

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN

THIRTY THIRD GUAM LEGISLATURE 155 Hesler Place, Hagåtña, Guam 96910

June 20, 2016

The Honorable Edward J.B. Calvo I Maga'låhen Guåhan Ufisinan I Maga'låhi Hagåtña, Guam

Dear Maga'låhi Calvo:

Transmitted herewith are Bill Nos. 141-33 (COR), 249-33 (COR), 282-33 (COR), 293-33 (COR), 298-33 (COR), 311-33 (COR), 313-33 (COR), 314-33 (COR), 315-33 (COR), 320-33 (COR), 321-33 (COR), and 323-33 (COR); and Substitute Bill Nos. 30-33 (COR), 291-33 (COR), 296-33 (COR), 302-33 (LS), 304-33 (LS), 305-33 (LS), 306-33 (LS), 307-33 (LS), 308-33 (LS), and 309-33 (LS), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on June 17, 2016.

TINA ROSE MUÑA BARNES

Legislative Secretary

Enclosure (22)

Po² R.S Messialn 6/20/16 5:35 pm

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN 2016 (SECOND) Regular Session

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

This is to certify that Bill No. 313-33 (COR), "AN ACT TO TRANSFER A PORTION OF LOT NO. 470-R3, MUNICIPALITY OF SANTA RITA, WITH AN AREA OF TWO THOUSAND EIGHT HUNDRED FIFTY-FIVE (2,855) +/- SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSES OF RECONSTRUCTING AN AGED 1MG WATER RESERVOIR, AND TO CONSTRUCT A NEW 1MG WATER RESERVOIR; AND TO REZONE LOT NO. 470-R3 FROM A ONE-FAMILY DWELLING ZONE (R1) TO A PUBLIC FACILITY ZONE (PF)," was on the 17th day of June 2016, duly and regularly passed.

Attested: Tina Rose Muña Barnes Legislative Secretary	Benjamin J. F. Cruz Acting Speaker
APPROVED:	Assistant Staff Officer Maga'låhi's Office
EDWARD J.B. CALVO I Maga'låhen Guåhan	•
Date:	
Public I aw No	

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN 2016 (SECOND) Regular Session

Bill No. 313-33 (COR)

As amended by the Committee on Transportation, Infrastructure, Lands, Boarder Protection, Veterans' Affairs and Procurement.

Introduced by:

1

V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes

T. C. Ada

R. J. Respicio Dennis G. Rodriguez, Jr. Michael F.Q. San Nicolas Mary Camacho Torres N. B. Underwood, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO TRANSFER A PORTION OF LOT NO. 470-R3, MUNICIPALITY OF SANTA RITA, WITH AN AREA OF TWO THOUSAND EIGHT HUNDRED FIFTY-FIVE (2,855) +/- SQUARE METERS, FROM THE CHAMORRO LAND TRUST COMMISSION LANDS INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSES OF RECONSTRUCTING AN AGED 1MG WATER RESERVOIR, AND TO CONSTRUCT A NEW 1MG WATER RESERVOIR; AND TO REZONE LOT NO. 470-R3 FROM A ONE-FAMILY DWELLING ZONE (R1) TO A PUBLIC FACILITY ZONE (PF).

BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds
- 3 that the Guam Waterworks Authority (GWA) has identified property, owned by the

1 Chamorro Land Trust Commission (CLTC), for the purpose of constructing a new 2 water reservoir to replace an existing water reservoir that has surpassed its service 3 life and to construct an additional one (1) million gallon reservoir which will support

4 current and future growth demands for drinking water.

I Liheslaturan Guåhan finds that the construction of an additional reservoir will increase total storage capacity from one (1) million gallons to two (2) million gallons, a one hundred percent (100%) capacity increase, to address water demands due to population growth and to provide operational reliability. The storage reservoirs will also enhance service to the Agat and Santa Rita service zones.

I Liheslaturan Guåhan finds that GWA has been working with the CLTC to address the critical property needs to meet the 2011 court order deadlines, and the CLTC has approved a Board resolution to support GWA.

I Liheslaturan Guåhan further finds that this project is necessary and will benefit the people of Guam, and intends to authorize the CLTC to transfer two thousand eight hundred fifty-five (2,855) square meters (0.705 acres) to the GWA to accomplish the necessary improvements described above. Due to the time constraints imposed by the court order to complete the project, GWA and CLTC have agreed on the basic terms of the transfer to meet the needs and mandates of both parties, and have committed to finalize compensation to the CLTC within one hundred eighty (180) days of the enactment of this Act.

I Liheslaturan Guåhan finds that the Guam Waterworks Authority, under United States Department of Justice ORDER FOR PRELIMINARY RELIEF RE: DEADLINES FOR OUTSTANDING PROJECTS UNDER THE AMENDED STIPULATED ORDER Civil Case No. 02-00035 (Court Order or CO) effective as of 11/10/2011, is required to "assess and repair, rehabilitate, replace and/or relocate all Guam Waterworks Authority water reservoirs within its systems as

1 detailed in § II (C) ¶ 29 (b) of the order, and the deadline to complete these tasks 2 specified for the water reservoirs is 2018."

Section 2. Authorization to Transfer Land Identified to the Guam Waterworks Authority (GWA). Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan Guåhan* authorizes the Chamorro Land Trust Commission (CLTC) to transfer approximately two thousand eight hundred fifty five (2,855) square meters (.705 acres), more or less, of Lot No. 470-R3, municipality of *Santa Rita*, as shown on Lot Parceling Survey Map, L.M. No.053FY2014, prepared by the Department of Land Management, filed under Instrument No. 865034 (See Exhibit A), from the lands inventory of the CLTC to the GWA to construct a gravel access roadway to GWA's existing facilities which will allow for the demolition of the existing one (1) million gallon water storage tank and the construction of a new one (1) million gallon water storage tank in its place, and for the construction of a new additional above ground one (1) million gallon water storage reservoir. The administrative transfer of property *shall* become effective upon the enactment of this Act.

- (a) GWA *shall* pay for the appraisal of the property by two (2) different appraisers, one (1) which *shall* be selected by the Director of the CLTC.
- (b) GWA *shall* have the property surveyed at its own expense and the survey map *shall* be recorded by the Department of Land Management.
- (c) GWA *shall* work with CLTC to determine an appropriate compensation for the property, to include, but not be limited to, a land exchange, purchase, or a combination of these options to be approved by GWA, the Consolidated Commission on Utilities (CCU) and CLTC. GWA and CLTC will have one hundred eighty (180) days to finalize a compensation agreement.

(d) CLTC grants a right of entry for GWA to complete the required geotechnical survey, topographic survey, archeological studies, and other required testing and studies necessary to initiate the design for the construction of the detention basin and the construction of new water reservoirs while both parties are finalizing the agreement, the survey map compensation and the deed is recorded.

Section 3. Zoning Designation. The portion of Lot No. 470-R3, municipality of *Santa Rita*, transferred to GWA pursuant to this Act *shall* be rezoned from a One-Family Dwelling Zone (R1) to a Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, § 61313.

Section 4. Reversionary Clause Upon Inaction. The GWA must begin construction of the *Santa Rita* water reservoir facility within five (5) years from the date of the enactment of this Act. In the event that the GWA does not initiate construction at the facilities within the stipulated period, without notice to the CLTC, or defaults on the compensation agreement, the property *shall* revert to the CLTC.

Section 5. Effective Date. This Act shall take effect upon its enactment.

Section 6. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this law are severable

14419 4/5

G,

GUAM CONSOLIDATED COMMISSION ON UTILITIES RESOLUTION NO. 29-FY2016

RELATIVE TO APPROVING PROPOSED LEGISLATION FOR ACQUISITION OF CERTAIN CHAMORRO LAND TRUST COMMISSION PROPERTIES

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Guam Waterworks Authority (GWA) has identified property, owned by the Chamorro Land Trust Commission (CLTC), for the purpose of rebuilding the existing water reservoir, constructing a stormwater detention basin to address United States Environmental Protection Agency (USEPA) Clean Water Act (CWA) requirements and to construct future additional reservoirs which will assist in meeting current and future growth demands for drinking water; and

WHEREAS, the Guam Waterworks Authority (GWA) has been working with the staff of the Chamorro Land Trust Commission (CLTC) to address the critical property needs to meet the 2011 Court Order deadlines; and

WHEREAS, the Chamorro Land Trust Commission, having agreed that GWA's request for additional land for required infrastructure development projects is in the public's interest and is an immediate necessity, approved resolutions to support GWA's request (Attachment A); and

3.2

WHEREAS, the Chamorro Land Trust Commission has also approved the Right of Entry as an interim measure to allow GWA to access the properties to conduct required studies, surveys and necessary actions to begin the design of the required requirement for the water reservoirs (Attachment B); and

WHEREAS, GWA and CLTC have developed draft legislation to acquire the properties to meet the needs of GWA. Upon passage of the law, GWA and CLTC will develop a reasonable compensation package for the acquired properties. Due to the time constraints imposed by the Court Order to complete the project, GWA and CLTC have agreed on the basic terms of the transfer to meet the needs and mandates of both parties, and have committed to finalize the terms of compensation to the Chamorro Land Trust within one hundred eighty (180) days of the enactment of the proposed legislation.

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve and authorize the following:

Section 1. The foregoing recitals hereto are hereby ratified, confirmed, and incorporated herein by reference.

Section 2. The Consolidated Commission on Utilities approves the following attached draft bills:

a) AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY AND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REPLACING THE EXISTING WATER RESERVIOR (TANK) AND CONSTRUCTING AN ADDITIONAL

WATER RESERVIOR TO COMPLY WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER. (Attachment C)

- b) AN ACT TO TRANSFER A PORTION OF LOT NO. 470-R3,
 MUNICIPALITY OF SANTA RITA WITH AN AREA OF 2855±
 SQUARE METERS FROM THE CHAMORRO LAND TRUST
 INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR
 THE PURPOSE OF CONSTRUCTING A STORM WATER
 RETENTION BASIN AND RECONSTRUCTING A WATER
 RESERVOIR TO COMPLY WITH THE UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER.
 (Attachment D)
- c) AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1852± SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY AND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A FUTURE WATER RESERVIOR (TANK) AND RELOCATING A PUMP STATION AS PART OF THE COMPLIANCE ACTIONS REQUIRED TO MEET THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2011 COURT ORDER. (Attachment E)

this Resolution. DULY AND REGULARLY ADOPTED, this 26th day of April 2016. Certified by: Secretary Chairperson I. J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as evidenced by my signature above do hereby certify as follows: The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows: AYES: NAYS: 0 **ABSTENTIONS:** 0 ABSENT:

1

3 3

5

ة 7

8

Ç

10

1.1 1.2

13

14

15

16

17

18

19

28 39 30 RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of





CHAMORRO LAND TRUST COMMISSION RESOLUTION NO. 2016-03

Declaration and Designation of Land for Guam Waterworks Authority Infrastructure Development

WHEREAS, the Chamorro Land Trust Commission (hereafter CLTC), in accordance with Title 21, Section 75105, declares the need to make land available for Guam Waterworks Authority (GWA) infrastructure development;

WHEREAS, the CLTC board of commissioners recognizes GWA's need for additional land for infrastructure development is in the public interest and an immediate necessity;

WHEREAS, the CLTC board of commissioners recognize and acknowledge GWA's immediate need to prepare the desired land authorize the execution of a "Grant of Right-Of-Way" until law is enacted to assign the property to GWA;

WHEREAS, the CLTC board of commissioners require the land assignment be compensated at a rate and/or process to be determined at a later date to be set in the law assigning the property to GWA;

WHEREAS, on March 17, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to designate as available the proposed land as necessary for the public good to be assigned to the Guam Waterworks Authority by legislative action:

A portion of Lot 470-R3, Municipality of Santa Rita, an area consisting of 2,855± square meters, as shown on the Lot Parceling Survey Map, L.M. No. 053FY2014, prepared by Department of Land Management, filed under Instrument No. 865034, shown in Exhibit "A", currently zoned Residential Single-Family Dwelling (R1).

NOW THEREFORE BE IT RESOLVED.

- The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares
 this land to be available and designated property for the Guam Waterworks Authority infrastructure
 development who will be fully responsible for any and all land surveys and land registration, as
 necessary;
- 2. The Chamorro Land Trust Commission authorizes the execution of a "Right of Entry Agreement" for the designated property identified above to the Guam Waterworks Authority; and
- 3. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to 1 Liheslaturan Guahan with its recommendation to include the designated property in legislation to assign it to the Guam Waterworks Authority with compensation to be determined within a specified period listed in the enacted law.

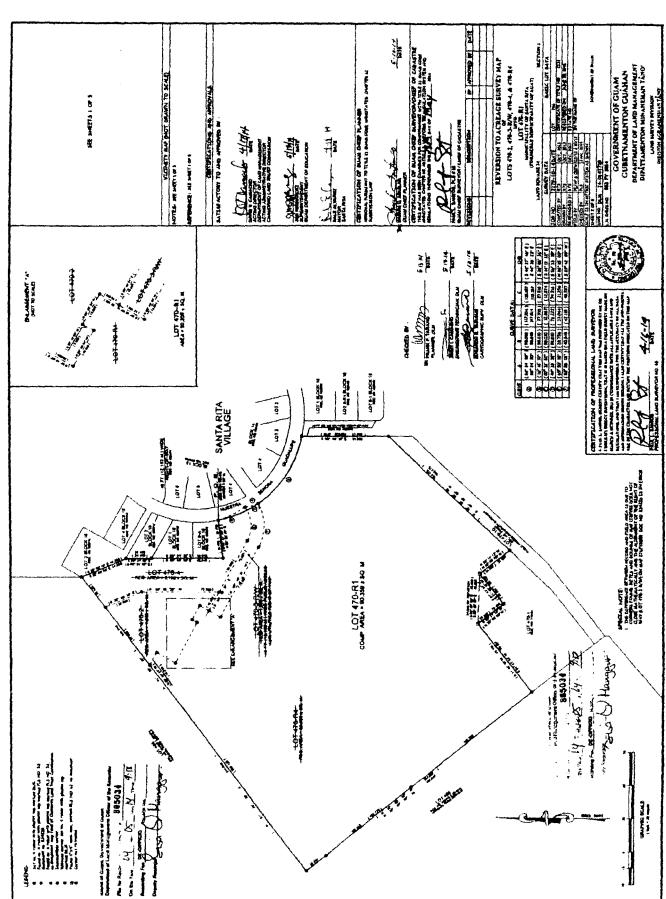
DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 17 $^{\rm TH}$ DAY OF MARCH 2016.

alen

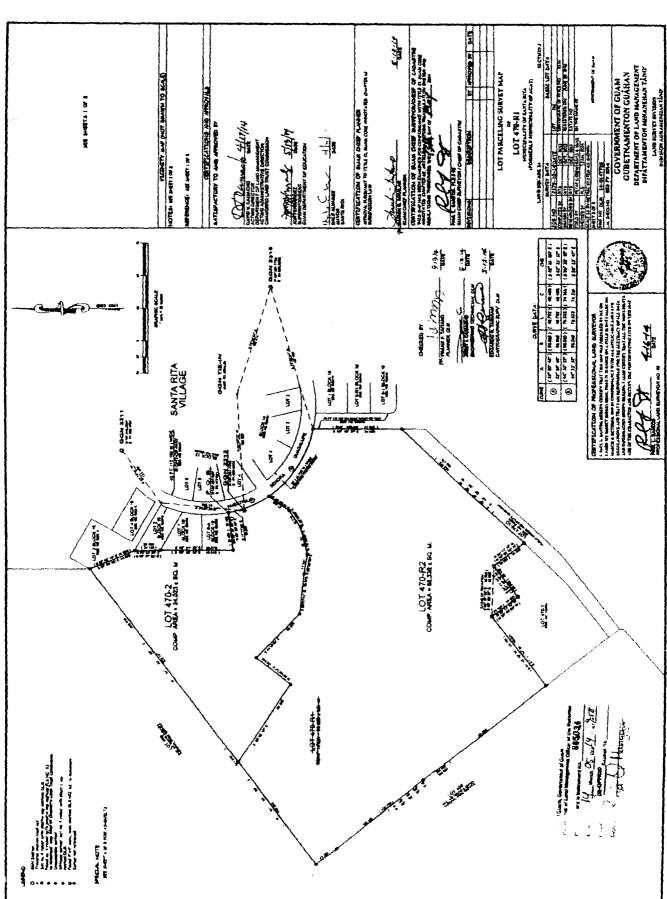
Date: 4/2/11

14PA 1/5

EXHIBIT "A" CLTC Resolution 2016-03

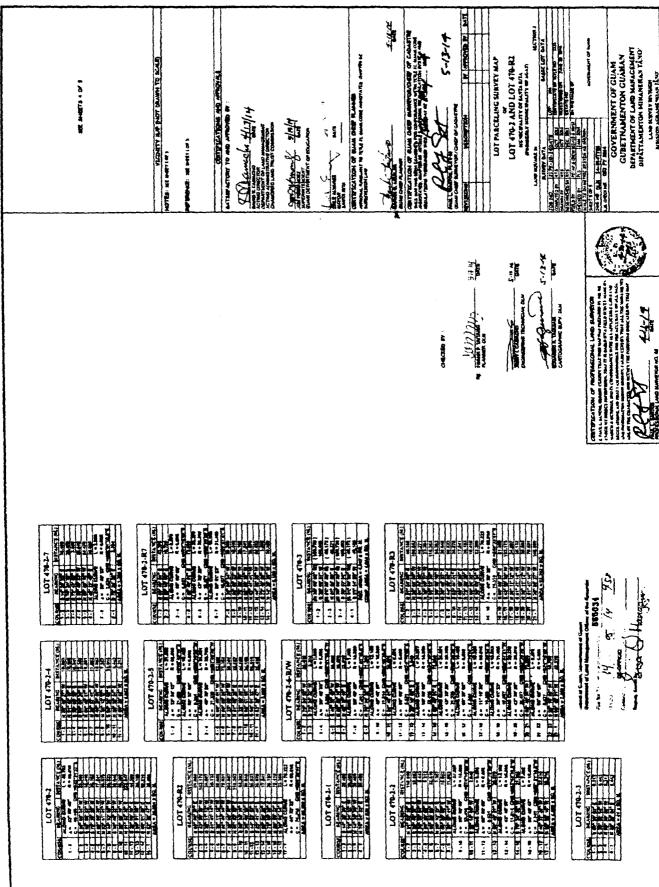


14419 75



14419 3/5

(4419 4/5



1419 9/5