

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

February 29, 2012

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

Dear Madame Speaker:

Transmitted herewith is Bill No.341-31 (COR) "AN ACT TO ADD A NEW SUBSECTION (r) TO § 40112 OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO EMPOWERING MAYORS WITH THE AUTHORITY TO CLOSE ROUTED AND NON-ROUTED ROADS FOR VILLAGE FUNERALS, FIESTAS, AND OTHER EVENTS", which I signed into law on February 27, 2012 as **Public Law 31-188**.

*Senseramente,*

**RAY TENORIO**

*I Maga'lahren Guåhan para pa'go*  
Acting Governor of Guam

31-11-1374<sup>3</sup> *aw*  
Office of the Speaker:  
**Judith T. Won Pat, Ed. D.**  
Date 2/29/12  
Time 13:18  
Received by *aw*

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session

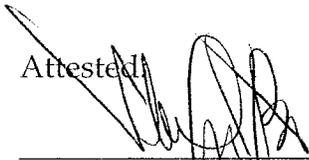
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 341-31 (COR), "AN ACT TO ADD A NEW SUBSECTION (r) TO § 40112 OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO EMPOWERING MAYORS WITH THE AUTHORITY TO CLOSE ROUTED AND NON-ROUTED ROADS FOR VILLAGE FUNERALS, FIESTAS, AND OTHER EVENTS", was on the 17<sup>th</sup> day of February, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



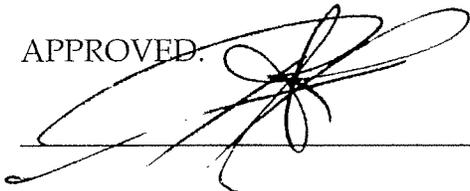
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of FEB, 2012, at  
1:22 o'clock P.M.



Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date:

Feb 27, 2012

Public Law No. 31-188

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

**Bill No. 341-31 (COR)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
T. R. Muña Barnes  
R. J. Respicio  
V. Anthony Ada  
F. F. Blas, Jr.  
Chris M. Dueñas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SUBSECTION (r) TO § 40112 OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO EMPOWERING MAYORS WITH THE AUTHORITY TO CLOSE ROUTED AND NON-ROUTED ROADS FOR VILLAGE FUNERALS, FIESTAS, AND OTHER EVENTS.**

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

2           **Section 1.** A new Subsection (r) is hereby *added* to § 40112 of Chapter  
3 40, Title 5, Guam Code Annotated, to read as follows:

4                   “(r) To block or close off routed and non-routed streets and  
5           roadways in their villages during village funerals, fiestas, and other events

1 without obtaining any highway encroachment permit from the Department  
2 of Public Works. The Mayor shall post notice at the site indicating when  
3 the road closure is pursuant to the authority granted herein.”

6

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÁHAN 2012 (SECOND) Regular Session

Date: 2/17/12

## VOTING SHEET

ABill No. 341-31(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.	<del>EA</del> ✓	✓			
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. <del>#</del>	✓				
PANGELINAN, vicente (ben) cabrera <del>EA</del>	<del>EA</del> ✓	✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T. III		* ✓			
YAMASHITA, Aline A.	✓				

TOTAL

<u>12</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>
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CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



**I Mina'trentai Unu Na Liheslaturan Guahan**

Office of The Legislative Secretary

Tina Rose Muña Barnes

DEC 16 2011  
Tina Rose Muña Barnes

DEC 16 2011

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guahan*  
155 Hesler Place  
Hagåtña, Guam 96910

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

**RE: Committee Report on Bill No. 341-31 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 341-31 (COR)** – “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.” – *sponsored by B.J.F. Cruz*, and referred to the Committee on Municipal Affairs, Tourism, Housing and Recreation.

Committee votes are as follows:

- 7              TO DO PASS
- TO NOT PASS
- 2              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

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**COMMITTEE  
REPORT  
ON**

**BILL NO. 341-31 (COR)**

*(Sponsor: B.J.F. Cruz)*

**“An act to add a new subsection (r) to § 40112 of Chapter 40 Title 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.”**

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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](http://www.tinamunabarnes.com)



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

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December 5, 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. 341-31 (COR)**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 341-31 (COR)** – “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”, sponsored by B.J.F. Cruz.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 341-31 (COR)
- Copy of Bill No. 341-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Testimony on Bill No. 341-31 (COR)
- Copy of COR Referral of Bill No. 341-31 (COR)
- Fiscal Note for Bill No. 341-31 (COR)
- 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.

*Si Yu'os ma'åse'!*

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](http://www.tinamunabarnes.com)



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

## COMMITTEE VOTING SHEET

Bill No. 341-31 (COR) – “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.”

	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		✓ 12/10/11				
SENATOR RORY J. RESPICIO Member						
SENATOR THOMAS C. ADA Member				12/13/11 ✓		
SENATOR DENNIS G. RODRIGUEZ, JR. Member				12/15/11 ✓		
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		12/13/11 ✓				

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

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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 341-31(COR) was introduced on October 7, 2011 by Senator B.J.F. Cruz, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Recreation on October 11, 2011.

The Committee on Municipal Affairs, Tourism, Housing and Recreation convened a public hearing on Bill No. 341-31(COR) on Monday, November 14, 2011 at 10:00 AM in *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 November 7, 2011 (5-Day Notice), and again on November 10, 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.

Acting Speaker Tina Rose Muña Barnes called the public hearing to order at 10:08 a.m. and announced the morning's agenda and public hearing notices.

**Joanne Brown**, Director Department of Public Works- Read from her Written Testimony which will be appended to this report.

**Senator Tina Rose Muña Barnes**- Explained that Vice Speaker Cruz would provide testimony and apologized for his absence as his schedule would not permit him to attend.

**Mayor Pedro Terlaje**, Mayor, Village of Yona- Thanked the Vice Speaker for the legislation, for remembering the value of the Mayors serving the communities to which they have been elected, and that never before in history has there been complete road closure by the mayors, there is always access for emergency vehicles and through traffic. He went on to read his written testimony, which will be appended to this report.



# I Mina'Trentai Unu Na Liheslaturan Guåhan

## Office of The Legislative Secretary

### Tina Rose Muña Barnes

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**Vice-Mayor Robert Hoffman**, Vice Mayor Sinajana- Read his written testimony that will be appended to this report. He explained the procedure for getting a permit. He said that both the Fire and Police Department are noticed of any road closures and that the departments have to sign off. He spoke of not being allowed to close the road for the Borja funeral and how heartbroken the family was. He claims the Mayors are always the first line when traffic signals are out or road closures are needed for school or community functions.

**Mayor Robert Lizama**, Mayor, Yigo- Mayor Lizama said that Yigo lacks some of what Hagatña and other villages have, space. Yigo's subdivisions and housing communities always have parties but lack the required space to have safe parking for fiestas, rosaries, or parties. Road closure by the Mayors has always been the answer for him in Yigo. He says that this is the only safe way to provide adequate parking for any functions that have to take place at a home. He agrees that an alternate route is always made available to emergency and through traffic. He said he has asked for rules and regulations on road closures. He asked that the Senators include major routed roadways be included in this bill. He is worried that the southern villages have many homes located on major roadways. Also the concern is for religious events and the rituals that include procession on major roadways, and that these rules would prohibit them from continuing with these events. He also commented that major roadways are blocked off for 5K's and other events and that the Mayors of each Village know the village well enough to make road closures convenient for its residents and that Emergency Services are always informed.

**Senator Judith P. Guthertz, DPA**- Commended DPW for putting safety first. She said she had sent a letter to Director Brown with ideas on how to deal with road closures. Senator Guthertz spoke of an incident when she was the Director of Public Safety in which a pedestrian was killed near St. Anthony's Church in Tamuning because the driver couldn't see the pedestrian due to the parked cars at church. She then tried to enforce no parking in front of the church, she thought that she had made all arrangements with the church when the parishioners at the church were angered because the department was not respecting religious customs. She then went on to quote GCA chapter 16 Vehicles in which the code says no provision of this code shall be enforced to restrict a person from access to a place where a religious function is taking place. This takes care of this issue in her opinion. She also feels that the Chief of Police has the ability to close roads and that the Mayor's always give notice to the Police.

**Joanne Brown**, Director Department of Public Works- Expresses that she will always be available to the Mayors, and has had numerous complaints from residents regarding road closures. She says she takes complaints daily about road construction, closures, blockage without notice. The problem is the growing number of cars on island and we simply don't have enough space. She says there should be a standardized process for road closure throughout all villages. She says closing the roads is a safety issue and needs to be addressed.



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

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**Senator Judith P. Guthertz, DPA-** Asked if Ms. Brown knew about the vehicles code she explained earlier and she responded no. Senator then asked if there wasn't a way that she can sit down and work things out with the Mayors.

**Joanne Brown, Director of Department of Public Works-** Director Brown says the language of the bill is very vague. She says she lacks funding, she says the legislature is aware of that. She says standards need to be set, and routed roads are difficult to deal with.

**Lt. Arthur Paulino, Guam Police Department-** Addressed the body with Chief Bordallo's testimony which will be appended.

**Mayor Robert Lizama, Mayor, Yigo-** He says the Mayors are working with DPW to develop a procedure for road closures. He is frustrated because excuses are being made. He says road closures don't impede emergency vehicles from getting there to serve residents.

**Mayor Pedro Terlaje, Mayor, Village of Yona-** Mayor says that he doesn't ever block off the road completely. He says excuses are being made, and as a former Police Officer, and as a Mayor for more than 10 years, he understands Public Safety, and that is his first order of business.

**Mayor Ben Gumataotao, Mayor, Village of Piti-** He says that the authority should stay with DPW for the main routes but secondary roads should stay within the purview of the village Mayors.

**Senator Tony Ada-** Says that he does not envy the Mayors and that Public Safety is the number one priority. He then asked what the procedure was to close off lanes for 5K's

**Joanne Brown, Director Department of Public Works-** She says it is similar to road construction, you needed clearance from GPD, you have explained the encroachment and it is handled on a case by case basis.

**Senator Tony Ada-** Says he understands the concerns of the Director, but everything should be standardized, either we close the roads for everyone or for no one at all.

The public hearing was adjourned at 12:05 PM.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Municipal Affairs, Tourism, Housing and Recreation hereby reports out Bill No. 341-31(COR), with the recommendation TO PASS.

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

2011 OCT - 7 PM 2:54  
MMA

Bill No. 341-31 (cov)

Introduced by:

B.J.F. Cruz  
T.R.M. Barnes  
Corey S. Respicio  
T.C. AOC

**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**

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

2       **Section 1.** A new Subsection (r) is hereby added to § 40112 of Title 5  
3 of the Guam Code Annotated to read as follows:

4       “§ 40112.   **Powers, Duties and Responsibilities.** A Mayor shall  
5 perform the following duties and responsibilities in his district:

6       (a) Serve as the direct administrative representative of the people of  
7 the district from which he is elected.

8       (b) Plan and implement a street name and house numbering system.

9       (c) Oversee, coordinate or undertake beautification programs  
10 including a clean-up and removal of public nuisance and debris, and, to this  
11 end, is hereby authorized to officially utilize, establish regular and consistent  
12 working relations and effectively coordinate with the Department of Public  
13 Works, the Department of Parks and  
14 Recreation and any other entity within the government of Guam and may  
15 also work with non-profit organizations.

16       (d) In cooperation with the appropriate department or agency conduct

1 or cause to be conducted a periodic sanitary, health and environmental  
2 inspection in accordance with guidelines set forth by the appropriate public  
3 agency. He may issue a warning for a first violation or report the same to the  
4 appropriate government agency for action.

5 (e) Be responsible for the maintenance and security of the Mayor's  
6 Office in his district.

7 (f) Be responsible for maintenance of village streets, parks and  
8 recreation facilities, in conjunction with the Department of Public Works  
9 and Department of Parks and Recreation pursuant to § 40113 of this  
10 Chapter.

11 (g) Assist appropriate government agencies in implementing social  
12 services and public assistance programs within his jurisdiction.

13 (h) Serve as peace officer and assist in the maintenance of law and  
14 order in his district.

15 (i) Act as an official representative of his district at legislative and  
16 executive public hearings involving matters affecting his district.

17 (j) Assist in coordinating the civilian emergency preparedness system  
18 in time of emergency or disaster.

19 (k) Submit an annual written report to the Governor and the Guam  
20 Legislature on the activities of his office, expenditure of funds allotted and  
21 make general comments and recommendations relative to the state of his  
22 district.

23 (l) Make a report to the residents of his district on a quarterly basis at  
24 a properly noticed public meeting to be held within the district.

25 (m) Conduct an annual census and maintain a current listing of names  
26 of all residents in his jurisdiction.

27 (n) Cooperate with any agency and department of the government of

1 Guam in matters pertaining to his district and work jointly with officials of  
2 the government of Guam toward the attainment of peace, order, justice and  
3 the general economic and social welfare of the people of Guam.

4 (o) To issue citations to owners of property for failure to remove  
5 property deemed unsafe by building officials pursuant to §§66501 through  
6 66507 of Title 21, Guam Code Annotated. In the event that the owner does  
7 not remove the unsafe structure, the Mayor or Vice-Mayor may have the  
8 structure cleared and submit the bill to the owner for payment. In the event  
9 that the Mayor or Vice-Mayor takes action to clear the unsafe structure, a ten  
10 percent (10%) surcharge shall be added to the bill, and the surcharge shall be  
11 deposited into the Municipal Fund. Should the owner refuse to pay, the  
12 Mayor or Vice-Mayor shall forward the claim to the Attorney General  
13 requesting that steps be taken to record a lien against the property in the  
14 amount of the unpaid bill.

15 (p) Coordinate with the Department of Public Works (*DPW*) and the  
16 Guam Police Department (*GPD*) in determining where speed bumps should  
17 be located in their village streets. DPW shall construct and maintain such  
18 speed bumps after their location is so determined and after obtaining the  
19 concurrence of GPD. DPW shall post warning signs on such streets with  
20 speed bumps cautioning drivers to beware of pedestrians and to slow down.

21 (q) To administer the Oath of Office to Municipal Planning Council  
22 members, and to officers-elect and board members-elect of organizations  
23 and associations. This authority may be delegated to a village Vice Mayor  
24 upon the discretion of that same village's Mayor.

25 (r) To block or close off non-routed streets and roadways in their  
26 villages during village funerals, fiestas, and other events without obtaining  
27 any highway encroachment permit from the Department of Public Works."







Tina Muna Barnes <tinamunabarnes@gmail.com>

# Testimony on Bill 341-31(COR)

1 message

Franklin m. Taitague <f\_taitague@yahoo.com>  
Reply-To: "Franklin m. Taitague" <f\_taitague@yahoo.com>  
To: Tina Muna-Barnes <tinamunabarnes@gmail.com>

Mon, Nov 14, 2011 at 2:12 PM

Buenas yan Hafa Adai! Please see attach.

TESTIMONY-341-31(COR)-Nov. 14, 2011.doc  
28K

*Handwritten notes:*  
Tina / Elaine /  
Plc. make sure  
Uriah gets copy  
to attach to  
Bill # 341  
for committee report  
committee report

**Mayor Franklin M. Taitague  
Municipality of Inarajan  
P.O. Box 786  
Hagatna, Guam 96932**

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

**TESTIMONY ON BILL NO. 341-31(COR)**

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

Buenas yan Hafa Adai! On behalf of the Inarajan Municipal Planning Council and all the wonderful citizens of Inalahan, I wish to express my sincerest gratitude and Dungkulo na Si Yu'os Ma'ase for the invitation to present testimonies on Bill 341-31(COR).

As we all know, empowering the mayors with the authority to close non routed roads for village funerals, fiestas, and other events will greatly enhance the safety services and public protection needed during these events. Road closures, although some may find it an inconvenience, are temporary and sometimes for short hours only. For my district, I make it a point that neighboring residents affected are informed and are requested to take alternate routes. For roads with no alternate access, full closure is prohibited. Nevertheless, this authority will allow us mayors to serve our community more effectively.

I am in support of Bill 341-31 (COR) and thank you for the opportunity..

Si Yu'os Ma'ase.

*/s/Franklin M. Taitague*



Tina Muna Barnes <tinamunabarnes@gmail.com>

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## testimony in support of Bill 341

2 messages

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Derek Sablan <dereksablan@hotmail.com>  
To: tinamunabarnes@gmail.com

Mon, Nov 14, 2011 at 7:56 PM

Honorable Tina Rose Muna Barnes

Chair;

Committee on Municipal Affairs, Tourism,

Housing and Recreation

Thirty-First Guam Legislature

Buenas yan Hafa Adai Senator Barnes,

We commend you for your introduction of Bill 341, and we are writing in support of this legislation. We strongly believe that our mayors have the right mind set and right thinking when it comes to deciding whether to close off roads or streets to vehicle traffic during events such as funerals or fiestas. They know their villages and they know the events or activities that will be happening and the amount of traffic that could result in their closing off their roads. Also, most fiestas and some funerals occur during the weekend, when road traffic is considerably less than weekdays.

We strongly disagree with the point that the Department of Public Works offered in opposition to the bill. To say that giving the mayors the authority to close off roads will cause heavy traffic is ridiculous, considering it is the same Department of Public Works that routinely closes off large portions of Guam's roads for projects that go way over the time line set for construction; causing miserable conditions for motorists and businesses alike and brushing it off with a "it's what needs to be done so let it be done, the motorists will suffer now but in the end it will turn out alright" attitude.

We strongly urge you and your colleagues to support Bill 341 and the Mayors and Vice Mayors of Guam.

Thank you for your time,

**Derek Sablan**

**Vice President**

**No Labels Guahan**

**929-8430**

**Derick B. Hills**

**President**

**No Labels Guahan**

---

**Senator Tina Rose Muña Barnes <tinamunabarnes@gmail.com>**

**Tue, Nov 15, 2011 at 8:37 AM**

Reply-To: senator@tinamunabarnes.com

To: Derek Sablan <dereksablan@hotmail.com>

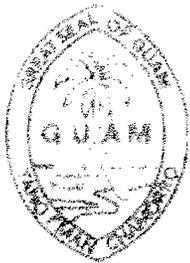
Buenas yan hafa adai Mr. Sablan! Thank you for submitting testimony on Bill 341. We will take this into consideration and submit it with our committee report. Si Yu'os Ma'ase yan Si Yu'os un Binendisi! Have a wonderful day!

[Quoted text hidden]

--

Sinceru yan magahet,

Senator Tina Rose Muña Barnes  
155 Hesler Place  
Hagatña, GU 96910  
671.472.3455/6  
671.472.3400 (fax)



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



**JOANNE M.S. BROWN**  
*Director*  
**CARL V. DOMINGUEZ**  
*Deputy Director*

November 14, 2011

Honorable Tina Rose Muña-Barnes  
Legislative Secretary  
I Mina' Trentai Uno Na Liheslaturan Guåhan  
155 Hesler Place  
Hagatna, GU 96910

Dear Legislative Secretary Muña-Barnes:

In response to Bill No. 341 that would authorize village Mayors "to close non-routed roads for village funerals, fiestas and other events," the Department of Public Works (DPW) expresses serious reservations and does not support the passage of this proposed bill. The safety of our highways and the ability of our island motorists to travel our roadways with the minimum amount of obstruction is a priority for DPW.

The primary purpose of the encroachment program at DPW is to regulate the use of the public right of way to insure that proper planning and safety notification requirements are incorporated any time a public or private interest wants to use or impact the public right of way. The current language of Bill No. 341 is fairly general without identified parameters or procedures other than authorizing Mayors to block or close non-routed roads within their villages without having to obtain any Highway Encroachment Permit from DPW. While funerals and fiestas are identified as allowable activities, the addition of "other events" is undefined. How will notice be provided to motorists when roadways are blocked? How will ambulances and police vehicles be able to transit secondary or non-routed roads in times of emergencies when roadways are blocked or closed off? How can motorists be expected to transverse through a blocked road if they desire to travel unimpeded? More importantly, if vehicle crash occurs as a result of a blocked off village road, who is liable? The village Mayor? The Legislature? The Government of Guam?

The priority of DPW as the government entity responsible for public easements and roadways is to prioritize the safety and welfare of the driving public. The primary purpose of our roadway system is to provide for both the safety and mobility of our citizens. This very message has been relayed repeatedly to DPW by disgruntled motorists that have encountered travel delays or blocked lanes that have created potential crash hazards. In response to these concerns, DPW is

enforcing its policy to insure that when a lane is blocked for utility, maintenance or construction purposes, adequate safety signage is visibly located in advance of a blocked lane to prepare motorists to switch lanes and reduce travel speed. The submittal and review of encroachment plans is to insure that proper notice and safety measures are put in place and that standard road management practices are incorporated and implemented. In addition, if a roadway or bridge is blocked for construction purposes, even for a short period of time, DPW provides advance public notice so that motorists are aware of these issues prior to scheduled construction events. Moreover, if DPW blocks a lane or a roadway for construction purposes, adequate notice and coordination plans are implemented with emergency services to include the Guam Police Department and the Guam Fire Department so that accommodations are in place in the event that emergency services need to transverse a construction site.

As there are “rules of the road” that island motorists are expected to abide by, shouldn’t motorists have a right to expect a consistent standard on how their roadways are used? Will there now be one standard for routed roads and an undefined standard for non-routed roads? The vagueness of the language added to Bill No. 341 due to the lack of clear definition seems to indicate that this will be the case.

With the increasing number of cars, buses and heavy equipment, now estimated at 109,842 that travel our routed and non-routed roadways, DPW recommends that the Guam Legislature further review the adverse implications that will be created with the passage of Bill No 341.

Sincerely,

  
JOANNE M.S. BROWN

## WRITTEN TESTIMONY

On

Bill 341

Buenas Mr. Chairman & Members of this Committee.

Before I share some of my thoughts on Bill 341, I want to thank Vice Speaker B. J. Cruz for understanding the value of serving our community by affording then the opportunity to make things more convenient when it comes to government services.

Again, I want to thank Senator B.J. Cruz and the committee for allow me to come and testify in favor of Bill 341.

As the Chairman on Legislative & Finance for the Mayor's Council of Guam, I was compelled to send a letter to Senator Tina Barnes regarding Road and Street Closures within Mayoral Districts. My action was prompted by the opinion of the Attorney General Office were-by the Mayors and Vice Mayors of Guam are not authorized to close roadways or streets within their districts.

My request to allow the mayors and vice mayors the authority to close roads and streets comes with several reasons.

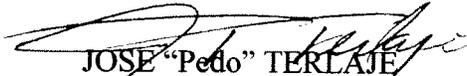
1. It is more convenient for our constituents to obtain a closure permit.
2. Mayors and Vice Mayors can easily monitor the traffic situation and make modifications if needed.
3. If a hazard or life threading situation does exist during the during of the closure, the Mayor or Vice Mayor can immediately make the necessary changes. Usually road closures will occur on weekends, DPW is not present to make the necessary changes if needed.
4. DPW does not monitor the traffic situation during the closure of roadways and streets within the villages during the duration of the closure.
5. The Mayor or Vice Mayor will actually supervise or direct the actual placement of supporting devices used to close the road or street.
6. The Mayor of Vice Mayor are well informed with the traffic situation, motorist mobility and surrounding neighbors desire on just what accessibility should be considered. DPW does not do this.

The bottom line is that DPW will allow the issuance of road closure permit, however, will not be present to make immediate changes or even monitor the traffic conditions. More so, the Mayors and Vice Mayors are readily available to meet public inquiry and notices especially when surrounding neighbors are making inquires regarding closing of the road.. Usually, Mayors and Vice Mayors will compromise and give notice to surrounding neighbors. In addition to this, DPW does not provide safety devices when

issuing a permit. Usually, the Mayors and Vice Mayors will assume such responsibility in assisting our constituents.

Once again, than you for your time.

Sincerely,

  
JOSE "Pedro" TERLAJE  
Mayor, District of Yona



# MUNICIPALITY OF YONA

Mayors' Council of Guam

*Konsehelon Mahot Guåhan*

*Jose "Pedro" T. Terlaje*

*Mayor*

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

August 4, 2011

FILE COPY

#### YONA MUNICIPAL PLANNING COUNCIL

*Mayor Jose "Pedro" 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. Losongco, Member*

Honorable Tina Rose Muna-Barnes  
Senator, 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Suite 101  
Hagatna, Guam 96910

Subject: Authority for Village Mayors to Close or Block Streets and Roadways

Dear Senator Barnes:

Hafa Adai! Before I proceed, please allow me to thank you for your continued demonstration of superb public service. The Mayors' Council of Guam continues to admire your omniscience on issues addressed to you from the Mayors and Vice Mayors of Guam.

As the representative on legislative matters for the Mayors' Council of Guam, I am compelled to address the issue regarding subject matter.

On August 1, 2011, the undersigned received a legal opinion from Assistant Attorney General Sandra Cruz Miller regarding regulations governing the general authority of the Mayors to close or block streets and roadways.

Accordingly, there is nothing in the law that permits or otherwise authorizes a Mayor or Vice Mayor to close off streets for purposes of functions or activities within their village.

I know that you have been an advocate for giving the Mayors and Vice Mayors some sort of municipal authority. Giving the authority to the Mayors and Vice Mayors pursuant to subject matter, will not only be advantageous to our constituents, but more importantly, the mayor or vice mayor of the district can visually monitor the situation and can make on the spot corrections/modifications. On the other hand, DPW is not really aware of the traffic frequency nor do they monitor traffic situations during the closure of the streets and roads within the village. Usually, activities for the closure of streets or roads will take place during the evening hours or on weekends and immediate modification due to hazards cannot be corrected because DPW is not available. DPW will approve a road closure, but does not actually supervise or direct actual placement of supporting devices used to close the road or street.

Office of the Legislative Secretary  
Senator Tina Rose Muna-Barnes  
Date 8-9-11  
Time 10:00  
Received by [Signature]

**Page 2 (continued)**

**Subject: Authority for Village Mayors to Close or Block Streets and Roadways**

What is important is that the mayor or vice mayor will usually be physically present to supervise the placement of safety devices to include obvious and inexpressible public notice to include constant monitoring of traffic situations for the duration of the activity.

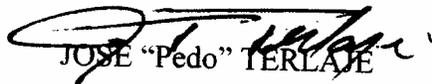
In addition, our constituents find it more convenient to either call the mayor or come to the office, simply because the mayoral office meets personal satisfaction.

Road closures within any district should be confined strictly at the approval of the mayor or vice mayor because of the immediate accessibility and less response time to remediate problems that may exist during the closure of the road or street.

The vivifying and invigorating aspect of the consideration to give full authority to the mayors and vice mayors is that the district mayors and vice mayors are well versed in making accurate decisions to close any street or road within their district based on their day to day experiences on the traffic situation, motorist mobility and surrounding neighbors are advised prior to the closure of any road or street.

Once again, thank you for your time and May God Bless.

Sincerely,

  
JOSE "Pedo" TERLAJE

Cc: All Mayors/Vice Mayors  
Angel R. Sablan, Executive Director, Mayors' Council of Guam

**Leonardo M. Rapadas**  
**Attorney General**



**Phillip J. Tydingco**  
**Chief Deputy Attorney General**

**OFFICE OF THE ATTORNEY GENERAL**

**RECEIVED**

July 28, 2011

AUG 01 2011  
MAYORS' COUNCIL  
OF GUAM

**INFORMATION AND GUIDANCE**

Ref: DPW 11-0621

TO: Joanne M.S. Brown  
Director  
Department of Public Works

FROM: Assistant Attorney General

SUBJECT: **Authority of Village Mayors to Close or Block Streets and Roadways Without a Highway Encroachment Permit**

The Department of Public Works (DPW) has asked this Office to clarify the authority of the Mayors to block or close off streets and roadways in their villages during events such as funerals, fiestas, etcetera without first obtaining a highway encroachment permit from DPW.

After reviewing the Guam laws and regulations governing the general authority of the Mayors, as well as past memoranda and opinions issued by the Office of the Attorney General, it is concluded that there is nothing in the law that permits or otherwise authorizes a Mayor to close off a street for a private function without first obtaining a highway encroachment permit; or at a minimum, without coordinating with DPW about the closure and otherwise obtaining consent.

Under 5 G.C.A. Section 40115.1<sup>1</sup>, a Mayor may lawfully approve a concession, festival, fiesta, or other village event that *provided* that the event is officially sponsored or organized by the Mayor's office or by the Mayors Council of Guam. This does not mean, however, that in approving an officially-sponsored event, a Mayor can claim an exemption from the usual permit

//

//

<sup>1</sup> Section 40115.1 was enacted in November 2009 by Guam Public Law 30-068:2.

requirements. On the contrary, Section 40115.1 expressly states that Mayors who host official village events must still comply with any applicable government licensing requirements:

**5 G.C.A. § 40115.1. Mayors Empowered with Approving Authority.**

\*\*\*

*This special authority granted to Mayors [to approve village events] does not negate any other governmental requirement from being met, including, but not limited to, health and sanitary permits if such concessionary activities involve the handling of consumables, or the approval and permitting for gambling and cockfighting activities, or other permit or licensing requirements. . . . (Emphasis added).*

It is emphasized that the approval authority granted to the Mayors by Section 40115.1 above applies *only* to village events that are “*associated with the promotion of the Chamorro culture, tradition, heritage and tourism, and officially sponsored by their mayoral office, or by the Mayors’ Council of Guam.*”

Given that official public events are compelled to comply with government permit and licensing requirements, it is safe to conclude that unofficial events and private party functions must likewise be required to comply with the same. Moreover, obtaining any required permits is rightfully the responsibility of the private party who is hosting the event, and not the village Mayor.

This memorandum is provided for DPW’s information and guidance only.

OFFICE OF THE ATTORNEY GENERAL



SANDRA CRUZ-MILLER  
Assistant Attorney General



# COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

October 18, 2011

## Memorandum

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

To: Pat C. Santos  
Clerk of the Legislature

### MAJORITY MEMBERS:

From: Senator Rory J. Respicio

Speaker  
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker  
Benjamin J. F. Cruz

*Hafa Adai!*

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

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

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

- Bill Nos.: 312-31 (COR)
- 321-31 (COR)
- 324-31 (COR)
- 341-31 (COR)

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

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

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

*Si Yu'os ma'âse'!*

Senator  
Christopher M. Duenas

155 Hesler Place, Hagåtña, Guam 96910  
Tel: (671)472-7679  
Fax: (671)472-3547  
*RJR*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORRAY TENORIO  
LIEUTENANT GOVERNORJOHN A. RIOS  
ACTING DIRECTORSTEPHEN J. GUERRERO  
DEPUTY DIRECTOR

OCT 17 2011

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

*Hafa Adai* Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 324-31(COR), 341-31(COR),  
and Fiscal Note Waiver on Bill Nos.: 312-31(COR), and 321, 31(COR)

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

  
JOHN A. RIOS  
Acting Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 341-31 (COR)**

**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.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Mayor's Council of Guam	Dept./Agency Head: Angel Sablan
Department's General Fund (GF) appropriation(s) to date:	8,433,047
Department's Other Fund (Specify) appropriation(s) to date:	2,272,960
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$10,706,007</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

*7/10/11*

Analyst (s): Joe Certeza Date: 10/14/2011 Director: John A. Rios, Acting Director Date: 10/14/11

**Footnotes:**  
1/ The Bill has a potential fiscal impact for additional funding requirements. However, in its present form, such impact cannot be determined at this time.



## COMMITTEE ON RULES

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Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

October 11, 2011

### MEMORANDUM

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

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

From: **Senator Thomas C. Ada**   
*Acting Chairperson*

Subject: **Referral of Bills No. 340-31(COR) through 344-31(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 340-31 (COR) through 344-31(COR).

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

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

*Si Yu'os Ma'åse!*

(2) Attachment

2011 OCT 11 PM 4: 27 

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**October 11, 2011**

Page 1 of 3

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?
340-31 (COR)	R.J. Respicio, F.F. Blas Jr., B.J.F. Cruz, V.A. Ada	AN ACT TO AMEND §§ 2101 AND 2101.1 AND TO ADD A NEW § 2106 TO CHAPTER 2 OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE JURISDICTION OF THE GUAM STATE CLEARINGHOUSE.	10/07/11 2:29 p.m.	10/11/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land			
341-31 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW SUBSECTION (f) TO § 40112 OF 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.	10/07/11 2:54 p.m.	10/11/11		Committee on Municipal Affairs, Tourism, Housing and Recreation			



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

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](mailto: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](mailto: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>

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## First Notice of November 14th Public Hearing

2 messages

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**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!

--

*Jeanenne 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](mailto:jean@tinamunabarnes.com)*

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

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**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](mailto:phnotice@guamlegislature.org)**

**As of Oct. 17, 2011**

aguon4guam@gmail.com  
alerta.jermaine@gmail.com  
aline4families@gmail.com  
ataylor.senatordrodriguez@gmail.com  
audrey@judiwonpat.com  
baza.matthew@gmail.com  
berlene@senatorpalacios.com  
bruce.lloyd.media@gmail.com  
candasofrank@gmail.com  
carlo@tinamunabarnes.com  
chechsantos@gmail.com  
chelsa@tinamunabarnes.com  
cherbert.senatordrodriguez@gmail.com  
cipo@guamlegislature.org  
clerks@guamlegislature.org  
colleen@judiwonpat.com  
cor@guamlegislature.org  
cyrus@senatorada.org  
doc.wyppenbachsantos@gmail.com  
duenasenator@gmail.com  
edleonguerrero@gmail.com  
edpocaigne@judiwonpat.com  
edwardglee671@yahoo.com  
elaine@tinamunabarnes.com  
etajalle@guamlegislature.org  
evelyn4families@gmail.com  
faith.r@senatormabini.com  
faith.r@senatormabini.com  
fbtorres@judiwonpat.com  
floterlaje@gmail.com  
frank.blasjr@gmail.com  
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guamnativesun@yahoo.com  
jamespcastro@gmail.com  
jane@tinamunabarnes.com  
jason@senatorpalacios.com  
jcamacho@senatorada.com  
jean@tinamunabarnes.com  
jeff.m@senatormabini.com  
jennifer@senatorpalacios.com  
jmesngon.senatordrodriguez@gmail.com  
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mtorres.senatordrodriguez@gmail.com  
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senbenp@guam.net  
sgrarmes@guamlegislature.org  
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tanya4families@gmail.com  
tcastro@guam.net  
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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>

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

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# I Mina'Trentai Unu Na Liheslaturan Guåhan

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](mailto: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](mailto: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>

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## Second Notice of November 14th Public Hearing

2 messages

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**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!

--

*Jeanenne P. Cordero "Jean"*  
*Legislative Assistant*  
*Office of Senator Tina Rose Muna Barnes*  
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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.

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**From:** Jean Cordero [mailto:[jean@tinamunabarnes.com](mailto:jean@tinamunabarnes.com)]  
**Sent:** Thursday, November 10, 2011 9:04 AM  
**To:** [phnotice@guamlegislature.org](mailto: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!

--

*Jeanenne P. Cordero "Jean"*

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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

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

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**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](http://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](mailto: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 OCT -7 PM 2:54  
MWA

Bill No. 341-31 (Cor)

Introduced by:

B.J.F. Cruz  
T.R.M. Barnes  
Romy J. Respicio  
T.C. ADE

**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**

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

2 **Section 1.** A new Subsection (r) is hereby added to § 40112 of Title 5  
3 of the Guam Code Annotated to read as follows:

4 **“§ 40112. Powers, Duties and Responsibilities.** A Mayor shall  
5 perform the following duties and responsibilities in his district:

6 (a) Serve as the direct administrative representative of the people of  
7 the district from which he is elected.

8 (b) Plan and implement a street name and house numbering system.

9 (c) Oversee, coordinate or undertake beautification programs  
10 including a clean-up and removal of public nuisance and debris, and, to this  
11 end, is hereby authorized to officially utilize, establish regular and consistent  
12 working relations and effectively coordinate with the Department of Public  
13 Works, the Department of Parks and  
14 Recreation and any other entity within the government of Guam and may  
15 also work with non-profit organizations.

16 (d) In cooperation with the appropriate department or agency conduct

1 or cause to be conducted a periodic sanitary, health and environmental  
2 inspection in accordance with guidelines set forth by the appropriate public  
3 agency. He may issue a warning for a first violation or report the same to the  
4 appropriate government agency for action.

5 (e) Be responsible for the maintenance and security of the Mayor's  
6 Office in his district.

7 (f) Be responsible for maintenance of village streets, parks and  
8 recreation facilities, in conjunction with the Department of Public Works  
9 and Department of Parks and Recreation pursuant to § 40113 of this  
10 Chapter.

11 (g) Assist appropriate government agencies in implementing social  
12 services and public assistance programs within his jurisdiction.

13 (h) Serve as peace officer and assist in the maintenance of law and  
14 order in his district.

15 (i) Act as an official representative of his district at legislative and  
16 executive public hearings involving matters affecting his district.

17 (j) Assist in coordinating the civilian emergency preparedness system  
18 in time of emergency or disaster.

19 (k) Submit an annual written report to the Governor and the Guam  
20 Legislature on the activities of his office, expenditure of funds allotted and  
21 make general comments and recommendations relative to the state of his  
22 district.

23 (l) Make a report to the residents of his district on a quarterly basis at  
24 a properly noticed public meeting to be held within the district.

25 (m) Conduct an annual census and maintain a current listing of names  
26 of all residents in his jurisdiction.

27 (n) Cooperate with any agency and department of the government of

1 Guam in matters pertaining to his district and work jointly with officials of  
2 the government of Guam toward the attainment of peace, order, justice and  
3 the general economic and social welfare of the people of Guam.

4 (o) To issue citations to owners of property for failure to remove  
5 property deemed unsafe by building officials pursuant to §§66501 through  
6 66507 of Title 21, Guam Code Annotated. In the event that the owner does  
7 not remove the unsafe structure, the Mayor or Vice-Mayor may have the  
8 structure cleared and submit the bill to the owner for payment. In the event  
9 that the Mayor or Vice-Mayor takes action to clear the unsafe structure, a ten  
10 percent (10%) surcharge shall be added to the bill, and the surcharge shall be  
11 deposited into the Municipal Fund. Should the owner refuse to pay, the  
12 Mayor or Vice-Mayor shall forward the claim to the Attorney General  
13 requesting that steps be taken to record a lien against the property in the  
14 amount of the unpaid bill.

15 (p) Coordinate with the Department of Public Works (*DPW*) and the  
16 Guam Police Department (*GPD*) in determining where speed bumps should  
17 be located in their village streets. DPW shall construct and maintain such  
18 speed bumps after their location is so determined and after obtaining the  
19 concurrence of GPD. DPW shall post warning signs on such streets with  
20 speed bumps cautioning drivers to beware of pedestrians and to slow down.

21 (q) To administer the Oath of Office to Municipal Planning Council  
22 members, and to officers-elect and board members-elect of organizations  
23 and associations. This authority may be delegated to a village Vice Mayor  
24 upon the discretion of that same village's Mayor.

25 (r) To block or close off non-routed streets and roadways in their  
26 villages during village funerals, fiestas, and other events without obtaining  
27 any highway encroachment permit from the Department of Public Works.”