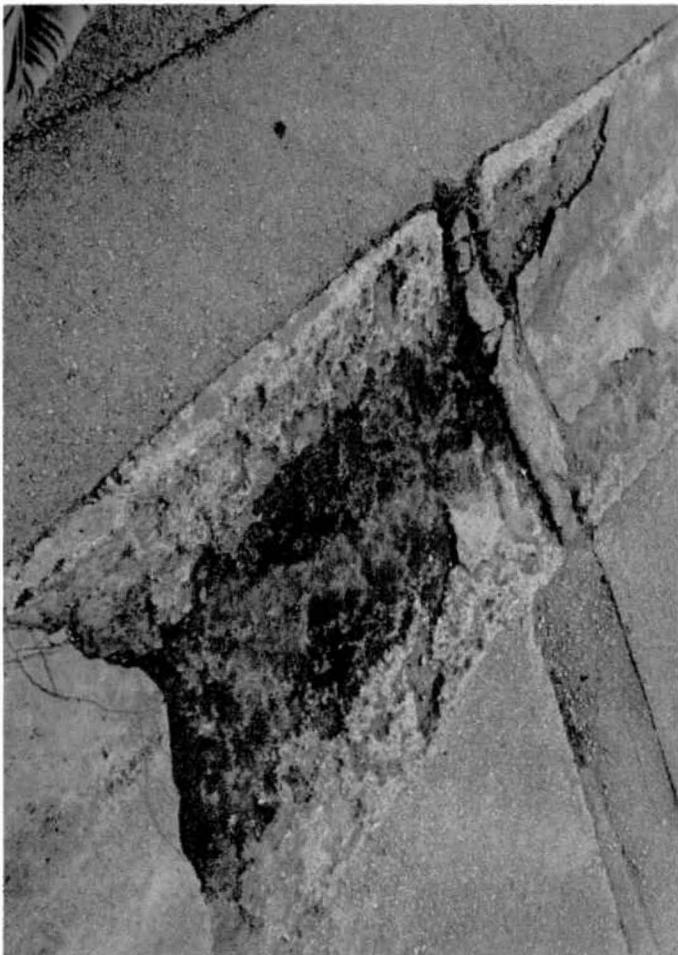
Attachment: Photos

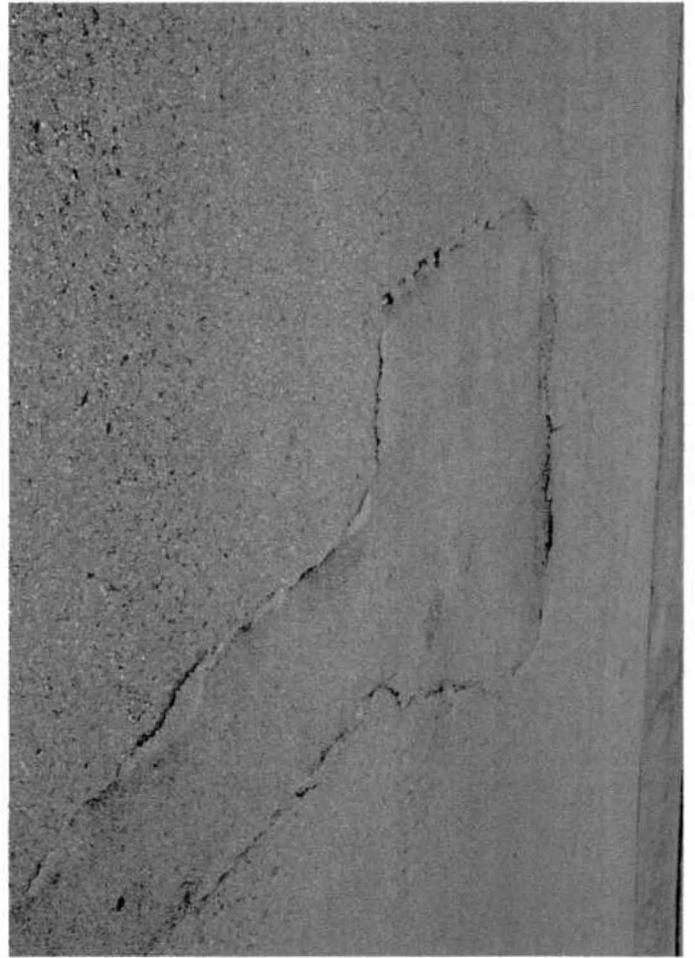


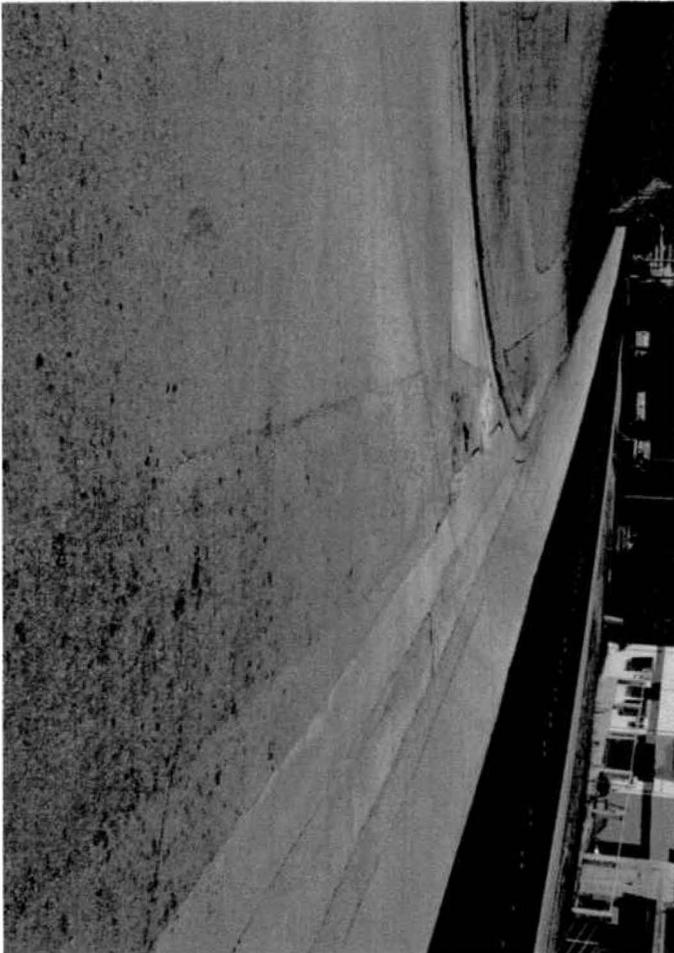
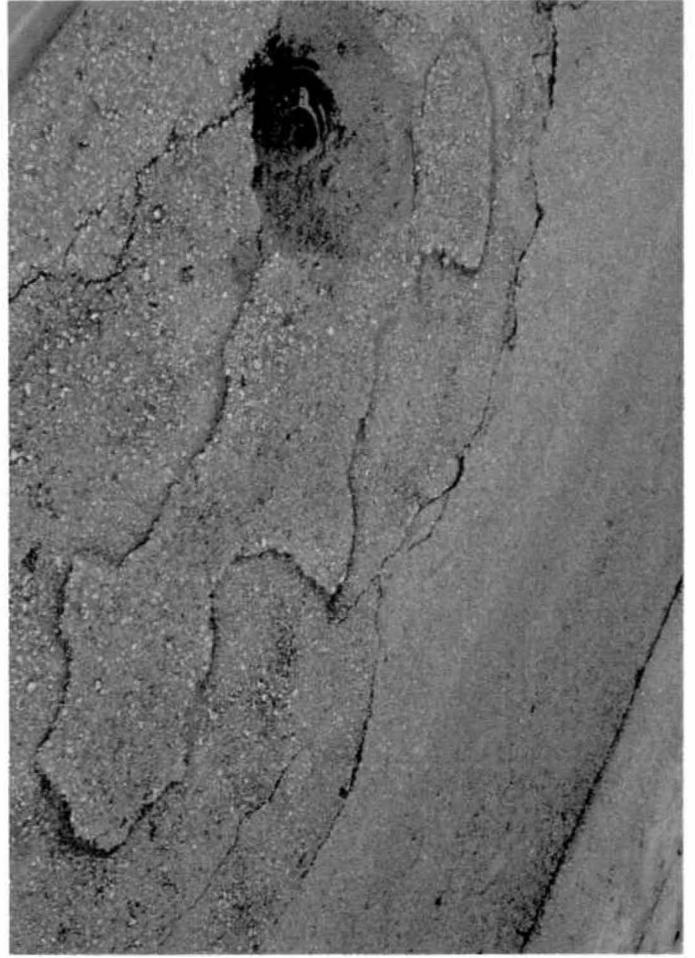














Bureau of Budget and Management Research
Limited Obligation Highway Improvement Bonds CPF (Fund 224)

Balance Sheet

	September 30, 2004 (Audited)	September 30, 2005 (Audited)	September 30, 2006 (Audited)	September 30, 2007 (Audited)	September 30, 2008 (Audited)	September 30, 2009 (Audited)
Assets						
Cash and equivalents	24,172,703	24,728,044	17,325,881	2,681,109	6,241,459	3,902,727
Investments	0	0	0	0	0	0
Interfund receivables	577,584	578,100	0	4,000,000	0	0
Total assets	<u>24,750,287</u>	<u>25,306,144</u>	<u>17,325,881</u>	<u>6,681,109</u>	<u>6,241,459</u>	<u>3,902,727</u>
Liabilities						
Accounts payables	156,936	0	3,560,421	341,115	1,135,125	5,529
Interfund payables	0	0	0	0	0	0
Total liabilities	<u>156,936</u>	<u>0</u>	<u>3,560,421</u>	<u>341,115</u>	<u>1,135,125</u>	<u>5,529</u>
Fund equity:						
Reserved for:						
Related assets	0	578,100	0	0	0	0
Encumbrances	0	0	11,210,381	1,968,695	244,693	58,852
Appropriations	542,639	0	867,000	2,266,410	2,607,993	1,584,508
Total fund equity	<u>24,593,351</u>	<u>25,306,144</u>	<u>13,765,460</u>	<u>6,339,994</u>	<u>5,106,334</u>	<u>3,897,198</u>
Total liabilities and fund equity	<u>24,750,287</u>	<u>25,306,144</u>	<u>17,325,881</u>	<u>6,681,109</u>	<u>6,241,459</u>	<u>3,902,727</u>

Statement of Revenues,
Expenditures and Changes in Fund Balance

Revenues	187,024	712,793	1,003,055	419,559	127,930	21,790
Expenditures	0	0	11,965,639	7,845,025	1,367,360	1,238,126
Transfers in					5,770	7,200
Current year surplus	187,024	712,793	(10,962,584)	(7,425,466)	(1,233,660)	(1,209,136)
Beginning fund balance	<u>24,406,327</u>	<u>24,593,351</u>	<u>24,728,044</u>	<u>13,765,460</u>	<u>6,339,994</u>	<u>5,106,334</u>
Ending fund balance	<u>24,593,351</u>	<u>25,306,144</u>	<u>13,765,460</u>	<u>6,339,994</u>	<u>5,106,334</u>	<u>3,897,198</u>



COMMITTEE ON RULES

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

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

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

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

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

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

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

**James V. Espaldon
SENATOR**

October 11, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Re-Referral of Bill No. 474-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my re-referral of Bill No. 474-30(COR).

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

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

Si Yu'os Ma'åse'!

(1) Attachment

2010 OCT 12 AM 8:58
ms

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

September 7, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Re- Referred	120 Day Deadline	Committee Re-Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B474-30 (COR)	Telo Taitague, F. B. Aguon, T. C. Ada	An act to appropriate the sum of \$1,500,000 to the Department of Public Works for the repair of damages to village streets as a result of traffic diversions related to ongoing road construction projects.	10/08/10 4:45 p.m.	10/11/10		Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land Committee on Economic Development, Health and Human Services, and Judiciary			



COMMITTEE ON RULES

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

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

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
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**Benjamin J. F. Cruz
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**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

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SENATOR**

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

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

**Vicente C. Pangelinan
SENATOR**

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

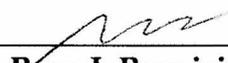
**James V. Espaldon
SENATOR**

**Certification of
Waiver of
Fiscal Note Requirement**

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 474-30 (COR) – “AN ACT TO APPROPRIATE THE SUM OF \$1,500,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS”** - on October 11, 2010. COR hereby certifies that BBMR confirmed receipt of this request on October 11, 2010.

COR further certifies that a response to this request was not received by 5:00 P.M. on October 29, 2010, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 474 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

11/23/10

Date

MESSAGE CONFIRMATION

OCT-11-2010 11:12 AM MON

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 4
START TIME : OCT-11-2010 11:12AM MON
ELAPSED TIME : 00' 28"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

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

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

SENATOR
RORY J.
RESPICIO
CHAIRPERSON

SENATOR
Judith P. Gutherz
VICE
CHAIRPERSON

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SENATOR

James V. Espaldon
SENATOR

October 11, 2010

VIA FACSIMILE
(671) 472-2825

Ms. Bertha Duenas
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bills No. 470-30 (COR) & 474-30 (COR)

Hafa Adai Ms. Duenas:

Transmitted herewith is a listing of *I Mina' Trenta na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

Si Yu'os na'áse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

*10/11/10
Rec'd by
Flo Salas*

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

October 08, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B474-30 (COR)	Telo Taitague, F. B. Aguon, T. C. Ada	An act to appropriate the sum of \$1,500,000 to the Department of Public Works for the repair of damages to village streets as a result of traffic diversions related to ongoing road construction projects.	10/08/10 4:45 p.m.						



COMMITTEE ON RULES

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

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

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RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

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**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

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

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

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

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

**James V. Espaldon
SENATOR**

November 10, 2010

The Honorable vicente c. pangelinan
I Mina' Trenta na Liheslaturan Guahan
324 W. Soledad Ave., Suite 100
Hagåtña, Guam 96910

RE: Referral of Bill Nos. 474-30(COR) and 478-30(COR)

Hafa Adai Senator pangelinan:

Thank you for your letter dated October 22, 2010 regarding the referral of Bill Nos. 474-30 (COR) and 478-30 (COR). The referrals will stand, for the following reasons:

Bill No. 474-30 (COR) proposes to appropriate funds from Revenue Road and Pothole Repair Bonds and Street Light Funds, which fall under the oversight jurisdiction of the Committee on Economic Development, Health & Human Services, and Judiciary.

Furthermore, the public hearing on Bill No. 474 has already been held, and a re-referral would negate such action.

Bill No. 478-30 (COR), while making reference to the functions of the Department of Revenue and Taxation, falls more in line with matters under the Motor Vehicle Code and traffic safety in general, which fall under the oversight jurisdiction of the Committee on Public Safety, Law Enforcement, and Senior Citizens.

Please rest assured that such situations which give rise to gray areas in oversight committee jurisdiction when a function of an agency becomes separated from the agency itself, will be raised and resolved as we prepare the standing rules and oversight committee details for the coming term.

Thank you for your continued understanding and cooperation. Should you wish to discuss this matter further, please do not hesitate to contact me.

Very Truly Yours,


Rory J. Respicio



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

October 11, 2010

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

MEMORANDUM

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

BENJAMIN J.F. CRUZ
VICE SPEAKER

SUBJECT: FIRST NOTICE – NOTICE OF PUBLIC HEARING
Tuesday, October 19, 2010, 9am

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

Buenas yan Hafa Adai!

THOMAS C. ADA
SENATOR

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, October 19, 2010, 9:00 a.m.** in the Guam Legislature's Public Hearing.

JUDITH P. GUTHERTZ
SENATOR

Items for discussion is as follows:

RORY J. RESPICIO
SENATOR

- **CONFIRMATION OF MR. J. PETER ROBERTO** to serve as Director of Department of Public Health & Social Services

FRANK F. BLAS, JR.
SENATOR

- **BILL NO. 473-30 (COR)** – An Act to reprogram and appropriate funds from the Limited Obligation Highway Bonds authorized by P.L. 19-2 to improve the availability of DPW school buses by refurbishing selected school buses, perform overdue preventative maintenance services, purchase of tools and equipment for bus maintenance, and repair of facilities at DPW Bus Substations.

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

Please see the attachment for agenda items. Should you have any questions, please contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'os Ma'ase'.

Cc: Sergeant-at-Arms/Protocol/AV/MIS
Stephanie Mendiola, COR
Clerk of the Legislature

1st NOTICE - PUBLIC HEARING

from Frances Lizama <lizama.frances@gmail.com> [hide details](#) 3:00 PM (20 minutes ago) [Reply](#)

to "SPKR WON PAT, Judi" <speaker@judwonpat.com>,
 "VICE SPKR CRUZ, Benjamin J.F." <senadotbjcruz@gmail.com>,
 "SEN ADA, Thomas C." <tom@senatorada.org>,
 "SEN ADA, Tony" <senatorTonyada@guamlegislature.org>,
 "SEN BLAS, Frank F., Jr." <frank.blasjr@gmail.com>,
 "SEN CALVO, Eddie J.B." <senecalvo@gmail.com>,
 "SEN ESPALDON, James V." <senator@espaldon.com>,
 "SEN GUTHERTZ, Judith P." <judiguthertz@pticom.com>,
 "SEN MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,
 "SEN PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,
 "SEN PANGELINAN, Ben" <senbenp@guam.net>,
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 "SEN. TAITAGUE, Telo" <senatorTelo@gmail.com>,
 "SEN. TENORIO, Ray" <ray@raytenorio.com>

cc "BLAS, Roland" <roland@judwonpat.com>,
 "DEFENSOR, Sahara" <sahara@judwonpat.com>,
 "DUARTE, Mark" <mark@judwonpat.com>,
 "TORRES, Frank B." <fbtorres@judwonpat.com>,
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 "TERLAJE, Flo" <fterlaje@guamlegislature.org>,
 "TERLAJE, Theresa" <tterlaje@guam.net>

date Mon, Oct 11, 2010 at 3:00 PM
 subject 1st NOTICE - PUBLIC HEARING
 mailed-by gmail.com

Have Ads to All:
 Please see attached First Notice of Public Hearing from Sen. Frank B. Aguon, Jr. Please see memo for details

Un dangkulo'ne Si Yu'os Me'sse', and have a great day.

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F. C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671 969 1495/6
 Fax: 671 969 1497

 PUBLIC HEARING - 1st NOTICE.pdf
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SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

October 11, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Tuesday, October 19, 2010
TIME: 9:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

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KUAM TV/Radio	637-9870
News Talk K57 / Power98	477-3982
PDN	477-3079
PNC News	477-0793
Marianas Variety	648-2007
Marianas Media / Guam News Watch	478-6402
Hit Radio 100	472-7663
K-Stereo / KISH	477-6411
KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

NOTE: Blocked calls are not displayed on this report.
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Oct 7	9:07AM	Fax Sent	6475385	0:57	2	OK
Oct 7	9:50AM	Fax Sent	6475830	1:00	2	OK
Oct 7	11:33AM	Received	671 472 5022 6714725022	0:36	1	OK
Oct 7	4:21PM	Fax Sent	6855652	0:24	0	Cancel
Oct 7	4:22PM	Fax Sent	4724406	0:33	1	OK
Oct 7	4:23PM	Fax Sent	4770793	0:34	1	OK
Oct 7	5:16PM	Received	4722493 6714722493	0:33	2	OK
Oct 8	12:45AM	Received	859 283 1400 8592831400	0:44	1	OK
Oct 8	9:44AM	Fax Sent	6491002	2:48	7	OK
Oct 8	12:36PM	Fax Sent	6494713	0:27	1	OK
Oct 8	2:29PM	Received	+6714777100 6714777100	0:32	1	OK
Oct 8	4:51PM	Fax Sent	4774826	1:21	3	OK
Oct 11	9:48AM	Received	16716491449 6716491449	1:01	2	OK
Oct 11	3:22PM	Received	6716494713	0:31	1	OK
Oct 11	4:32PM	Fax Sent	6379870 - KUAM TV/RADIO	1:12	2	OK
Oct 11	4:34PM	Fax Sent	4773982 - K57/POWER 98	0:49	2	OK
Oct 11	4:35PM	Fax Sent	4773079 - PDN	1:05	2	OK
Oct 11	4:37PM	Fax Sent	4770793 - PNC NEWS	0:50	2	OK
Oct 11	4:38PM	Fax Sent	4786402 - MAR MEDIA/GNW	0:51	2	OK
Oct 11	4:39PM	Fax Sent	4727663 - HIT RADIO 100	0:50	2	OK
Oct 11	4:41PM	Fax Sent	4776411 - K-STEREO/KISH	1:08	2	OK
Oct 11	4:42PM	Fax Sent	7342958 - KPRG NEWS	0:49	2	OK
Oct 11	4:44PM	Fax Sent	7343476 - KGTF	0:50	2	OK
Oct 11	4:45PM	Fax Sent	5652983	0:55	2	Error 405
Oct 11	4:47PM	Fax Sent	4777136 - HARVEST RADIO	0:50	2	OK
Oct 11	4:48PM	Fax Sent	4774678 - JOY 92FM	1:36	2	OK
Oct 11	4:50PM	Fax Sent	6482007	0:46	1	Error 403
Oct 11	4:52PM	Fax Sent	5652983	1:08	1	Error 403
Oct 11	4:54PM	Fax Sent	6482007 - MARIANAS VARIETY	1:38	2	OK
Oct 11	4:57PM	Fax Sent	5652983 - ADVENTIST RADIO	1:38	2	OK

PUBLIC HEARING - 1st NOTICE Inbox X

from **Frances Lizama** <lizama.frances@gmail.com>
to gerry@mvguam.com,
john@marianasmedia.com,
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"WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>

date Mon, Oct 11, 2010 at 5:00 PM
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Hafa Adai to All:

Please see attached Press Release and Agenda for Public Hearing from Sen. Frank B. Aguon, Jr.
Un dangkulo' na Si Yu'os Ma'ase', and have a great day.

--

FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
Tel: 671.969.1495/6
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DYA officer Mesa denied bail

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

A DEPARTMENT of Youth Affairs corrections officer accused of abusing her authority to mastermind burglaries with her DYA wards remains behind bars after a judge denied her request for bail yesterday.

Sandra Ann Mesa, 33, of Yigo, allegedly used two 17-year-old girls in custody of DYA to facilitate several burglaries and a robbery from August to September.

Several victims were present at the court hearing yesterday and were vocal in their relief that Judge Alberto Lamorena denied Mesa's request for bail even though she posted the \$20,000.

"She exploited and abused her authority and should be held until she is cleared," said Ovieta Perez outside the courtroom. She is a social worker assigned to the two

girls allegedly involved in the crimes.

"Everyone deserves a fair trial, but she really exploited those girls," Perez added.

At least five other victims and their family members were present.

A couple of them were the daughters of an elderly woman in Sinajana who was struck in the head with a beer bottle and robbed by one of the girls on Sept. 13.

Mesa is charged with complicity to commit robbery as a first degree felony, complicity to commit burglary as a second degree felony and theft as a second degree felony.

According to a magistrate's complaint, Mesa allegedly transported the girls to



Sandra Mesa

locations where burglaries and a robbery were committed, and provided them with information on the working hours of the burglary victims.

Prosecutor Stephen Leon Guerrero told the judge yesterday that Mesa should remain in jail because she was the "mastermind" behind the crimes and she had several previous theft convictions.

Mesa admitted to investigators that she knew the girls from DYA and drove them to the areas where the burglaries and robbery took place.

Mesa also admitted to accepting stolen electronic items, a laptop computer and jewelry worth more than \$1,500 and other items from the teenagers. The items

were later recovered from her home at vehicle.

Mesa is still technically an employee with DYA and is currently on administrative leave without pay until an intern investigation is complete, said Ben Pinaula, DYA director.

Pinaula said he had "heard" that she had prior theft convictions, but was not sure if they were expunged or not.

Pinaula said if they were not expunged it would have been "very, very difficult" for her to be hired as a DYA guard. "There would have to be extreme circumstances."

Pinaula said he "just came on board as director so he is not sure, "how his hiring came about."

However, Pinaula said the arrest of Mesa was the result of his department investigating statements made by the two girls to the social worker.

Boy run over by mom's car still in hospital

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

A two-year-old boy is under observation in the intensive care unit of the Guam Memorial Hospital after he was accidentally run over by his mother Sunday afternoon.

Guam Police Department spokesman officer A.J. Balajadia said in a news release the woman was backing her vehicle out of her home on Miguel Street in Mangilao when she accidentally hit her son.

Responding to the scene were officers from the Tamuning/Tumon Precinct.

The case has been forwarded

to the Guam Highway Patrol for further investigation. No citations or arrests were made.

In the meantime, later on at around 6:45 p.m., officers from the Hagatna Precinct responded to an auto-pedestrian accident along Route 10 by Savings Mart in Mangilao.

A 1996 Toyota Tercel driven by a woman was traveling south on Rt. 10 when she struck an 18-year-old Mangilao man running across the road in the path of the Tercel.

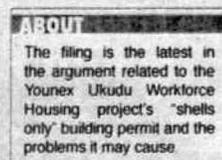
The man was transported to GMH where he was reportedly in stable condition. This case was also forwarded to Guam Highway Patrol for follow-up investigation.

GovGuam: EPA wants to be 'receiver' for GWA

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

ASSISTANT Attorney General Kathy Fokas filed a document in federal court yesterday in response to the U.S. Environmental Protection Agency's request for increased monitoring of Guam's building permitting process saying the agency is asking "to be treated as a receiver."

The filing is the latest in the argument related to the Younex Ukudu Workforce Housing project's "shells only" building permit and the problems it may cause with drinking and waste water with Guam Waterworks Authority's six-year-old stipulated order with EPA for violations of the Clean Water Act and Safe Drinking Water Act.



The filing is the latest in the argument related to the Younex Ukudu Workforce Housing project's "shells only" building permit and the problems it may cause

Fokas argued EPA is asking the court to "oversee and micro-manage a purely local regulatory process, out of speculation that it will be done improperly."

Further, she said EPA is encouraging the court to federalize local land use planning and building permit processes without a sufficient legal basis and in effect, asking to be treated as a receiver; a drastic remedy for a wrong that has not even been proven.

GovGuam also believes a hearing on the matter would serve no

purpose since it is purely a local matter on a building permit that has not been issued yet and is still being reviewed locally.

Fokas' memorandum of legal points and authorities come after several filings by U.S. EPA questioning the "shells only" permit given to Younex that skipped review by GWA and other agencies.

EPA asked GovGuam to revise DPW's permitting process and document the progress in the next status report to the court out of concern that projects like Younex's may tax the already over of compliance drinking and waste water systems.

It also asked the court to schedule a status hearing at the earliest convenience.

At the hearing, EPA wants GovGuam and GWA to address the issue of ensuring that adequate wastewater and drinking water is available for the Younex project and surrounding area.

EPA also stated that the U.S. reserves the right to seek to enjoin further construction of the Younex Ukudu Workforce housing project.

EPA also questioned whether the zoning of the housing project which is classified as "high industrial" is appropriate for a place that will house 18,000 people.

EPA also wants an answer to why the "shell only" permitting process is appropriate for a project the size of Younex, and how the permitting process allows for meaningful assessment by GWA and Guam EPA of drinking water and wastewater needs and other environmental issues associated with the project.

COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY
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296 Adubesapig I.C. Floor N. 105 A Bldg. Navy 301A Hagatna, Guam 96911
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: ajg@mvguam.gov

NOTICE OF PUBLIC HEARING
TUESDAY, OCTOBER 19, 2010, 9AM - PUBLIC HEARING ROOM
AGENDA

CONFIRMATION HEARING OF J. PETER ROBERTO TO SERVE AS DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES (DPHSS)

BILL NO. 473-30 (COR) - TO REPROGRAM AND APPROPRIATE FUNDS FROM THE LIMITED OBLIGATION HIGHWAY BONDS AUTHORIZED BY PL. 19-2 TO IMPROVE THE AVAILABILITY OF DPW SCHOOL BUSES BY REFURBISHING SELECTED SCHOOL BUSES, PERFORM OVERDUE PREVENTATIVE MAINTENANCE SERVICES, PURCHASE OF TOOLS AND EQUIPMENT FOR BUS MAINTENANCE, AND REPAIR OF FACILITIES AT DPW BUS SUBSTATIONS.

Individuals requiring special accommodations or services,
or for further information, please contact Ron Teehan at 969-1495/6.

THIS AD WAS PAID FOR BY GOVERNMENT FUNDS.

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195/60R14	\$ 60.00	\$118.00	225/60R16	\$ 86.00	\$170.00
175/65R14	\$ 52.00	\$102.00	235/60R16	\$ 98.00	\$194.00
185/65R14	\$ 58.00	\$114.00	215/70R16	\$ 92.00	\$182.00
195/50R15	\$ 68.00	\$134.00	225/70R16	\$106.00	\$210.00
195/60R15	\$ 65.00	\$128.00	235/70R16	\$108.00	\$214.00
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**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
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October 14, 2010

FRANK B. AGUON, JR.
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SENATOR

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SENATOR

MEMORANDUM

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: SECOND NOTICE - NOTICE OF PUBLIC HEARING
Tuesday, October 19, 2010, 9am

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, October 19, 2010, 9:00 a.m.** in the Guam Legislature's Public Hearing.

Items for discussion are as follows:

- **CONFIRMATION OF MR. J. PETER ROBERTO** to serve as Director of Department of Public Health & Social Services
- **BILL NO. 473-30 (COR)** - An Act to reprogram and appropriate funds from the Limited Obligation Highway Bonds authorized by P.L. 19-2 to improve the availability of DPW school buses by refurbishing selected school buses, perform overdue preventative maintenance services, purchase of tools and equipment for bus maintenance, and repair of facilities at DPW Bus Substations.
- **BILL NO. 474-30 (COR)** - An Act to appropriate the sum of \$1,500,000 to the Department of Public Works for the repair of damages to village streets as a result of traffic diversions related to ongoing road construction projects.

Please see the attachment for agenda items. Should you have any questions, please contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'os Ma'ase'.

Cc: Sergeant-at-Arms/Protocol/AV/MIS
Stephanie Mendiola, COR
Clerk of the Legislature

PUBLIC HEARING - 2nd NOTICE

From: **Frances Lizama** <lizama.frances@gmail.com>
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 "EVARSTO, Jessica" <jessica@raytenorio.com>,
 "LG, Phillip" <phill@raytenorio.com>

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Hafa Adai Senators

Attached is the Notice of Public Hearing from Sen. Frank B. Aguon, Jr. Please see notice for details
Un dangkulo' na Si Yu'os Ma'ase', and have a great day.

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel. 671.969.1495/6
 Fax 671.969.1497



SENATOR FRANK B. AGUON, JR.

**Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary**
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

October 14, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 48-hours notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Tuesday, October 19, 2010
TIME: 9:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

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PUBLIC HEARING - 2nd Notice

from **Frances Lizama** <lizama.frances@gmail.com>
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"WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>
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Hafa Adai to All:

Attached is a Notice of Public Hearing from Sen. Frank B. Aguon, Jr.'s committee.

Un dangkulo' na Si Yu'os Ma'ase', and have a great day.

--

FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
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			6716483601			
Oct 14	2:22PM	Received	6716483781	0:34	1	OK
			6716483781			
Oct 14	3:05PM	Received	4722493	0:24	1	OK
			6714722493			
Oct 14	3:50PM	Fax Sent	4774826	0:58	2	OK
Oct 14	4:02PM	Fax Sent	4774726	0:47	0	Cancel
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Oct 14	4:05PM	Fax Sent	6495508	0:53	2	OK
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Oct 14	4:14PM	Fax Sent	4773982	1:21	1	Error 350
Oct 14	4:16PM	Fax Sent	4773982 - K57/POWER 98	0:49	2	OK
Oct 14	4:17PM	Fax Sent	4773079 - PDN	1:14	2	OK
Oct 14	4:19PM	Fax Sent	4770793 - PNC NEWS	1:06	2	OK
Oct 14	4:20PM	Fax Sent	4786402	0:39	0	Error 389
Oct 14	4:21PM	Received		0:09	0	Cancel
			6716494959			
Oct 14	4:22PM	Received		0:11	0	Cancel
Oct 14	4:22PM	Fax Sent	4786402 - MAR MEDIA/GNW	1:08	2	OK
Oct 14	4:24PM	Received		0:09	0	Cancel
			6716494959			
Oct 14	4:24PM	Fax Sent	4727663 - HIT RADIO 100	0:49	2	OK
Oct 14	4:26PM	Fax Sent	4776411 - K-STEREO/KISH	1:10	2	OK
Oct 14	4:27PM	Fax Sent	7342958 - KPRG NEWS	0:49	2	OK
Oct 14	4:28PM	Received		0:15	0	Cancel
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Oct 14	4:29PM	Fax Sent	7343476 - KGTF	0:53	2	OK
Oct 14	4:31PM	Fax Sent	5652983	1:29	1	Error 350
Oct 14	4:33PM	Fax Sent	5652983 - ADVENTIST RADIO	0:53	2	OK
Oct 14	4:34PM	Received		0:09	0	Cancel
			6716494959			
Oct 14	4:34PM	Fax Sent	4777136 - HARVEST RADIO	0:50	2	OK
Oct 14	4:36PM	Fax Sent	4774678 - JOY 92FM	0:49	2	OK
Oct 14	4:38PM	Fax Sent	6482007	0:12	0	Cancel
Oct 14	4:39PM	Fax Sent	6482007 - MARIANAS VARIETY	1:07	2	OK

Health investigator jailed for alleged sexual assault

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

A DEPARTMENT of Public Health and Social Services investigator was arrested and jailed over allegations that he sexually assaulted a female patient back in July.

Wade Cruz Roberto, 33, of Yigo appeared in the magistrate's court yesterday afternoon and was charged with three counts first degree criminal sexual conduct as first degree felony; second degree criminal sexual conduct as a first degree felony; and official misconduct as a misdemeanor.

Roberto allegedly sexually assaulted the patient while he working as an investigator with the department.

Court documents state the incident occurred on or about July 26 and a complaint was filed a day later.

The victim told a police officer she went to public health for testing. While she was there, Roberto called her into a room and closed the door.

He told the woman he was going to



Wade Cruz Roberto

"administer a physical check" of her private area below the abdomen for lumps or sores. Roberto then inappropriately touched the victim with his fingers and asked her questions such as "how do you feel?"; "does it hurt?"; and "are my fingers bigger than your boyfriend's?"

Roberto also made lewd comments to the victim during the alleged incident.

An investigating police officer met with the acting chief public health offi-

cer and asked if Roberto was authorized to administer physical tests on patients and was told Roberto was not allowed.

The officer was also told that Roberto's official title was communicable disease control investigator.

He was taken into custody and interviewed wherein he admitted to police that he is not authorized to conduct physical check-ups.

No bail was set yet for Roberto. Court officials said he is confined at the Territorial Detention Center. His preliminary hearing is set for Oct. 22 at 4 p.m. in the courtroom of Judge Vernon Perez.

Customs responds to discrimination suit

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

GUAM Customs and Quarantine Agency said the discrimination lawsuit that its employee filed should be junked because it is barred by the statute of limitation and that the plaintiff has not exhausted all his administrative remedies.

Further, the Office of the Attorney General, which represents the agency, said EEOC was not the proper agency to hear Derick M. Guerrero's complaint.

Guerrero claims he was discriminated against in violation of the Americans with Disabilities Act.

Guerrero is asking the court to declare he is qualified for the position in the Marine Interdiction Task Force and to declare the policies and regulations of Guam Customs and Quarantine, which discriminate against otherwise qualified persons because of their disability is in violation of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Guerrero also seeks back pay from April 2007 for personal damages, mental pain and anguish and punitive damages, and attorney's fees.

In his complaint, Guerrero said the agency discriminated against him by refusing to allow him to return to the Marine Interdiction Task Force in June 2005 after a surgery, and later forced him to turn over his firearm, citing his medical leave status and fear for his family and the public's safety with no mental evaluation, court documents stated.

He said the agency knew about his cervical radiculopathy disability since March 2005. The injury was near the root of a spinal nerve and is sometimes referred to as a "pinched" nerve, according to the American Academy of Orthopaedic Surgeons website.

The agency denied knowing about Guerrero's disability. It further claims that the court lacks subject matter jurisdiction and personal jurisdiction of the agency.

Assistant Attorney General David Highsmith represents the agency.

In his complaint, Guerrero said he had reconstructive surgery to correct his disability in June 2006 and was released to return to full duty in December.

In April 2007, he asked again for reinstatement into the MITF, and was told by the agency that he had to sign a waiver regarding his previous disability.

Customs and Quarantine only admitted to preparing a memo dated April 7.

The agency also admits that in June of 2007, they required all employees to fill out a form disclosing their personal and medical status, threatening disciplinary action if officers did not comply.

In Sept. 2007, Guerrero said he went on medical leave for stress and headaches. He began mediation with the agency through the Equal Employment Opportunity Office, but the agency refused to move forward pending an opinion from the Attorney General's office, which they admit to.

Wrongful death suit filed against hotel

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

A COUPLE from Saipan who lost their 21-year-old son at the Grand Plaza Hotel in January 2009 due to drowning filed a wrongful death suit in federal court.

Priscilla and Gonzalo Pangelinan are asking for a jury trial and damages to be determined at trial for the death of Andrew Pangelinan.

They claim that numerous safety violations by the Grand Plaza Hotel resulted in his death.

The victim traveled to Guam from Saipan on January 2, 2009 for a music promotion event, and stayed at the Grand Plaza Hotel in Tumon, court documents stated.

At about 4 p.m. of January 3, Pangelinan went swimming at the hotel pool along with a friend. He was shortly found motionless and floating in the

pool. Documents are not clear what happened to his friend.

Pangelinan was taken to the hospital approximately 15 minutes after being taken from the pool, and despite efforts to revive him was pronounced dead.

The plaintiffs claim that GPH was negligent and careless in failing to, "provide for the care and safety and well-being of the hotel guests by creating and maintaining dangerous and hazardous conditions in and around its swimming pool."

They maintain that GPH failed to provide adequate life-saving equipment including a 60-foot lifeline and emergency telephone with posted emergency numbers, there were no shallow end steps or rails for ease of exit from the pool and no instructions for resuscitation and post the location and numbers of emergency personnel or the pool operator.

The Pangelinans' also stated that GPH failed to design and construct the corners of the floor and walls of the pool in a reasonably safe manner, and the face and floor of the pool were not painted with light colors so that Andrew would have been more easily detectable.

They also allege that there were no depth markings on the pool, no ladders, no proper signs, and the pool was not constructed with a non-slip surface and was not maintained or cleaned properly.

The parents stated that because of the safety code violations and failures, "Andrew Pangelinan did not realize the risk involved in swimming in GPH's pool."

They are also suing the hotel's insurer, Century Insurance.

SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY
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NOTICE OF PUBLIC HEARING
TUESDAY, OCTOBER 19, 2010, 9AM
PUBLIC HEARING ROOM

AGENDA
CONFIRMATION HEARING OF J. PETER ROBERTO TO SERVE AS DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES (DPHSS)

BILL NO. 473-30 (C0R) - TO REPROGRAM AND APPROPRIATE FUNDS FROM THE LIMITED OBLIGATION HIGHWAY BONDS AUTHORIZED BY PL 19-2 TO IMPROVE THE AVAILABILITY OF DPW SCHOOL BUSES BY REFURBISHING SELECTED SCHOOL BUSES, PERFORM OVERDUE PREVENTATIVE MAINTENANCE SERVICES, PURCHASE OF TOOLS AND EQUIPMENT FOR BUS MAINTENANCE, AND REPAIR OF FACILITIES AT DPW BUS SUBSTATIONS.

BILL NO. 474-30 (C0R) - AN ACT TO APPROPRIATE THE SUM OF \$1,500,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.

Individuals requiring special accommodations or services, or for further information, please contact Ron Teehan at 969-1495/6.

THIS AD WAS PAID FOR BY GOVERNMENT FUNDS

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155/80R13	\$ 43.00	\$ 85.00	205/70R15	\$ 78.00	\$154.00
175/70R13	\$ 46.00	\$ 91.00	225/70R15	\$ 92.00	\$182.00
185/70R14	\$ 58.00	\$114.00	205/75R15	\$ 83.00	\$164.00
195/70R14	\$ 66.00	\$130.00	235/75R15	\$100.00	\$198.00
205/70R14	\$ 73.00	\$144.00	LT31-1050R15	\$134.00	\$266.00
195/75R14	\$ 71.00	\$140.00	205/55R16	\$ 90.00	\$178.00
185/60R14	\$ 56.00	\$110.00	215/60R16	\$ 84.00	\$166.00
195/60R14	\$ 60.00	\$118.00	225/60R16	\$ 86.00	\$170.00
175/65R14	\$ 52.00	\$102.00	235/60R16	\$ 98.00	\$194.00
185/65R14	\$ 58.00	\$114.00	215/70R16	\$ 92.00	\$182.00
195/50R15	\$ 68.00	\$134.00	225/70R16	\$106.00	\$210.00
195/60R15	\$ 65.00	\$128.00	235/70R16	\$108.00	\$214.00
205/60R15	\$ 68.00	\$134.00	245/70R16	\$120.00	\$238.00
185/65R15	\$ 64.00	\$126.00	265/70R16	\$138.00	\$274.00
195/65R15	\$ 65.00	\$128.00	LT245/75R16	\$140.00	\$278.00
205/65R15	\$ 70.00	\$138.00	265/65R17	\$144.00	\$286.00

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HOURS:
MON-FRI 8-5:30PM
SAT 8-5PM
SUN 9-4PM

PRE-5 GOOD UNTIL OCTOBER 31, 2010

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**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

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

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

October 13, 2010

FRANK B. AGUON, JR.
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SENATOR, VICE CHAIRMAN

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SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

Mr. Andrew S. Leon Guerrero
Director, Department of Public Works
542 N. Marine Corps Drive
Tamuning, Guam 96913

Dear Mr. Leon Guerrero:

Buenas yan Hafa Adai!

The Committee will be conducting its public hearing on **Tuesday, October 19, 2010 beginning at 9am** in the Legislature's Public Hearing Room.

On the Agenda are the following items:

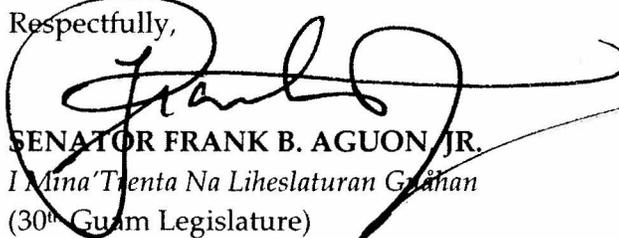
- **BILL NO. 473-30 (COR)** – An Act to reprogram and appropriate funds from the Limited Obligation Highway Bonds authorized by P.L. 19-2 to improve the availability of DPW school buses by refurbishing selected school buses, perform overdue preventative maintenance services, purchase of tools and equipment for bus maintenance, and repair of facilities at DPW Bus Substations.
- **BILL NO. 474-30 (COR)** – An Act to appropriate the sum of \$1,500,000 to the Department of Public Works for the repair of damages to village streets as a result of traffic diversions related to ongoing road construction projects.

I invite you and/or your representatives you deem appropriate to provide testimony on the above legislations. To obtain copies of the bills, visit the Guam Legislature's website at www.guamlegislature.com.

Testimonies may be submitted in advance to the Office of Senator Frank B. Aguon, Jr., 238 Archbishop F.C. Flores St., DNA Bldg, Suite 701A, Hagatna, Guam 96910, or emailed to aguon4guam@gmail.com no later than Monday, October 18, 2010. If you have any questions, you may call Mr. Ron Teehan from my office.

Un Dangkulo' na Si Yu'us Ma'ase'.

Respectfully,



SENATOR FRANK B. AGUON, JR.
I Mina'Trenta Na Liheslaturan Guåhan
(30th Guam Legislature)

NOTICE OF PUBLIC HRG - Bill 473-30 & Bill 474-30 Inbox X

from **Frances Lizama** <lizama.frances@gmail.com>
 to "LG, Andy" <leonguerreroa@yahoo.com>
 cc "PEREZ, Jacinta" <jacinta.perez@dpw.guam.gov>
 date Thu, Oct 14, 2010 at 4:08 PM
 subject NOTICE OF PUBLIC HRG - Bill 473-30 & Bill 474-30
 mailed-by gmail.com

Hafa Adai Mr. Leon Guerrero:

Attached is Notice of Public Hearing from Sen. Frank B. Aguon, Jr. See attached notice for details.

Please confirm receipt of this notice via email to this address.

Un dangkulo' na Si Yu'os Ma'ase', and have a great day.

--
FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497

 **DPW - PH 2010.10.19.pdf**
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from **Andy Leon Guerrero** <leonguerreroa@yahoo.com>
 to Frances Lizama <lizama.frances@gmail.com>
 date Sat, Oct 16, 2010 at 2:34 PM
 subject Re: NOTICE OF PUBLIC HRG - Bill 473-30 & Bill 474-30
 mailed-by yahoo.com
 signed-by yahoo.com

Hafa Adai Frances,

I am in receipt of the good Senator Aguon's notice and I will be in attendance.

Si Yu'os Ma'ase

Andy



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
***I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature**
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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

AGENDA

TUESDAY, OCTOBER 19, 2010, 9:00 AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

- **APPOINTMENT OF MR. J.PETER ROBERTO TO SERVE AS DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES.**
- **BILL NO. 473-30 (COR)**
AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FROM THE LIMITED OBLIGATION HIGHWAY BONDS AUTHORIZED BY P.L. 19-2 TO IMPROVE THE AVAILABILITY OF DPW SCHOOL BUSES BY REFURBISHING SELECTED SCHOOL BUSES, PERFORM OVERDUE PREVENTATIVE MAINTENANCE SERVICES, PURCHASE OF TOOLS AND EQUIPMENT FOR BUS MAINTENANCE, AND REPAIR OF FACILITIES AT DPW BUS SUBSTATIONS.



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
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- **BILL NO. 474-30 (COR)**
AN ACT TO APPROPRIATE THE SUM OF \$1,500,000.00 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSIONS RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.