



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 5, 2012

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

31-11-1224
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 1/5/12
Time 3:40 P
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 365-31 (LS), "AN ACT TO AMEND §40113(b)(19) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA", which I signed into law on January 4, 2012 as Public Law 31-162.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2012 JAN -5 PM 4:27 30

1224

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that Bill No. 365-31 (LS), "AN ACT TO AMEND §40113(B)(19) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA", was on the 22nd day of December, 2011, duly and regularly passed.

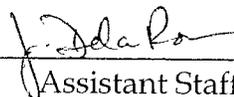


Judith T. Won Pat, Ed.D.
Speaker

Attested:

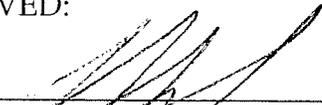

Tira Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of Dec., 2011, at
10:35 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: JAN 04 2012

Public Law No. 31-162

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 365-31 (LS)

As amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA

T. R. Muña Barnes

T. C. Ada

V. Anthony Ada

F. F. Blas, Jr.

B. J.F. Cruz

Chris M. Dueñas

Sam Mabini, Ph.D.

Adolpho B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Dennis G. Rodriguez, Jr.

M. Silva Taijeron

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §40113(B)(19) OF CHAPTER 40,
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
PLACING THE *TAGA'CHANG* BEACH PARK UNDER
THE ADMINISTRATIVE AUTHORITY OF THE
OFFICE OF THE MAYOR OF YONA.**

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

2 **Section 1.** §40113(b)(19) of Chapter 40, Title 5, Guam Code Annotated,
3 is hereby amended to read:

4 “(19) The Mayor of *Yona* is responsible for Blas Park, Pangelinan
5 Park, Quichocho Park, Violet Park, and the *Yona* Community Park. The
6 Office of the Mayor *shall* also have administrative authority of the
7 *Taga'chang* Beach Park and *shall* adopt the Department of Parks and

1 Recreation rules and regulations and the fee schedule for the use of the
2 Park, any of its recreation shelters *or* any activity within the premises of the
3 Park; and *shall* allocate a portion of the proceeds, which *shall* be deposited
4 subject to the provisions of §40135 of this Chapter, received for such use,
5 for the maintenance and upkeep of the *Taga'chang* Beach Park.”

6 **Section 2. Effective Date.** The Department of Parks and Recreation and
7 the Mayor of *Yona shall* formalize a transfer process and effectuate the provisions
8 contained herein within sixty (60) days after enactment of this measure into law.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUĀHAN

2011 (FIRST) Regular Session

Date: 12/22/11

VOTING SHEET

Bill No. 365-31(LS)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ <u>ABSTAINED</u>	OUT DURING ROLL CALL	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

December 16, 2011

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

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 365-31 (LS)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 365-31 (LS) – “An act to amend §40113(B) (19) and §40135 of Chapter 40, title 5 Guam Code Annotated relative to placing the Taga'chang Beach park under the administrative authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective mayors in the Municipal Planning Council Revolving Fund.” – sponsored by Judith P. Guthertz, DPA and referred to the Committee on Municipal Affairs, Tourism, Housing and Recreation.

Committee votes are as follows:

2

TO DO PASS

TO NOT PASS

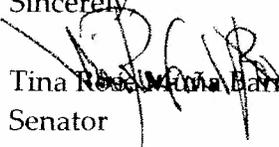
7

TO REPORT OUT ONLY

TO ABSTAIN

TO PLACE IN INACTIVE FILE

Sincerely,


Tina Rose Muña Barnes
Senator

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

**COMMITTEE
REPORT
ON**

BILL NO. 365-31 (LS)

(Sponsor: Judith P. Guthertz, DPA)

“An act to amend §40113(B) (19) and §40135 of Chapter 40, Title 5 Guam Code Annotated relative to placing the Taga'chang Beach Park under the administrative authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund.”

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation
Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public
Broadcasting

155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary
Tina Rose Muña Barnes

December 12, 2011

MEMORANDUM

To: **All Members**
Committee on Municipal Affairs, Tourism, Housing and Recreation.

From: Senator Tina Rose Muña Barnes
Committee Chairperson

Subject: Committee Report on Bill No. 365-31 (LS)

Transmitted herewith for your consideration is the Committee Report on Bill No. 365-31 (LS) – “An act to amend §40113(B) (19) and §40135 of Chapter 40, Title 5 guam Code Annotated relative to placing the Taga'chang Beach Park under the administrative authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund,” sponsored by Judith P. Guthertz, DPA.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 365-31 (LS)
- Copy of Bill No. 365-31 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony on Bill No. 365-31 (LS)
- Copy of COR Referral of Bill No. 365-31 (LS)
- Fiscal Note for Bill No. 365-31 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation
Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

COMMITTEE VOTING SHEET

Bill No. 365-31 (LS) – "An act to amend §40113(B) (19) and §40135 of Chapter 40, Title 5 Guam Code Annotated relative to placing the Taga'chang Beach Park under the administrative authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund."

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN DUE TO CONFLICT OF INTEREST	TO PLACE IN INACTIVE FILE
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Chairperson				✓		
SPEAKER JUDITH T. WON PAT, Ed.D. Vice-Chairperson						
VICE SPEAKER BENJAMIN J.F. CRUZ Member		✓ 12/16/11				
SENATOR RORY J. RESPICIO Member						
SENATOR THOMAS C. ADA Member				✓ 12/13/11		
SENATOR DENNIS G. RODRIGUEZ, JR. Member				✓ 12/16/11		
SENATOR JUDITH P. GUTHERTZ, DPA Member						
SENATOR ADOLPHO B. PALACIOS Member				✓ 12/16/11		
SENATOR VICENTE C. PANGELINAN Member				✓		
SENATOR FRANK F. BLAS, JR. Minority Member				✓ 12/13/11		
SENATOR ALINE YAMASHITA Minority Member						
SENATOR V. ANTHONY ADA Minority Member						
SENATOR MANA SILVA TAIJERON Minority Member						
SENATOR CHRISTOPHER M. DUEÑAS Minority Member				✓ 12/16/11		

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 365- 31(LS) was introduced on November 3, 2011 by Senator Judith P. Guthertz, DPA, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Recreation on November 4, 2011.

The Committee on Municipal Affairs, Tourism, Housing and Recreation convened a public hearing on Bill No. 365-31(LS) on Monday, November 14, 2011 at 10:00 AM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Monday, November 7, 2011 (5-Day Notice), and again on Friday, November 11, 2011(48-Hour Notice).

Senators Present

Senator Tina Rose Muña Barnes, Chairperson
Senator Judith P. Guthertz, DPA, Committee Member
Senator V. Anthony Ada, Committee Member

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 10:08 AM.

Senator Tina Muña Barnes: Next on the agenda is Bill 365 that is sponsored by Senator Guthertz and cosponsored by myself, Senator Tina Muña Barnes.

I do have folks from the community who wish to speak, representing the village of Yona we have Mayor Pedro Terlaje. Also from the Department of Parks and Recreation, we have Mr. Mike Cura, testimony from Mr. Peter Calvo who sent his regrets because he is at a scheduled meeting at Adelup. We will also note that for the record we have Dr. Dianne Strong who will also speak from the village of Yona. But before we do that if I may we do have the author of the legislation Senator Guthertz and I will yield the microphone to her to give her brief remarks and an introduction on the bill.

Senator Judi Guthertz: Thank you Madam Chair and my colleague Tony Ada and good morning and thank you for coming to the hearing.



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Office of The Legislative Secretary

Tina Rose Muña Barnes

Bill No. 365-31 is an act to amend sections 40113 (B) 19 and 40135 Chapter 40 Title 5 Guam Code Annotated relative to placing the Taga'chang Beach Park under the administrative authority under the office of the Mayor of Yona and including fees charged for public beach parks under the purview of the respective Mayors Municipal Planning Council Revolving Fund.

This measure does two things Madam Chair. First, it places control of Tagachang Beach Park under the purview of the Mayor of Yona. In speaking with the mayor and having learned from constituents, the area remains, a popular recreation spot however needs a lot of maintenance. Perhaps having task the mayor with its upkeep there might be renewed opportunities to rehab the area and to turn it into a true gem for Guam's eastern coast as the residence of Yona take ownership and pride in the beach park. Second, the measure expands the source of the municipal planning council's revolving funds to include village parks and beach parks but under the purview of the village mayor's. This is a potential revenue source for the mayor's to tap into to help the upkeep of their villages.

Currently mayors have authority to set charges for community centers, gymnasiums and all other sports facilities that is deposited into the municipal planning council's revolving fund. These funds are currently committed to the maintenance and upkeep of these facilities and to fund special projects identified by the municipal councils, but by expanding the potential revenue sources to include village parks and beach parks that are under the purview of village mayor's this will help add to the revenue base in maintaining these facilities.

So basically, we have a bill that addresses the serious concerns of the village of Yona, but it also provides opportunities to the other mayor's to also be involved in this similar arrangement. And to be very frank with you Madam Speaker to devolve control from the central government down to the village level and to give them all authority to our municipalities over those facilities that are within its borders. There is too much power concentrated in the central level. Unfortunately, it keeps our mayor's in a very disadvantageous where they need to go to the central government, to the governor, to the department and agencies of the executive branch to get any services for the villages.

We need to stop this arrangement and empower our municipalities, empower our mayor's. I also have the same philosophy when it comes to our school system. It is to empower the schools and to give the power to the schools communities in which they exist and empower the parents, empower the parent teacher association, empower the Mayors in where the school exists. So, I have a bill already being written which will decentralize the education, most of its functions will go down to the school level and we will see a real change in our school system.

So, I would like to start with the Mayors and later move onto the Department of Education. Thank you.

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



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Tina Rose Muña Barnes

Senator Barnes: Si Yu'us Ma'ase Senator Guthertz. If I may I usually have women start but in this case because this bill is tied into the Mayor of Yona and the concerns with this bill I will have if you do not mind Dr. Strong I will yield to Mayor Pedro Terlaje to start and if you can please state your name for the record and your position.

Mayor Jose Terlaje: My name is Jose Terlaje and presently the Mayor of Yona since 2001. Mayor Terlaje reads his written testimony.
(written testimony attached)

So usually the chief will call the residences of Yona and make those decisions and to decide on what progress have to be made to the community. This is why Taga'chang Beach is very sacred to us.

(Continues to read written testimony)

Work with the private contractors to resurface cracks within the pavilions. I know many people who can help me refurbish the pavilion at Taga'chang Beach. I would contract one family to stay down there and just b-b-q everyday that is what I wanted to do if given the opportunity.

(Continues to read written testimony)

There are no signs there other than do not swim behind the reef.

(Continues to read written testimony)

I do not want to take up most of the time and listen to what Department of Parks and Recreation has to say. Thank you very much.

Senator Barnes: Si Yu'us Ma'ase mayor Terlaje. Dr. Dianne Strong go ahead and yield time for you.

Dianne Strong: Madam Chair with your permission I would like to defer time to Parks and Recreation.

Senator Barnes: Thank you very much I appreciate that. Mr. Ukora.

Micheal Cura: Good morning senators and mayor Terlaje.

Senator Barnes: I apologize just please state your name for the record.

Mr. Cura: I am Micheal Cura. I am the Department of Parks and Recreation Parks Administrator. I am here to present testimony for the Director today he could not make it he had a prior appointment this morning.

(written testimony attached)

Senator Barnes: Thank you very much. Dianne.



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Office of The Legislative Secretary

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Dianne Strong: Hafa Adai. Thank you Senators. I am Pedro's neighbor and a member of the Central Executive Committee of the Democratic Party of Guam along with Dr. Wyttenbach-Santos representing Yona rules the village.

I have been a resident of Yona for thirty years. I support the bill. I strongly believe the Department of Parks and Recreation is terribly over burdened. The Yona mayor's office has demonstrated great efficiency, creativity and dedication.

He has got such great support from contractors to do jobs that were never paid for by the Governor, actually the government. I have been extremely impressed with the performance of Mayor Terlaje in his three terms as Mayor. Regarding the fee schedule I believe the Mayor's office can be far more accountable and our general fund. The biggest pavilions roof is in need of painting and power washing.

On the way down to the beach the Mayor's office maintains it. It is an impossible job to keep up with it. I am sure that you remember the very active gangs volunteer Joanne Benino that where she ran she took a trash bag. I have been using that entrance to the beach for my cardio exercises and I would be glad to assist in this endeavor.

Because not only has the Del Carmen development of that building at the top cleared but it has cleared many acres below. I am sure Del Carmen's would also give great maintenance and improvement of that road and the park. In reference to the religious use of the park, on November 11th there was a sun rise ceremony there. I was not able to attend but Dr. Katherine B. Aguon's granddaughter gave a cruise and many other people were involved in that ceremony. So I appreciate our Mayor for mentioning the traditional and religious aspects of this sacred place of where we do meet the sun every morning.

I appreciate for the mayor outlining his dreams for the park and I do believe these dreams can be realized and I support this bill unequivocally. Thank you.

Senator Barnes: Thank you. I will yield to my colleague Senator Ada because Senator Guthertz is the author of the bill and have her close if there is any other questions. Senator Ada do you have any questions or comments for the panel?

Senator Tony Ada: Just for mayor Pedro. Are you sure, you want authority for the beach?

Mayor Terlaje: Well I don't really want the authority but I am the one doing all the work. And I am not assigned to it but I just do it because I feel it is my obligation to the people of Yona and also the visitors that they have a good time barbequing down there or a party.



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Office of The Legislative Secretary
Tina Rose Muña Barnes

Senator Ada: I guess one of the concerns with Parks and Receptions is whether you are going to close it off to other residence that want to use the facility?

Mayor Terlaje: Senator, they know very well that I am not going to close it off to only the Yona residence. I plan to close that at six o'clock at night and open it up at eight o'clock in the morning. But if there is a group that would like to have an overnight stay then of course all they have to do is check with me and I will let them.

Senator Ada: Mr. Cura what currently is the maintenance down there at Taga'chang and how often do you guys perform maintenance?

Mr. Okura: I would refer all the questions to my Director. We will just get the questions.

Mayor Terlaje: I can answer that. I want to say it straight forward because as public officials we got to make it known, we have to make the public know this is what we do and this is what they do not do. I do the maintenance down there. Last Saturday I had a group of people down there picking up the trash.

I did not see any of the Parks and Recreation I am sorry to say. I want them to take a look Taga'chang because there are several parks that is assigned in Yona and I have been trying to clean them since 2001. And I will continue to do that I do not care who is in charge. I will do that because it is my village.

Senator Barnes: Senator Ada in all fairness to the Department of Parks and Recreation and to the Director who is not here at the moment we will go ahead and refer all those questions to him and get those answers and we will get back to you. Also with Mayor Terlaje and his staff to go down there to augment what the Department has not done due to the lack of resources. I will get the answers to those questions because they are questions that need answers to. Also not just by Mayor Terlaje but Parks and Recreation so that will be a committed answer, back to you.

Mayor Terlaje: Well Senator do not get me wrong because Director Calvo is a very good friend of mine and I know that he is very aggressive we use to work together. All I am saying is we need a little attention to that beach. That is all we need and I can work with the Director.

Senator Barnes: Thank you very much. Senator Guthertz is there any questions.

Senator Guthertz: I have two points. I remember Taga'chang beach very well. I use to go there frequently for barbeques and parties. It was a beautiful facility for a number of years ago and very well maintained very fun place to go. As you recall Dr. Strong the University use to have a lot of picnics there for the faculty and staff and we very much enjoyed going there.



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Office of The Legislative Secretary

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But it is a very different place today and it is shameful frankly. We recognize all the problems that Parks and Recreation is having and I think it is time for delineation really those things that Parks and Receptions should be empowered to take care of and hose things that should be devolved to the Mayor's and to the Municipalities. I look at this bill as a test case and yes it is a paradigm shift turning authority of Taga'chang to the Mayor and to the purview of the Municipal Council.

But it is a good experiment. I am willing to see what the Mayor can do with his Municipal Council and with his community and with parameters that it will be opened up to the public and that it will not be exclusive just to the people of Yona. It will be open to the public and it always has been open to the general public. As far as to the general comments to the Director he has some good comments but he should be here. Now this thing about having another appointment will not allow me to be here, I have heard that from Directors since I became a Senator.

When they do not want to come to the hearing or they do not want to answer questions they do not show up and that is not the way this is suppose to work. The Director and I have been a Director, and I know what is required. An advance proper of notice is given for the scheduled Public Hearing, minimally the Director should be at that hearing. It is a matter of respect that the role the Legislature has in developing bills. Now one of the questions was, why was the Department of Parks and Recreation not notified in advance before this bill was introduced?

That is not how the process works. When the Legislature see a need or a problem, or the constituents approach it, they will introduce a bill to address the issue, and they will invite the Executive Branch, department and agencies and the public at large to come to this legislature and share their views. That is what this hearing is for and the Director should be here.

Now I know Peter Calvo very well. He was my student. He was energetic, proactive and enthusiastic. No one is saying any differently. But it is time now to devolve this government.

Governor Calvo is doing some good things in trying to introduce some worthwhile things to fix this government and this is an initiative to introduce some worthwhile things to change this government to empower our Mayors, to empower our communities to take ownership and pride in their villages, in their Municipalities and in the resources and sites and things that are unique to their village. And that is what this bill does it is a beginning and I am very happy that we have introduced this bill. I have no idea how far it will go. But for this Senator I will work as hard as I can until it becomes law. And I will ask our friend over at Parks and Recreation to understand this.

That this not to hurt you, this is not to challenge you. This is to actually help you. This bill helps Parks and Recreation, because as what was noted by our good Mayor, Parks and Recreation has



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Office of The Legislative Secretary
Tina Rose Muña Barnes

not responded to the needs of Taga'chang Beach Park probably because of the other difficulties that you would have to contend with on a daily basis. So if you cannot do it why should the Mayor and Municipal Council be able to do it.

So that is the intention of this bill and to also widen the spectrum to allow the Mayor and other Mayors to initiate a fee schedule for the use of these facilities. I think the Mayor should be commended for closing the facilities at the idea of six o'clock in order to reduce the event of vandalism and other bad things that happen to the beach area, but being able to open to later hours for specific functions and events so that accountability is laid out. So I would actually like to see this bill to be able to broaden itself to be implied to other Mayors in other Municipalities and I think it will have a chance to do that. Thank you, Madam Speaker.

Senator Barnes: Thank you Senator. I do have a question for Parks and Recreation and I am going ask if you can answer in your capacity at the Department. And then I will go ahead and have Mayor Lizama speak on behalf of the bill.

But in as far as the time lines there was a recommendation from Mayor Terlaje that if it was transferred over to him that there will be an opening time and a closing time. My question to you Mike is, out of all the beaches and parks that you have, are there any time line regulations that are set at any of them at the parks as we see it today?

Mr. Cura: Yes. There are currently 9-6 operations. It does say on the permit when they get the permit from us.

Senator Barnes: So the majority of your beaches and parks it is a majority of 9am to 6pm?

Mr. Cura: Yes.

Senator Barnes: Yes. Alright thank you. Mayor Lizama I understand it that you wish to speak on behalf of this Bill 365.

Mayor Lizama: Yes Madam Chair, I had to go to an eleven o'clock meeting and I came right back. I thank you again and I come as Mayor of Yigo to support Yona. Of course with their efforts and my wife is from Yona. We share the same opportunities perhaps with the Guam Legislature does make this happen. I commend the good Senator my former boss, Senator Judi Guthertz for sponsoring this bill and you know I have to say this that Mayor Pedro from Yona works just as hard as any other mayors that do and you know at the same time we get criticized. You know Mayor, how many times do we hear that the people of Guam go out to Taga'chang and that the Mayor is not doing his work.

But little do they know that responsibility lies with the Department of Parks and Recreation. We have no problems with the Parks and Recreation but we need to allow for the Mayor of Yona to make his name clear as to how the result of Taga'chang has been maintained. When I was with



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Office of The Legislative Secretary

Tina Rose Muña Barnes

the Guam Police as a cadre we would always run with the recruits from GCC and we will make our way up to Taga'chang. For five years we have been doing that. And even then when Parks and Recreation was in charge of Taga'chang did not do a pretty good job.

It is not about blaming a particular administration it is about what I think is the right thing to do. It is about giving the Mayor to clear his name so that if there is opportunity for the people of Guam to not blame and to be pointed at and if they continuously blame the Mayor then blame him if he is responsible. But do not blame him of the results of the condition of Taga'chang.

You know good Senators, just last week in working with the school they wanted to reach out so that they can bring the parent teacher conference closer to the community and that is exactly what happened. Upi Elementary under the leadership of Principle San Agustin had brought, and worked with the Mayor's office and Parks and Recreation, asking permission to utilize the grounds at GHURA 506 to hold this conference and they were told that they would have to pay a fee.

I did not know but when I went to take a look the grass was almost about three feet high. The basketball was not lit. Where are the parents and the kids going to go when they need the restroom? But we wanted to bring this out to the people and the parents to bring it closer. We had a portable toilet brought in, lights we had them changed and a generator so that we can accommodate the parents and children for this parent teacher conference at a Parks and Recreation responsibility area in terms of maintenance.

I would like to go on record to support my colleague the Mayor of Yona and of course the sponsor of the Bill, Senator Guthertz. Thank you.

Senator Barnes: Thank you Mayor Lizama and before I close I just want to note for the record Parks and Recreation had brought up some good concerns. When we look at the Territorial recreation facility to a Community recreational facility I would like to know the update of that status and of course as we continue to work closely with the Department of Parks and Recreation perhaps we can see how we can enhance, augment or support the Mayor of Yona and seeing where could.

Because there is an opportunity to ascertain some Federal Grant funding because definitely it is a historical site and advocate in getting some national resources if there is some available. So Mr. Cura, will you extend to Mr. Calvo the questions that have been asked here today? Some of those questions have been answered by our Mayor. So if there is additional mark up that is needed one will be committed to the agency and with that said it is 12:05 in the afternoon and I will call this Committee hearing adjourned. Saina Ma'ase and Su Yu'us Un Binidisi. Thank you.



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

The public hearing was adjourned at 12:05PM.

III. FINDINGS & RECOMMENDATIONS

The Committee on Municipal Affairs, Tourism, Housing and Recreation hereby reports out Bill No. 365-31(LS), with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 Nov -3 PM 2:58
mmh

Bill No. 365 -31(LS)

Introduced by:

Judith P. Guthertz, DPA
Tina Rose Muna Barnes

mmh

AN ACT TO AMEND §40113(B) (19) AND §40135 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA; AND INCLUDING FEES CHARGED FOR THE USE OF PUBLIC AND BEACH PARKS UNDER THE PURVIEW OF THE RESPECTIVE MAYORS IN THE MUNICIPAL PLANNING COUNCIL REVOLVING FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Sub item (19) of §40113(b), Chapter 40, Title 5 Guam Code
3 Annotated is hereby amended to read:

4 “(19) The Mayor of Yona is responsible for Blas Park, Pangelinan Park,
5 Quichocho Park, Violet Park, and the Yona Community Park. The Office of the
6 Mayor shall also have administrative authority of the Taga'chang Beach Park and
7 shall set the rules and regulations and the fee schedule for the use of the park, any of
8 its recreation shelters or any activity within the premises of the park; and shall allocate
9 a portion of the proceeds, which shall be deposited subject to the provisions of §40135
10 of this chapter, received for such use, for the maintenance and upkeep of the
11 Taga'chang Beach Park.”

1 Section 2. Sub section 40135 of Chapter 40, Title 5 Guam Code Annotated is
2 hereby amended to read:

3 **“§ 40135. Creation of the Municipal Planning Council Revolving Fund.**

4 There is hereby established nineteen (19) Municipal Planning Council
5 Revolving Funds under the control and custody of the respective village Municipal
6 Planning Councils. Each village shall establish their own fund that will be separate
7 and apart from other funds, including the General Fund. The Mayors’ Council of
8 Guam is hereby authorized to set charges for the use of community centers,
9 gymnasiums and all sports facilities and public and beach parks under the purview of
10 the individual Offices of the Mayors. These proposed fees shall be submitted to the
11 Guam Legislature for approval. The Mayor and the Municipal Planning Councils of
12 each village are hereby authorized to raise funds through charging commercial
13 enterprises to advertise on the walls of their sports facilities, raise funds through fund-
14 raising efforts, to include approving concessionaire activities within each Municipality
15 as approved by its Municipal Planning Council, solicit corporate sponsorship and to
16 accept contributions that are solely beneficial to the sports facilities or village.

17 These revenues shall be deposited into the Municipal Planning Council Funds
18 of each village and will be used for the operation and maintenance of these facilities
19 and to fund special projects identified by the Municipal Planning Councils. All
20 disbursement transactions on the revolving funds shall be as stipulated herein:”

21 **Section 2.** Effective Date: The Department of Parks and Recreation and the
22 Mayor of Yona shall formalize a transfer process and effectuate the provisions
23 contained herein within 60 days after enactment of this measure into law.



MUNICIPALITY OF YONA

Mayors' Council of Guam

Konsehelon Mahot Guåhan

Jose "Pedo" T. Terlaje

Mayor

P. O. Box 786 Hagåtña, Guam 96932 / 265 Sister Eucharita Drive, Yona, Guam 96915

WRITTEN TESTIMONY ON BILL 365

NOVEMBER 10, 2011

YONA MUNICIPAL PLANNING COUNCIL

Mayor Jose "Pedo" Terlaje, Chairman

Ignacio Q. Peredo, Vice Chairman

Anthony T. Ooka, Treasurer

Victoria C. Quinata, Secretary

Manuel Q. Cruz, Member

Frankie F. Fernandez, Member

Joaquin Q. Fernandez, Member

Jesse G. Garcia, Member

Ronald A. Lujan, Member

Madeleine Sophie M. Losongo, Member

Anthony A. Baza, Member

Benny Baza, Member

Buenas yan Hafa Adai!

Before I share some of my thoughts, I want to thank you, Mr. Chairman, and members of this committee not only for the opportunity in allowing me to testify on Bill 365, but also to thank you for your heartfelt understanding in acknowledging that one of our most beautiful beaches on the island is in need of considerable maintenance, protection and preservation.

To start, I want to just refresh your memory on why Tagachang Beach Park is considered one of the most significant places in Yona. The history of Tagachang Beach Park goes back before the Spanish time, even before Magellan discovered Guam. Though my testimony here today focuses on my desire to acquire custody of the Tagachang Beach Park and my support of Bill 365, I am trustful that my appearance here today will certainly prove my arguments on why we need to protect Tagachang Beach Park.

As related to me by several of our elders in Yona when I first became mayor in 2001, Tagachang Beach Park was a sacred place used by our ancestors to congregate and continue to strengthen and perpetuate our cultural livelihood. No decision can be made in regards to residential rules both on human, social or residential factors out on the premises of Tagachang Beach Park.

Though my office lacks much of the funding to uplift the Tagachang Beach Park area, I can assure the members of this committee that if the decision to have the Tagachang Beach Park fall under the custody of the Yona Mayor's Office, restoration of the water, power and restrooms, and the overall beautification of the Park itself will most certainly take place.

Understandably, I know that we are all familiar with the financial short-comings of our government and I am not here to fault the Department of Parks & Recreation for the neglect of Tagachang Beach Park, but to acknowledge that my office can at least restore the future outlook of the Tagachang Beach Park as opposed to its current condition today.

The following plans that will be undertaken upon the release of the Tagachang Beach Park to custody of the Yona Mayor's Office would entail:

1. Repair the restroom facility.
2. Work with Guam Waterworks Authority (GWA) to repair waterlines and install water faucets where needed.
3. Work with Guam Power Authority (GPA) to assess and repair all electrical outlets and put in place lighting where needed.

Page 2 (continued)
Written Testimony on Bill 365

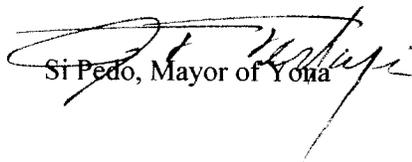
4. Work with private contractors to resurface cracks within the pavilions.
5. Have daily security/maintenance individuals assigned to the Tagachang Beach Park seven (7) days a week from 9 a.m. to 6 p.m.
6. Several undergrowths will be removed and clearance will be a major task.
7. Notice of restriction and regulations signs will be posted.
8. Ground leveling will be pursued.
9. Work with GPA to install streetlights.
10. The main road leading to Tagachang Beach Park from Route 4 will be maintained.

My real vision once the Tagachang Beach Park has been released to the custody of the Yona Mayor's Office would be to clear the south side of Tagachang Beach Park and construct a Cultural Center and have the Senior Citizens and the Adult residents of Yona become the caretakers of the facility. Senior Citizens and the Adult residents would be able to use the facility to entertain visitors and tourists by serving traditional menus or displaying their skills at arts and crafts. Tagachang Beach Park will most certainly become a tourist attraction.

Mr. Chairman and members of this committee, I applaud you all for introducing Bill 365.

Si Yu'os Ma'ase and May God Bless.

Sincerely,


Si Pedro, Mayor of Yona



Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Department of Parks and Recreation
Government of Guahan
490 Chalan Palasyo
Agana Heights, Guahan 96910
Director's Office: (671) 475-6296 / 6288 / 6289
Facsimile: (671) 477-0997
Guahan Historic Resources Division: (671) 475-6295
Facsimile: (671) 477-2822
Hagatna Tennis Court: (671) 472-6270



Peter S. Calvo
Acting Director

November 8, 2011

FROM: Director, Department of Parks and Recreation

SUBJECT: Response to Legislative Bill 365

Legislative Bill 365 proposes to transfer "administrative control" of the Taga'chang Beach Park to the Yona Mayor as a Community Recreational Facility rather than a Territorial Recreational Facility and to create "Permit Fees Rules" through the Administrative Adjudication Law (AAL) process for use by the Yona Mayor under the MPC Revolving Fund.

Chapter 77, 21 GCA authorized the creation of the Territorial Park System. The Department complied with this authorization in 1978 with a Territorial Park System list which was subsequently codified under Chapter 3, 23 GARR. Taga'chang Beach Park was placed under the Territorial Park System as a Territorial Recreation Facility and may be archeologically encumbered. Moreover, PL 22-18 also reserved the Taga'chang Beach Park under the Guam Territorial Aquarium Foundation (Chapter 76, 12 GCA).

Legislative Bill 365 is a piecemeal type of proposed legislation that creates more questions than answers.

1. Is the Legislature redesignating the Taga'chang Beach Park from a Territorial Recreational Facility to a Community Recreational Facility?
2. Will the residents of other municipalities have access to the Recreation Facility or is this asset strictly for the residents of Yona?
3. Is the Legislature abandoning the territorial long term objective of development a Territorial Aquarium?
4. Has the Guam Territorial Aquarium Foundation comment on this action?
5. What are the plans of the Yona Mayor and MPC on the use of the beach park?
6. Is the Yona Mayor planning to develop the park? If yes, how and who will conduct the archeological / historic survey?
7. Is this proposal a watershed proposal on setting precedence for Mayors in municipalities having territorial beach parks to continue with further requests for amendments to the Territorial Park System having 20 separate operations for Territorial Beach Parks; hence, 19 Mayors' Revolving Funds and 1 DPR General Fund?
8. Is this proposal only to create fund source for the Yona Mayor?
9. How does this park fit into a "community" asset when it is removed from the "community"?
10. Has a citizen survey been conducted on this action?
11. Why was this proposal not discussed with the Department prior to submission as a bill?

November 8, 2011

Memo to Governor's Special Assistant, External Affairs: Telo Taitague

SUBJECT: Response to Legislative Bill 365

Page 2

There are other concerns and questions the Department has relative to this action. Therefore, the Department does not support the intent or the objective of Legislative Bill 365. Should you have any questions or concerns regarding this matter, please feel free to contact me at 475-6296.

Si Yu'os Ma'ase'

A handwritten signature in black ink, appearing to read 'P. S. Calvo', with a long horizontal flourish extending to the right.

PETER S. CALVO

Director (Acting)



MUNICIPALITY OF AGANA HEIGHTS
Mayor's Council of Guam

Konsehelon Mahot Guahan

Paul M. McDonald

Mayor

November 18, 2011

HONORABLE TINA R. MUNA-BARNES

Legislative Secretary

Chairperson, Committee on Municipal Affairs, Tourism, Housing & Recreation

155 Hesler Place

Hagatna, Guam 96910

SUBJECT: WRITTEN TESTIMONY

REF: BILL NO. 365-31 (COR) – sponsored by J.P. Guthertz;
co-sponsored by T.R.M. Barnes

Dearest Senator:

Hafa Adai to you all and Si Yu'os Ma'ase' for granting me the opportunity give written testimony to address the Committee on Bill 365-31 relative to placing Taga'chang Beach park under the Administrative Authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund.

I am in full support of Bill No. 365-31 so that Taga'chang Beach park can be maintained and cleaned to ensure that it is ready for all patrons to enjoy. The people of Yona would care for their park just like Agana Heights has been with our Tutujan Park for the last 10 years. Tutujan Park is the most beautiful park on the island and I believe that the people of Yona, with the leadership of

Eddie Baza Calvo
Governor of Guam

**BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMFOTMASION



Ray Tenorio
Lieutenant Governor

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

Thomas A. Morrison
Director

DEC 06 2011

Honorable Judith Won Pat, Ed.D.
Speaker
Mina' Trentai Uno Na Liheslaturan Guahan
155 Hesler Street, Ste. 201
Hagatna, Guam 96910

3-11-1159
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/6/11
Time 10:30 AM
Received by [Signature]

RE: Comments on Bill 365

Hafa Adai Speaker Won Pat:

The Bureau submits the following comments on Bill 365 –“Transferring the Tagachang Beach Park Under the Administrative Authority of the Office of the Mayor of Yona; and Including Fees Charged for the Public Use of Public and Beach Parks Under the Purview of the Respective Mayors in the Municipal Planning Council Revolving Fund.”

The Bureau is very concerned that the Guam Legislature is beginning the dismantling of the Guam Territorial Parks system that is under the jurisdiction of the Department of Parks and Recreation (DPR) by introducing Bill 365. Bill 365 titled –“Transferring the Tagachang Beach Park Under the Administrative Authority of the Office of the Mayor of Yona; and Including Fees Charged for the Public Use of Public and Beach Parks Under the Purview of the Respective Mayors in the Municipal Planning Council Revolving Fund” will result in the fragmentation of the Territorial Park System which will ultimately create more problems for park management, maintenance and budgeting, and for the general public and groups wanting to utilize the various parks like Tagachang, Santos Memorial Park and the Merizo Pier Park. Additionally, as we will point out public access to our ocean shorelines may be threatened by this legislation, and result in the removal of the Governor’s direct authority over the management and administration of some of Guam’s public parks.

First of all, the Guam Territorial Parks systems is composed of major parks, especially those that lie along our ocean’s shoreline. Those parks are crucial public access points to the ocean shoreline and the coasts natural resources. As such those pathways belong to the all people of Guam and as such should be handled by the Governor, the Chief Executive of the island. The mayors are officials elected by constituents in their respective villages and therefore are not necessarily answerable to people outside their particular jurisdiction.

Honorable Judith Won Pat
Speaker
Page 2

Second, this dismantling of the Territorial Park System which started with the transfer of the Santos Memorial Park in Piti and most recently the Merizo Pier Park takes the direct management and control of those park areas out of the hands of the Governor and puts it into the hands of various Mayors. These Mayors may also determine their own fees. Will there will be a standardized fee structure that now exists with DPR? Persons who want to make reservations for a park area also have to figure out what village that park is in, call the village Mayor and pay the fees they decide to charge. Additionally, will persons from that village have preference over others when making reservations? The Mayor of each respective village may decide to give such preference.

Third, the issue of Public Access to the Ocean shoreline is very important here. Unfortunately for the people who want to use the Santos Memorial Beach Park in Piti, after the park was transferred to the Piti Mayor, it has been closed more often than open. The park is chained shut 24 hours a day (pictures attached). People cannot just passively go to the park without making a reservation. According to the Mayor's staff, their justification for closing the park was that the people created trash in the park so they keep it closed. There is barely any space to park outside the chained entrance and the busy major Marine Corps Drive highway adjacent makes it dangerous to park along the road. Is this what we can expect to occur at other parks that are transferred to the Mayors? This is also a violation of local laws that requires public access to the ocean shoreline be provided to the maximum extent possible. At least the DPR kept most of their public and beach parks open for use any time of the day, even if they were not given adequate resources to maintain those parks.

Instead of transferring the park, as this legislation proposes, DPR and the Mayors Council should enter into a Memoranda of Agreement that will carry on the spirit and intent of this legislation. That spirit and intent I believe is to keep our parks clean, maintained and open to the public 24 hours a day or at least most of the day.

Si Yu'os Ma'ase,


THOMAS A. MORRISON
Director

Cc: Governor of Guam
Department of Parks & Recreation



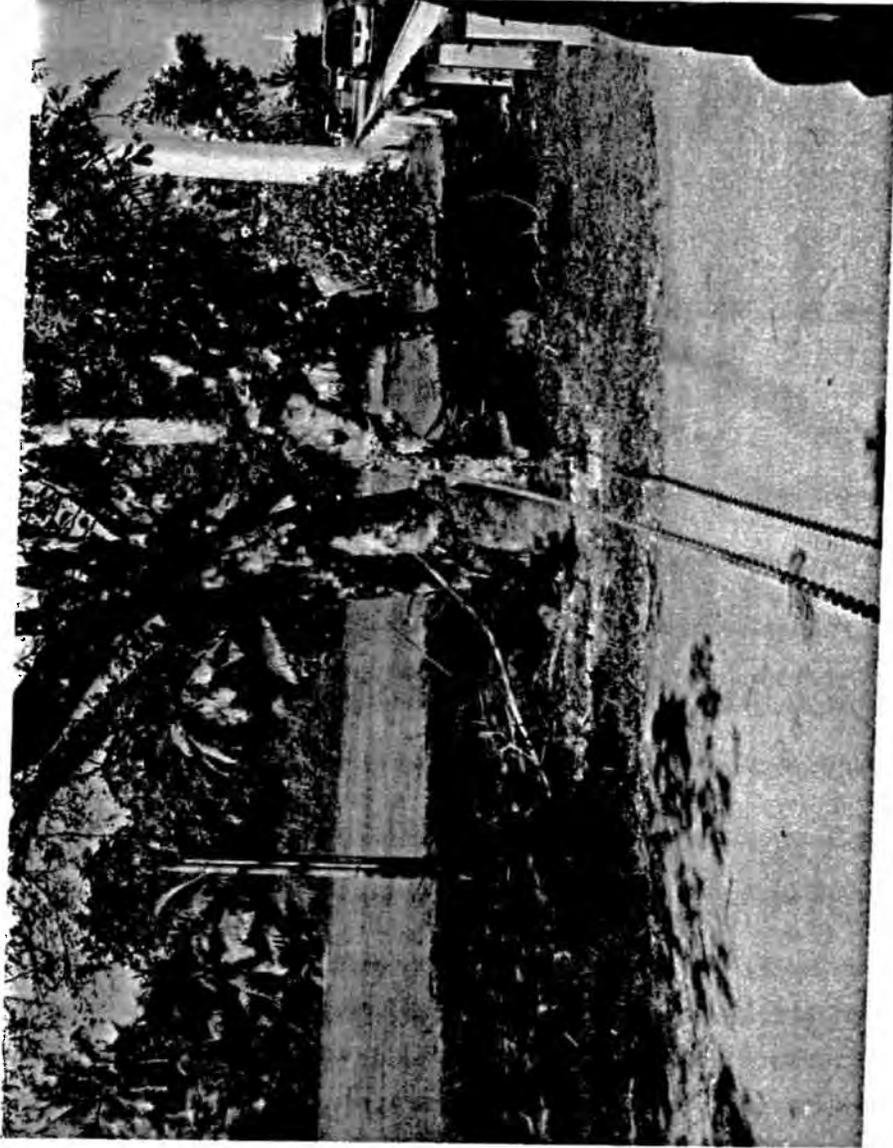
Santos Memorial Park, Piti 2007

In 2007 the Piti Mayor allowed the park to be used as a area to stockpile soil for an erosion mitigation project in Nimitz Estates. This use was for about 2 years . The proximity of the soil stockpile was also a concern because this a coastal park and the Marine Protected Area is immediately off its shore.



Santos Memorial Park Piti 2007

In west of park looking towards the road. Most of the park is made un-useable by the dirt stockpile. Note erosion control measure to control erosion of the soil.



Santos Memorial Park, Piti 2011

The park has been chained shut 24 hours a day probably since 2007. Residents or tourists are not able to passively use the park without making a reservation with the Mayor's office. When the Bureau staff asked the Mayors staff why it was not open they said they closed the park because people made trash. At least DPR left it open. Also because of the major highway you cannot safely park outside the park's barriers and walk in.



COMMITTEE ON RULES

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MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
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LEGISLATIVE SECRETARY
MAJORITY WHIP

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Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

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Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

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Senator
Aline A. Yamashita
ASST. MINORITY LEADER

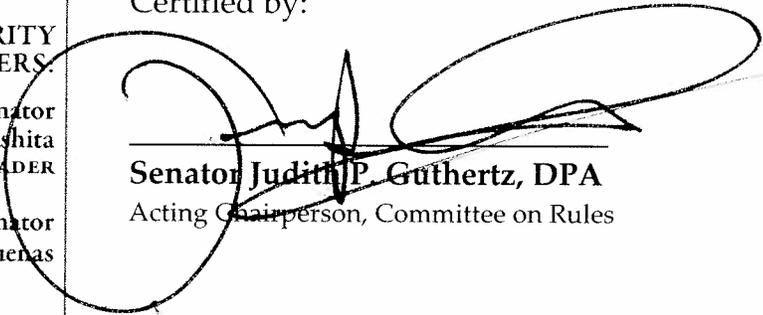
Senator
Christopher M. Duenas

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. 365-31 (COR) – “AN Act to amend §40113(b) (19) and §40135 of Chapter 40, Title 5 Guam Code Annotated relative to Placing the Taga'chang Beach Park Under the administrative authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund.”** – on November 7, 2011. COR hereby certifies that BBMR confirmed receipt of this request on November 7, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on November 28, 2011, 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 365 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

12-16-11

Date



COMMITTEE ON RULES

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Call Now - 11 PM 2:25

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

November 4, 2011

MEMORANDUM

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

From: **Senator Judith P. Guthertz**
Acting Committee on Rules

Vice Speaker
Benjamin J. F. Cruz

Subject: **Referral of Bill Nos. 364-31(LS) and 365-31 (LS)**

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 364-31 (LS) and 365-31 (LS).

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

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

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

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

Senator
vicente c. pangelinan

Si Yu'os Ma'åse!

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

(2) Attachment

Senator
Christopher M. Duenas

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

November 3, 2011

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?
365 -31 (LS)	Judith P. Guthertz, DPA, T.R. Muna Barnes	AN ACT TO AMEND §40113(B) (19) AND §40135 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA; AND INCLUDING FEES CHARGED FOR THE USE OF PUBLIC AND BEACH PARKS UNDER THE PURVIEW OF THE RESPECTIVE MAYORS IN THE MUNICIPAL PLANNING COUNCIL REVOLVING FUND.	11/03/11 2:58p.m.	11/4/11		Committee on Municipal Affairs, Tourism, Housing and Recreation			



Jean Cordero <jean@tinamunabarnes.com>

First Notice of November 14th Public Hearing

2 messages

Jean Cordero <jean@tinamunabarnes.com>

Mon, Nov 7, 2011 at 3:57 PM

To: phnotice@guamlegislature.org

Hafa adai! Please see attached memo to all Members and Senators of First Notice of Public Hearing scheduled for Monday, November 14, 2011 beginning at 10:00 a.m. Thank you!

--

Jeanette P. Cordero "Jean"
Legislative Assistant
Office of Senator Tina Rose Muna Barnes
Tel: 671-472-3455/6
Fax: 671-472-3400
e-mail: jean@tinamunabarnes.com

 **First Notice of Nov 14th Public Hearing.pdf**
72K

Adam Bearce <adam@guamlegislature.org>

Mon, Nov 7, 2011 at 4:10 PM

To: Jean Cordero <jean@tinamunabarnes.com>, Yong Pak <yong@guamlegislature.org>

Hi. This is now posted.

[Quoted text hidden]

Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
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Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

First Notice of November 14th Public Hearing

Mon, Nov 7, 2011 at 3:59 PM

Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

Bcc: bmkelman@guampdn.com, carlene@guahanmagazine.com, cmurphy1@guam.gannett.com, dtamondong@guampdn.com, editor2@directionsguam.com, editor@mvguam.com, gerry@mvguam.com, hottips@kuam.com, john@kuam.com, koreannews@guam.net, kprg@guam.net, kstone@ite.net, life@guampdn.com, mabuhaynews@yahoo.com, news@k57.com, news@spbguam.com, publisher@glimpsesofguam.com, reporter1@glimpsesofguam.com, slimtiaco@guampdn.com, Bob Gaeth <bgaeth@k57.com>, "Carlo J.N. Branch" <carlo@tinamunabarnes.com>, Catriona Melyan <cmelyan@guampdn.com>, Clynt Ridgell <clynt@spbguam.com>, David Crisostomo <dcrisost@guampdn.com>, David Crisostomo <dcrisostomo@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Ed Davis <ed@guamtech.com>, Erin Thompson <egthompson@guampdn.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Hit Radio 100 <officemanager@hitradio100.com>, Janela Buhain <janela@mvguam.com>, Janice Miller <jdmiller@guampdn.com>, Jason Salas <jason@kuam.com>, Josh Tyquiengco <jtyquiengco@spbguam.com>, Kenny Quintanilla <kenny@kuam.com>, Laura Matthews <llmatthews@guampdn.com>, Marianas Variety <admin@mvguam.com>, Marvic Cagurangan <mar_vic_cagurangan@yahoo.com>, Marvic Cagurangan <marvic@mvguam.com>, Michael Rudolph <michael@marianasmedia.com>, Mindy Aguon <mindy@kuam.com>, "Ngirairikl, Oyaol D" <odngirairikl@guam.gannett.com>, Nick Delgado <nick@kuam.com>, Office of the Governor <governor@guam.gov>, "Office of the Lt. Governor" <ltgov.tenorio@guam.gov>, Patti Arroyo <parroyo@k57.com>, Phillip Leon Guerrero <phillip.leonguerrero@guam.gov>, Ray Gibson <rgibson@k57.com>, Richard Dohrumal <richard@tinamunabarnes.com>, Rlene Steffy <rlnelive.com>, Robert Kelley <rkelley@guamtech.com>, Romeo Carlos <romeogfx@yahoo.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Shaun Bevan <smbevan@guampdn.com>, Telo Taitague <telo.taitague@guam.gov>, Therese Hart <therese@mvguam.com>, Travis Coffman <travis.coffman@gmail.com>, Troy Torres <troy.torres@guam.gov>, Zita Taitano <zita@mvguam.com>

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11/23/11

Senator Tina Rose Muna Barnes Mail - First Notice of November 14th Public...

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First Notice of Nov 14th Public Hearing.pdf

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I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of the Legislature Clerk

Tina Rose Muña Barnes

November 7, 2011

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes

SUBJECT: First Notice of Public Hearing
Monday, November 14, 2011

Hafa Adai!

The Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting a public hearing on **Monday, November 14, 2011** in the Legislature's Public Hearing Room, beginning at 10:00 a.m. This hearing is scheduled to receive public testimony on the following:

Bill No. 341-31 (COR), sponsored by Vice-Speaker B.J. Cruz; co-sponsored by T.R.M. Barnes
AN ACT TO ADD A NEW SUBSECTION (r) TO § 40112 OF CHAPTER 40 TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO EMPOWERING THE MAYORS WITH THE AUTHORITY TO CLOSE NON ROUTED ROADS FOR VILLAGE FUNERALS, FIESTAS, AND OTHER EVENTS

Bill No. 365-31 (LS), sponsored by J.P. Guthertz, DPA; co-sponsored by T.R.M. Barnes
AN ACT TO AMEND §40113(B) (19) AND §40135 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA; AND INCLUDING FEES CHARGED FOR THE USE OF PUBLIC AND BEACH PARKS UNDER THE PURVIEW OF THE RESPECTIVE MAYORS IN THE MUNICIPAL PLANNING COUNCIL REVOLVING FUND

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to senator@tinamunabarnes.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero from our office at 472-3455/6 or via email at jean@tinamunabarnes.com. I look forward to your attendance and participation.

Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS
All Media

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation



Jean Cordero <jean@tinamunabarnes.com>

Second Notice of November 14th Public Hearing

2 messages

Jean Cordero <jean@tinamunabarnes.com>

Thu, Nov 10, 2011 at 9:03 AM

To: phnotice@guamlegislature.org

Please see attached memo of 2nd Notice of Public Hearing. Thank you and have a wonderful day!

--

Jeanette P. Cordero "Jean"
Legislative Assistant
Office of Senator Tina Rose Muna Barnes
Tel: 671-472-3455/6
Fax: 671-472-3400
e-mail: jean@tinamunabarnes.com

 **Second Notice of Public Hearing.pdf**
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Adam Bearce <adam@guamlegislature.org>

Thu, Nov 10, 2011 at 9:09 AM

To: Jean Cordero <jean@tinamunabarnes.com>, Yong Pak <yong@guamlegislature.org>

Hi. Confirmed posted.

From: Jean Cordero [mailto:jean@tinamunabarnes.com]
Sent: Thursday, November 10, 2011 9:04 AM
To: phnotice@guamlegislature.org
Subject: Second Notice of November 14th Public Hearing

Please see attached memo of 2nd Notice of Public Hearing. Thank you and have a wonderful day!

--

Jeanette P. Cordero "Jean"

Legislative Assistant

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Second Notice of November 14th Public Hearing

Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

Thu, Nov 10, 2011 at 11:38 AM

Bcc: bmkelman@guampdn.com, carlene@guahanmagazine.com, cmurphy1@guam.gannett.com, dtamondong@guampdn.com, editor2@directionsguam.com, editor@mvguam.com, gerry@mvguam.com, hottips@kuam.com, john@kuam.com, koreannews@guam.net, kprg@guam.net, kstone@ite.net, life@guampdn.com, mabuhaynews@yahoo.com, news@k57.com, news@spbg Guam.com, publisher@glimpsesofguam.com, reporter1@glimpsesofguam.com, slimtiaco@guampdn.com, Bob Gaeth <bgaeth@k57.com>, "Carlo J.N. Branch" <carlo@tinamunabarnes.com>, Catriona Melyan <cmelyan@guampdn.com>, Clynt Ridgell <clynt@spbg Guam.com>, David Crisostomo <dcrisost@guampdn.com>, David Crisostomo <dcrisostomo@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Ed Davis <ed@guamtech.com>, Erin Thompson <egthompson@guampdn.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Hit Radio 100 <officemanager@hitradi100.com>, Janela Buhain <janela@mvguam.com>, Janice Miller <jdmiller@guampdn.com>, Jason Salas <jason@kuam.com>, Josh Tyquiengco <jtyquiengco@spbg Guam.com>, Kenny Quintanilla <kenny@kuam.com>, Laura Matthews <llmatthews@guampdn.com>, Marianas Variety <admin@mvguam.com>, Marvic Cagurangan <mar_vic_cagurangan@yahoo.com>, Marvic Cagurangan <marvic@mvguam.com>, Michael Rudolph <michael@marianasmedia.com>, Mindy Aguon <mindy@kuam.com>, "Ngirairikl, Oyaol D" <odngirairikl@guam.gannett.com>, Nick Delgado <nick@kuam.com>, Office of the Governor <governor@guam.gov>, "Office of the Lt. Governor" <ltgov.tenorio@guam.gov>, Patti Arroyo <parroyo@k57.com>, Phillip Leon Guerrero <phillip.leonguerrero@guam.gov>, Ray Gibson <rgibson@k57.com>, Richard Dohrumal <richard@tinamunabarnes.com>, Rlene Steffy <rlene@rlenelive.com>, Robert Kelley <rkelley@guamtech.com>, Romeo Carlos <romeogfx@yahoo.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Shaun Bevan <smbevan@guampdn.com>, Telo Taitague <telo.taitague@guam.gov>, Therese Hart <therese@mvguam.com>, Travis Coffman <travis.coffman@gmail.com>, Troy Torres <troy.torres@guam.gov>, Zita Taitano <zita@mvguam.com>, MAYORS' COUNCIL OF GUAM <mcogadmin@teleguam.net>, "Agustin G. Quintanilla" <agatvicemayor@yahoo.com>, "Allan 'Al' R.G. Ungacta" <vicemayor_allan.ungacta@yahoo.com>, "Andrew 'Andy' C. Villagomez" <mtm_mayors_office@yahoo.com>, "Andrew 'Peter Daigo' A. Benavente" <msavares@guamcell.net>, "Carol S. Tayama" <agatmayorsoffice@hotmail.com>, "Dale E. Alvarez" <mayoralvarez@live.com>, "Dean D. Sanchez" <umatacmo@gmail.com>, "Ernest T. Chargualaf" <mayorernest@yahoo.com>, "Francisco 'Frank' C. Blas" <fcbblas_tatuhamayor@hotmail.com>, "Franklin M. Taitague" <f_taitague@yahoo.com>, "Jessie B. Palican" <bmoadmin@teleguam.net>, "Jessy 'Jess' C. Gogue" <ocp.mayor@gmail.com>, "John A. Cruz" <hagatnamayor@hotmail.com>, "Jose 'Pedo' T. Terlaje" <yonomayor@guam.net>, "June U. Blas" <vmayorjublas@yahoo.com>, "Louise C. Rivera" <tatuhamo@eccomm.com>, "Nonito 'Nito' C. Blas" <nblas_mangilaomayor@yahoo.com>, "Paul M. McDonald" <mayormcdonald@hotmail.com>, "Robert 'Bob' S. Lizama" <rslizama@yahoo.com>, Robert Hofmann <vicemayor@gmail.com>, "Roke B. Blas" <rbblas@gmail.com>, "Ronald 'Ron' J. Flores" <vmyigo@yahoo.com>, "Vicente 'Ben' D. Gumataotao" <piti_mayor@yahoo.com>, "Vicente 'Benny' L. San Nicolas" <ammo@teleguam.net>, "Vicente S. Taitague" <talofomayor@gmail.com>

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Second Notice of Public Hearing.pdf

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I Mina'Trentai Unu Na Liheslaturan Guáhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

November 10, 2011

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes

SUBJECT: Second Notice of Public Hearing
Monday, November 14, 2011

Hafa Adai!

The Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting a public hearing on **Monday, November 14, 2011** in the Legislature's Public Hearing Room, beginning at 10:00 a.m. This hearing is scheduled to receive public testimony on the following:

Bill No. 341-31 (COR), sponsored by Vice-Speaker B.J. Cruz; co-sponsored by T.R.M. Barnes
AN ACT TO ADD A NEW SUBSECTION (r) TO § 40112 OF CHAPTER 40 TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO EMPOWERING THE MAYORS WITH THE AUTHORITY TO CLOSE NON ROUTED ROADS FOR VILLAGE FUNERALS, FIESTAS, AND OTHER EVENTS

Bill No. 365-31 (LS), sponsored by J.P. Guthertz, DPA; co-sponsored by T.R.M. Barnes
AN ACT TO AMEND §40113(B) (19) AND §40135 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK UNDER THE ADMINISTRATIVE AUTHORITY OF THE OFFICE OF THE MAYOR OF YONA; AND INCLUDING FEES CHARGED FOR THE USE OF PUBLIC AND BEACH PARKS UNDER THE PURVIEW OF THE RESPECTIVE MAYORS IN THE MUNICIPAL PLANNING COUNCIL REVOLVING FUND

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to senator@tinamunabarnes.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero from our office at 472-3455/6 or via email at jean@tinamunabarnes.com. I look forward to your attendance and participation.

Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
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Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

PUBLIC HEARING
Monday, November 14, 2011

AGENDA

- I. CALL TO ORDER**
- II. ANNOUNCEMENT**
- III. ITEMS FOR PUBLIC CONSIDERATION**

10:00 AM

Bill No. 341-31 (COR) – sponsored by Vice-Speaker B.J. Cruz; co-sponsored by T.R.M. Barnes - An act to add a new subsection (r) to § 40112 of Chapter 40 Title 5 of the Guam Code Annotated; relative to empowering the Mayors with the authority to close non routed roads for village funerals, fiestas, and other events.

Bill 365-31 (LS) – sponsored by J.P. Guthertz; co-sponsored by T.R.M. Barnes – An act to amend §40113(B) (19) and §40135 of Chapter 40, Title 5 Guam Code Annotated relative to placing the Taga'chang Beach park under the Administrative Authority of the Office of the Mayor of Yona; and including fees charged for the use of public and beach parks under the purview of the respective Mayors in the Municipal Planning Council Revolving Fund.

IV. REMARKS

V. ADJOURNMENT

Electronic copies of the aforementioned items can be found on the Guam Legislature's website at www.guamlegislature.com. Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Tina Rose Muña Barnes, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96910, via e-mail to tinamunabarnes@gmail.com, or via facsimile to (671) 472-3400. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Jeanenne Cordero at our office. For further information, please call 472-3455/6. I look forward to your attendance and participation. Si Yu'os Ma'åse'!

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 1001 -3 PM 2:58
mwm

Bill No. 365 -31(LS)

Introduced by:

Judith P. Guthertz, DPA
Tina Rose Muna Barnes



AN ACT TO AMEND §40113(B) (19) AND §40135 OF
CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED
RELATIVE TO PLACING THE TAGA'CHANG BEACH PARK
UNDER THE ADMINISTRATIVE AUTHORITY OF THE
OFFICE OF THE MAYOR OF YONA; AND INCLUDING
FEES CHARGED FOR THE USE OF PUBLIC AND BEACH
PARKS UNDER THE PURVIEW OF THE RESPECTIVE
MAYORS IN THE MUNICIPAL PLANNING COUNCIL
REVOLVING FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Sub item (19) of §40113(b), Chapter 40, Title 5 Guam Code
3 Annotated is hereby amended to read:

4 “(19) The Mayor of Yona is responsible for Blas Park, Pangelinan Park,
5 Quichocho Park, Violet Park, and the Yona Community Park. The Office of the
6 Mayor shall also have administrative authority of the Taga'chang Beach Park and
7 shall set the rules and regulations and the fee schedule for the use of the park, any of
8 its recreation shelters or any activity within the premises of the park; and shall allocate
9 a portion of the proceeds, which shall be deposited subject to the provisions of §40135
10 of this chapter, received for such use, for the maintenance and upkeep of the
11 Taga'chang Beach Park.”

1 Section 2. Sub section 40135 of Chapter 40, Title 5 Guam Code Annotated is
2 hereby amended to read:

3 **“§ 40135. Creation of the Municipal Planning Council Revolving Fund.**

4 There is hereby established nineteen (19) Municipal Planning Council
5 Revolving Funds under the control and custody of the respective village Municipal
6 Planning Councils. Each village shall establish their own fund that will be separate
7 and apart from other funds, including the General Fund. The Mayors’ Council of
8 Guam is hereby authorized to set charges for the use of community centers,
9 gymnasiums and all sports facilities and public and beach parks under the purview of
10 the individual Offices of the Mayors. These proposed fees shall be submitted to the
11 Guam Legislature for approval. The Mayor and the Municipal Planning Councils of
12 each village are hereby authorized to raise funds through charging commercial
13 enterprises to advertise on the walls of their sports facilities, raise funds through fund-
14 raising efforts, to include approving concessionaire activities within each Municipality
15 as approved by its Municipal Planning Council, solicit corporate sponsorship and to
16 accept contributions that are solely beneficial to the sports facilities or village.

17 These revenues shall be deposited into the Municipal Planning Council Funds
18 of each village and will be used for the operation and maintenance of these facilities
19 and to fund special projects identified by the Municipal Planning Councils. All
20 disbursement transactions on the revolving funds shall be as stipulated herein:”

21 **Section 2.** Effective Date: The Department of Parks and Recreation and the
22 Mayor of Yona shall formalize a transfer process and effectuate the provisions
23 contained herein within 60 days after enactment of this measure into law.