



SENATOR DENNIS G. RODRIGUEZ, JR.

March 28, 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Rory J. Respicio

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

RE: Committee Report – Bill No. 264-33(LS), as Substituted by Author.

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report on Bill 264-33 (LS), as Substituted by Author; An Act to Amend § 68602 and § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam Code Annotated, Relative to the Southern Development Master Plan;** Sponsored by Senator Tommy A. Morrison, and referred to the Committee on Health, Economic Development, Homeland Security and Senior Citizens. Bill No. 264-33(LS), as introduced, was publicly heard on March 1, 2016.

Committee votes are as follows:

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

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

2016 03 28 10:01 AM



SENATOR DENNIS G. RODRIGUEZ, JR.

March 25, 2016

MEMORANDUM

To: **ALL MEMBERS**
Committee on Health, Economic Development, Homeland Security and Senior Citizens

From: **Senator Dennis G. Rodriguez, Jr.** *DR*
Committee Chairperson

Subject: **Committee Report on Bill No. 264-33(LS), as Substituted by Author.**

Transmitted herewith, for your consideration, is the **Committee Report on Bill 264-33 (LS), as Substituted by Author; An Act to Amend § 68602 and § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam Code Annotated, Relative to the Southern Development Master Plan; , Relative to the Southern Development Master Plan;** Sponsored by Senator Tommy A. Morrison. This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 264-33(LS)
- Copy of Bill No. 264-33(LS), as Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 264-33(LS)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

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

Si Yu'os Ma'åse'!

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

Substitute Bill No. 264-33 (LS); An Act to Amend § 68602 and § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam Code Annotated, Relative to the Southern Development Master Plan.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 3/28				
V. ANTHONY ADA Vice Chairman		✓				
BENJAMIN J.F. CRUZ					✓	
RORY J. RESPICIO		nr 3-28-16				
TINA ROSE MUNA-BARNES					✓	
THOMAS C. ADA					✓	
FRANK B. AGUON, Jr. 3/28/16		✓				
NERISSA B. UNDERWOOD		9/28				
FRANK F. BLAS, Jr.						
THOMAS A. MORRISON		✓				
Brant T. McCreadie						



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 264-33 (LS)

- I. **OVERVIEW:** The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a public hearing on March 1, 2016. The hearing convened at 2pm in the *I Liheslaturan Guåhan* Public Hearing Room. Among the items on the agenda was the consideration of **Bill 264-33 (LS), as introduced; An Act to Amend § 68605 of Article 6, Chapter 68, and to Add a New § 68602.1 to Article 6, Chapter 68, Both of Division 2, Title 21, Guam Code Annotated, Relative to the Southern Development Master Plan; Sponsored by Senator Tommy A. Morrison.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on February 23, 2016 (5-day notice), and again on February 26, 2016 (48-hour notice)

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Tommy Morrison	Committee Member
Senator Frank B. Aguon, Jr.	Committee Member
Senator Mary Camacho Torres	

The public hearing on agenda item Bill No. 264-33(LS) was convened at 2:05pm.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Senator Dennis G. Rodriguez, Jr.: Hafa Adai, good afternoon. The Committee on Health, Economic Development, Homeland Security and Senior Citizens convenes this Public Hearing, Public Hearing Notices were provided. First Notice was on Tuesday, February 23, 2016 and Second Notice on Friday, February 26, 2016. For the record today is Tuesday, March 1, 2016 and the time now is 2:05p.m. The Committee will hear and accept testimonies on Bill 264-33 (LS).

(Bill 264-33 (LS) Title Read).

Before we go on I'd like to recognize all our honorable mayors who are in the Public Hearing Room today, Mayor Carol Tayama (Agat), Mayor Ernest Chargualaf (Merizo), Mayor Vicent Taitague (Talofofo), Mayor Ken Joe Ada (Yona) and to all of you for being here. I also want to recognize Senator Tommy Morrison to my left, Senator Frank Aguon, Jr. to my right and Senator Mary Torres, thank you very much for joining us this afternoon and to the staff, thank you for being here. We'll go ahead and ask Senator Morrison to give a

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brief summary of the bill and then ask you who had signed up to testify to provide oral testimony to come forth as I call your name.

(Recognized Senator Tommy Morrison).

Senator Tommy A. Morrison: Thank you Mr. Chairman for the opportunity to provide an overview of Bill No. 264-33 (LS). This measure proposes to get things moving with respect to Public Law 19-38 which called for the creation of the Southern Development Master Plan, a blue print for growth in Southern Guam. With the North and Central land use plan established several years ago it is high time that a similar plan be worked on for our Southern communities. This plan was prepared by the ICF International with funding support by the National Oceanic and Atmospheric Administration Ocean and Coastal Resource Management Grant, administered by the Bureau of Stats. And Plans. The cost for the Northern and Central land use plan was over a hundred thousand (\$100,000) dollars. As I've publicly stated the ongoing debates surrounding the proposed large scale projects in Agat and Yona highlight the importance in ensuring that the economic expansion throughout southern Guam is carried out based on a responsible approach that is supported by residence and village leaders. The Southern Development Master Plan must respect our environment and the needs and desires of residence. Bring real and sustainable opportunities to families so that raising their children in the south can be an option once again. We need this plan to be upfront and also to the current business owners and potential investors and also would complement what planners call the established characters of our southern villages. Since learning of the proposed developments in Agat and Yona, a number of residences have not only voiced their concerns, they've also asked that a comprehensive approach be applied as we consider what kinds of economic activities should be embraced. The following are examples of comments and recommendations my office has received from the public on the importance of the developing the Southern Development Master Plan. These comments came in via email and also through social media

One comment was to set a floor height requirement of no more than five (5) stories for buildings within two-thousand (2000ft.) feet from any shoreline; Developers employers must have at least fifty (50%) percent of local hires; no qualifying certificates allowed; the disqualification of QCs will deter overdevelopment. Again these are comments coming from the Public; new business owners looking to buy land should be given tax breaks or something of the like to open their business in an existing building so as to not destroy the land further; include in the Bill a requirement to have a Southern Growth Board made of residence from the south; appointments by the Governor and the Legislature any proposed growth must be approved by this board; encourage southern villages through the Mayors Municipal Planning Council to development their own growth strategies plan; bring together the community residence to conduct some strategic planning and provide them with ideas, options, funding sources, etc. Unfortunately we wait for these things to happen as we continue to push it back, why not be in the driver seat and we determine what our communities would look like and to be like for generations to come and not the other way around; encourage our people and our children to get involved in the future of our communities by requesting to be part of a planning process through our village Mayor/Planning Council; envision a nonprofit providing support in the planning process; Perhaps we should form our own Smart Growth committee for our Southern Villages and map out our future.

These are just some notes that are coming in through social media and also through our emails. Mr. Chair I also wanted to point out as I know the Director of Bureau and Stats. and Plans and I are very aware of the alarming data that has come out of the census in 2010 that basically speaks to approximately four-thousand

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(4000) residence from southern Guam that have moved to Central, North or off-island and it's clear Mr. Chair that we have to be acceptable to real opportunities in the developers and investors that are looking down south and ensure how we could allow our residence to work with these investors and developers and see how we can help to grow the communities in the south and sustain these communities for our residence to live in their homes. Bill 264-33 (COR) seeks to put the Mayors in the driver seat and to also drive this Southern Development Plan, again we know that we had some forward thinking in the 19th legislature and they saw and envisioned that the south would be an attractive invest and grow the communities and bring about economic opportunities and leaders then felt that a Southern Development Master Plan had to get done immediately, it's twenty (20) years later Mr. Chair and I thank the Mayors for being here and I think GEDA, Land Management and GVB. I spoke with GVB who will also be providing testimony and to ensure that we really focus our efforts and not wait for another twenty (20) years to get this plan done, I think it's high time that we really move on this and get this task force moving. I thank you Mr. Chairman for the opportunity.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Senator Morrison. I will call on Mayor Tayama, Mr. Wil Castro, Mr. Michael Borja, Mayor Taitague, Mr. Randy Sablan, Mr. David Chargulaf and that's it for now, we'll call the next set after this panel.

(Recognized Mayor Carol Tayama)

Mayor Carol Tayama (Agat): (Read Written Testimony).

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mayor Carol Tayama.

(Recognized Mayor Ken Joe Ada)

Mayor Ken Joe Ada (Yona): Thank you Mr. Chairman, Senator Rodriguez, Senator Frank Aguon, Jr., Senator Tommy Morrison. Thank you for the phone call this morning and my lovely Senator Mary Camacho Torres. I just wanted to express a couple of things because I'm in the middle of a lot of this and I believe that this Bill is a very good Bill because it's very concise and that's a beginning start. The way the law is written right now is that the developer has to have a Public Hearing right and so in this Public Hearing that wanted to apply for the height variance. Now, I firmly believe that the public kind of feels left out prior to getting to that and I believe that the contemporary issue is that there should be more I guess for lack of a better word, display or discovery before reaching any of those hearings simply because people when they hear the hearings they are already applying for a height variance and that's for a lot of people they feel that this is the first time they are hearing that there's going to be a development and so they get a little reactive and very passionate about it and I truly understand them so but I feel that they feel also that they didn't have the ample time to understand this and discover what it is happening until it reaches a point of certainty when your applying for a height zone variance. So I would like to see somewhere in the laws or somewhere to be extended to the people more and this is a great start for that and there should be more discovery in between the hearings, between the developer and the community and not necessarily lean on the mayors or the municipal planning councils of certain villages because again like Mayor Carol Tayama (Agat) said a lot of people have different opinions on it but what that serves is a really good outlet for people to kind of compost all of those things so that way it's documented and you can move forward but this Bill I am very much in support of and I want to thank you Senator Tommy Morrison and I think it's a very good start for southern Guam and this is the future of Guam on the line and this is really asking and making the people of the Southern villages more aware number 1 and

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number 2 having that opportunity that some people feel they weren't amply given. So again reiterating what Mayor Carol Tayama (Agat) said, this is a really good Bill for us to move forward.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mayor Ken Joe Ada (Yona).
(Recognized Mayor Chargualaf)

Mayor Ernest Chargualaf (Merizo): Thank you Senator. Good afternoon Senators, thank you for giving us the opportunity to give our testimony here today. Senator Rodriguez, Senator Morrison, Senator Torres, Senator Aguon. My name is Ernest Chargualaf and I'm the Mayor of Merizo, from the last testimony I had was to empower the Municipal Planning Council members it was just a merger and a marriage between the Mayors and the Municipal Planning Council members. That's what we do with the members as it's tasked now but it gives the Mayors more oversight along with the Municipal Planning Council members, that's what we're here for and in my previous testimony I said that I hope the development is going to come and not pre-determined already and then all these meetings that we're going to hold whether it be here or at the village level, it's just a matter of formality following the basic steps of what needs to be done before something is implemented. I hope it's not being implemented before it starts and behind the scenes this is one way to really get the engagement of the village mayors and the Municipal Planning Council but I still think that some of these questions I asked you like what Mayor Carol Tayama (Agat) said, our residences as well. Granted that the mayor and the Municipal Planning Council members may represent many of our villages but they don't represent every one of them. We're going to have people that agree and disagree on what is being planned and what is going to be developed and we can all agree to disagree, we're not all going to agree and we're all not going to disagree but we can all agree to disagree that we can come to a common purpose so that we respect and move forward in planned development but that's something that's already planned. Development that will benefit the people because when you bring the commodities down we don't have to drive up Merizo and up to Agaña anymore so some of them say we build that here and it's going to affect but if it's planned and it doesn't overburden the infrastructures it becomes a commodity availability to our people because we don't have to drive up north where most of the commodities are at. So it brings convenience but with convenience comes a price to pay because you're going to affect the pristineness of our island which is the South and being that we're Mayors and residence as well we may be wearing two (2) hats in the matter. In one hat, we want our village to stay pristine as possible on the other hat we want development as well that would benefit the other residence that want convenience as well. So you can't please all the people every time and you can't please all of them that come before us but as Mayors we have to go and make the best decisions that will protect the interest of everyone's concern, maybe not all the residence but the majority of the people in our village whether they're newborn or the eldest but I totally agree with this Bill, it just empowers the mayors in the south to join together because there's power in numbers and when you empower the Mayors with the Municipal Planning Council and then you put the people behind them, this is the Government of the People by the people for the people. Let's not have the horse behind the carriage, put the horse in front and let's move forward otherwise the horse is going to push the carriage the wrong way instead of pulling it the right way. I hope like I said when we move forward the plan developments are already planned not already in place that there's place for formality of the process but as Mayors we need to protect the integrity of our villages as well and as long as it doesn't overburden and misplace people and inconvenience people, I'm all for development. It's going to happen whether I'm the Mayor or not but progress and development is inevitable.



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It's going to come but when it comes we need to really look at it whether we're going to hazardly put everything in place and then pay later. No let's pay now and not regret later. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mayor Ernest Chargualaf (Merizo).
(Recognized Mr. Wil Castro)

Mr. Wil Castro: So I'm laughing because (Spoken in Chamorro). Thank you Mr. Chairman for the opportunities honorable Senators and distinguish policy makers. The intention here was to sit in support of the Bill but since you've given me the distinct privilege to share my thoughts I'll go ahead and read what I have prepared. (Read written testimony, attached.)

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mr. Castro.
(Recognized Mr. Michael Borja)

Mr. Michael Borja: Thank you Mr. Chairman, Senator Aguon, Senator Morrison and Senator Torres. My name is Mike Borja, the Director of the Department of Land Management. (Read Written Testimony).

I also just want to add that I'm also the Executive Secretary of the Guam Land Use Commission and I just wanted to point out on the couple of the projects that are ongoing that have been in the news lately such as the Pago Bay Resort, the Agat Marina, those projects had already gone through the lengthy process for obtaining clearances to begin the developments and in those aspects, all the necessary vetting was done through the Application Review Committee and also through notification by Public Notices for hearings that were both established in the villages and by the Guam Land Use Commission as well as the mandatory requirements of contacting all residences within five-hundred (500ft.) feet of that project. Now the issue here is that those were decided on a long time ago. There's also one very large development that was decided quite a while ago and still hasn't taken place and that takes up an area where four (4) different municipalities are involved in and so in that specific case they had to hold four (4) separate village meetings and so the Guam Land Use Commission is doing its due-diligence in every effort to screen and all these kind of activities are ongoing and they've never been kept from the public at all. Now in the case of Pago Bay Resort, that was all already clearly an approved project, the issue here before the residence is that the developer decided to make an alteration to their plans and increase the size of a building and that's why they had to go through a height variance request. So the Guam Land Use Commission has taken a very active role in this, we also had recently legislation that was passed and enacted into law which again expects the Mayors to be part of the Application Review Committee in and indirect way it stated that but what we had done was we included the Mayors Council of Guam and the respective Mayors of a particular village to participate in a formal way. We had always been including them as part of the review process by expecting to receive a resolution either for or against the project from their Municipal Planning Council and that's a very important thing and that's why we do hold these hearings at the villages and now with a pending passed Bill waiting for the Governor's action, this one lasted for two (2) separate hearings in a village level to be held by the Mayors and so there is efforts for the public to be always notified and to be informed by these kinds of projects and again it's in the interest of everyone, whether it's a government land owner or definitely the private land owner to try and use their properties to the best and highest use that they feel is necessary as well and I speak in this respect because



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that's the action that we have to take when we're trying to look at people who are trying to use the properties that they have and personally own but we also expect them to understand that the needs and the desires of the existing community members surrounding that project are also very important and in the past, there has been some great compromises and one very recently was where a resident in a pretty nice neighborhood on Guam wanted to rezone his property from R1 to R2. He had significant opposition from the residence of that community and postponed his hearings of a number of times with the Guam Land Use Commission so he could meet with these residence in different forms, especially along with the Mayor with that respective village and in the end they came to a compromise and the compromise that was acceptable parties and the commissioners were able then to pass that zone change. So there is a lot of work that's done and it is the expectation from the Guam Land Use Commission that the developer always have to work and understand what the community's needs are, however in this long range and large plan, I mean I believe this law that's in the books asked for this project to be re-examined every twenty (20) years and if this project, the original Southern Development Master Plan had been completed when the law was first created almost twenty-eight (28) years ago, we would have been at that point where we would be re-examining the plan again to determine if it fits to today's picture of what we think should be necessary in the Southern part of Guam. We do stand ready to assist in this task force when it does happen again.

Senator Dennis G. Rodriguez, Jr.: Thank you very much.
(Recognized Senator Tommy A. Morrison)

Senator Tommy A. Morrison: Thank you Mr. Chair and I thank you all for your testimony, Mayors and Director Castro and Mr. Borja, thank you for your comments. I wanted to ensure that with 218 that the mayors had a process, I understand the Land Use Commission process and the public hearings and it's really extensive in reaching out into our community and getting their input, I believe the Mayors with 218 would ensure that they could also facilitate their meetings regardless if they were not directly impacted jurisdiction. However, it gives those adjacent to also facilitate their meetings and discussions and how they would proceed to inform the Land Use Commission of their sentiments. You brought up the issue of the cost and that's why I mentioned in my testimony, prior Land Use plans that were developed by the Bureau of Statistics and Plans, by the ICF cooperation and administered and derived by the coastal resource management, BSP and Mr. Castro was here and I hope we maybe can get some statements or something on record that maybe knowing that this process and how it was facilitated before carried out and funded by BSP that this could also be a written into the grants going forward that knowing what we're attempting to do here, is it possible that we can get something from the BSP.

Mr. Wil Castro: So to answer your question Senator, the short answer is, yes. It's timely as the Bureau is working in close collaboration with the Office of the Governor as you all know on the Imagine Guam Initiative, which is a fifty (50) year outlook. We just completed the second Imagine Guam Convention last Friday and from that visioning process which we hope will conclude in the second or third week of March, will come these eight (8) master plans. It's a loose number but anywhere between six (6) and eight (8) whatever it is that we can identify funding resources for. In that context I think the timing couldn't be better, it is possible to utilize coastal and/or coral moneys to bring this Southern Development Master Plan into fruition and you have my commitment to bring it to the table with the planning staff to see what's possible and I'll get back to you on that, so absolutely.



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Senator Tommy A. Morrison: Thank you Director. Last question Mr. Chair. Mr. Borja, with this proposed projects which I'm glad you brought up for the record because that's been tossed around and with these proposed large scale projects down in the Southern community, particularly in Agat that these jurisdictions have been already zoned and gone through its process, you stated that because that was done many decades ago given the fact that to an understanding the Land patterns have changed in the last twenty-eight (20) years and seeing some residential taking a place around these areas is there a process in place that will require the commission to re look at these issues understanding what was proposed in that area and looking at what land patterns change in the community as far as residential community and also other commercial activity that has not been developed.

Mr. Michael Borja: There's a whole other level where they wanted to execute the development. They'd still would have to go through a building permit process and again the same people that participate in the application review will be the participants who approve a building permit. So for example if they had issues with water now that there may be waste water issues maybe different because the community's size has changed then of course there's going to be new additions to the conditions and requirements set upon them when they get to that process. They can't come in and assume that the conditions that they got approved on the conditions they have today. That happens the same in Tumon, when you have these kinds of projects that are approved but because of monitory issues from the company they have to postpone the development for a period of time. When they get back into it the power may not be available so they then have to find alternate means of hooking up a power from other sources that were not, well they couldn't use the existing sources that they thought they could use, so it's a difference in the money, they're going to have to spend on that if it means building something new and so those are the issues that would definitely come into play because the conditions that they decide to build on are no in the same conditions, they are when they first went through the approval process for their plans. Does the Land Use Commission have any ability to put a stop to it? Not necessarily. They do have a review process on some of these other plans that were set as a condition and that's what they do now a days, they put conditions on some of these individnals to come back again at a period of time to explain what they're doing especially if they haven't begun the process because they're giving them time limitations so that they're not getting an approval to do something and then twenty (20) to thirty (30) years later they finally come back to do it.

Senator Tommy A. Morrison: Thank you Director.

Senator Dennis G. Rodriguez, Jr.: Thank you Senator Morrison.
(Recognized Senator Mary Camacho Torres)

Senator Mary Camacho Torres: Si yu'os Ma'ase Mr. Chair. Many of the mayors spoke about wanting to be involved and you're very convinced that you want to be involved in the planning process of development itself and I was wondering. What type of development do you believe the mayors should be involved in the planning? What type of development should be included in the planning? Just in your opinion, some development, all development? Development of a certain size?



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Mayor Carol Tayama (Agat): Senator, I think anything that would impact the community. Like the hotel that's coming up.

Senator Mary Camacho Torres: What about residential development? Is that something that also will be required (Inaudible)?

Mayor Carol Tayama (Agat): Yes we are also involved in that.

Senator Mary Camacho Torres: Okay, because one of the things that I noticed. I live the south as well, I live in Santa Rita in the Talisai area and I don't know if you've noticed but I was very hurt when I noticed what is a beautiful pristine mountain-scape in southern Guam, I believe in the Cross-island area was leveled by I believe a housing development and (Speaking in Chamorro). For me it was (Spoke in Chamorro) that it was done.

Mayor Carol Tayama (Agat): I think those are the things that we're saying. I'm sorry but I don't know anything about that and if that's in the Santa Rita area. They need to let us know.

Senator Mary Camacho Torres: And that's why I ask because when you think about development and just to be fair, people acquire property, lawfully and they spend money and they go through the proper channels to acquire property, what I don't want is to see a situation where people that are entitled either through proper zone variances are not afforded the opportunity to develop the way that they're entitled to and we don't want to get into a situation where, I don't like this and I don't like that. Because then it's too subjective but the reason I asked about development is because I also know that there are many residential uses within the villages that perhaps require some level of standard also, standard for safety, standard for nuance issues for neighbors, that sort of thing.

Mayor Carol Tayama (Agat): And the infrastructure.

Senator Mary Camacho Torres: Yes and the infrastructure.

Mayor Carol Tayama (Agat): It's very important. They've been building homes and they're not looking at what's available and now that we're running short on water in that area, that's very important.

Senator Mary Camacho Torres: I just want to be clear because you talk about wanting to have a say and make sure that you're considerations are taken into account but I was just thinking that we don't ever want to be in a situation. It's good that we have plan growth and it's good that we understand the balance we need. But I'm also worried about this while we're looking at the guy with the deep pockets that we're overlooking the rest of us ordinary folks that maybe we should have some regulations as well in terms of what we put up and develop. I'm particularly concerned about the topography because there's something charming and ideally about living in the south and for me it was the view. Where I can have that beautiful mountain ranges and right now I look behind my house and (Spoke in Chamorro).



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Mayor Carol Tayama (Agat): You could've called your mayor and asked him so that you know what's going on. (Spoke in Chamorro)

Senator Mary Camacho Torres: (Spoke in Chamorro)

Mayor Carol Tayama (Agat): Maybe the mayor didn't even know. Those are the things that we're saying. If we could be informed and then have public meetings so that you can express what you're saying now, those are the things that are very important.

Senator Mary Camacho Torres: But I think that I would definitely supportive if we had an open mind to what is fair and lawful for everybody in the community, not just the ones that want to come and put business then of course we're looking at retail business, the mom and pop stores, the grocery stores, the shopping centers, the hotels and even the neighborhoods. If you're going to develop neighborhoods, things like that. Okay I just wanted to be clear.

Mayor Carol Tayama (Agat): You're right we want to keep the south pristine, we want to keep where we can enjoy the breeze and enjoy the view. That's what we want to do.

Senator Mary Camacho Torres: And be able to grow our bananas and not have them stolen before you can even harvest it. Okay, si yn'os ma'ase.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Senator Torres. Thank you very much to this panel. (Recognized Mayor Taitague and David Chargualaf to speak).

Mayor Vicente Taitague (Talofofo): Good afternoon everybody. I am Mayor Taitague from Talofofo, also known as God's country. For the record Mr. Chairman, I am in support of the intent of Bill No. 264-33 (LS) to help facilitate the movement of Public Law 19-38. Investors are interested in developing Southern Guam but they're in aware of potential condition our constituent set forth. We need the completion of a master plan for the south so that the task forces can advise potential developers the do's and the don'ts. I would like to make one change on this bill on the task force membership. I wonder if you could add also the Vice-Mayors as the task force members, Mayors and Vice-Mayors for the village. I was wondering if that's possible. And that's recommendation and I hope that it includes the Vice-Mayors on this process. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mayor.
(Recognized Mr. David Chargualaf)

Mr. David Chargualaf: Good afternoon honorable chairman and our distinguished Senators, Senator Aguon, Senator Morrison and Senator Camacho. My name is David Chargualaf, I'm a resident of Inarajan and also a candidate for Mayor in this year's election and I'm here in support of Bill 264. For me as a young member of the community I'm really glad and happy that you're giving us an opportunity to sit on the table and make our voices recognized and although right now I don't represent the whole village of Inarajan and hopefully I intend to do so and I think that it's very important that as elected leaders to represent our village and really



SENATOR DENNIS G. RODRIGUEZ, JR.

address our concerns because it's not just for our future but the future of our children as well and I'm really happy that you're allowing us the opportunity to do so. Thank you very much.

Senator Dennis G. Rodriguez, Jr.: Thank you very much.
(Recognized Senator Tommy A. Morrison)

Senator Tommy A. Morrison: Thank you Mr. Chair, again I appreciate everyone's input today and I know we're continuously receiving testimony and input on how we can make this process move along. I thank the chairman and the community for efforts on putting this forward. I will stick to my commitment and make sure that he is a co-sponsor as long as Senator Torres in this and I'll make sure that I'm reminded to start off my deliberation in that. But I also wanted point to some of the statements that were mentioned up here and I know we're talking about the makeup of task force but what's also built into Public Law 19-38 and the guidelines that are very important aside from hearing of these large scale projects or medium size scale projects or all these types of plans that are being talked about. What's really important here and when you look at Public 19-38 is the guidelines to this whole make up of developing a plan and includes the following areas: Infrastructure including electricity, water, sewage, roads, communication, tourism, population enhancement, commercial development, industry, zoning, archeological preservation, ecological protection and agriculture. So there's a whole list of things that we are factoring in aside from just looking at the overall development of these areas of hotels, we're talking about things that I guess that would make headlines but importantly, it's setting up the infrastructure in these areas for growth for our communities to sustain themselves down and these areas if they decide to develop in the future so I just wanted point out some of the aspects or elements of this Public Law. Again, there was a lot of forward thinking, it's my hope through this task force and working with the committee chairman that we can really drive the discussion and move it forward and again even like you stated here, future leaders or our children that would know that we put a plan in place for growth in these communities down south and that we can all look to a plan that's acceptable and to guide policy makers, decision makers in that and developers and those that are looking to grow these communities. So that is truly my intent here and it's consistent with the intent of again our forward thinking leaders and I want to keep it within that framework. So again thank you for the opportunity Mr. Chair.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Senator Morrison. We'll work with the sponsor and also with the testimony that we received. I think that we received very good testimony from the mayors and also from the general public, we'll keep the record open for a few more days and then from there put the committee report together and report it out as soon as we could. This adjourns this Public Hearing.

Adjourned at 2:53pm (Senator did not state the time).

Fiscal Note: Waiver attached, dated March 4, 2016.



SENATOR DENNIS G. RODRIGUEZ, JR.

III. FINDINGS AND RECOMMENDATIONS

At the request of the Author, Senator Thomas A Morrison, Bill No. 264-33 (LS) was substituted with the version provided by the Author. The Title of Bill No. 264-33 (LS), as substituted by Author, reflects changes in Bill No. 264-33 (LS), which now reads:

“An Act to Amend § 68602 and § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam Code Annotated, Relative to the Southern Development Master Plan.”

The Committee on Health, Economic Development, Homeland Security and Senior Citizens, hereby reports out Bill No. 264-33(LS), as Substituted by Author, with the recommendation to

TO PASS

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

Bill No. 264-33 (LS)

Introduced by:

T.A. Morrison
V.A. Ada
T.R. Muña-Barnes
R.J. Respicio
F.B. Aguon, Jr.
B.T. McCreddie
F.F. Blas, Jr.

AN ACT TO AMEND § 68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW § 68602.1 TO ARTICLE 6, CHAPTER 68, BOTH OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN.

2016 FEB 15 PM 4:30

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

2 **Section I.** § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam
3 Code Annotated, is hereby *amended*, to read:

4 **“§ 68605. Task Force Membership.**

5 Mayors from the Villages specified in § 68601 of this Article shall
6 serve as members of the Task Force and shall select, from among the group
7 of mayors, the individual who ~~The Director of the Bureau of Statistics and~~
8 ~~Plans shall~~ serve as the Chairperson of the Task Force. In addition, the Task
9 Force will include the Director of the Bureau of Statistics and Plans (‘BSP’),
10 the Director of the Department of Land Management (‘DLM’), the
11 Administrator of the Guam Environmental Protection Agency (‘GEPA’), the

1 Administrator of the Guam Economic Development and ~~Commerce~~
2 Authority ('GEDA'), the General Manager of the Guam Visitors Bureau
3 ('GVB'), all ~~Mayors from the Villages specified in § 68601, hereinabove,~~ a
4 representative of the Chamber of Commerce and a member of the public at-
5 large to be chosen by *I Maga 'lahen Guâhan*.

6 The Chamber of Commerce may, however, decline to participate in
7 this Task Force. Each Director or Administrator may appoint a permanent
8 representative from that person's office to attend meetings in that person's
9 stead; provided, however, that the Director or Administrator shall bear
10 ultimate responsibility for the actions of such representative."

11
12 **Section 2.** A new § 68602.1 is hereby *added* to Article 6, Chapter 68,
13 Division 2, Title 21, Guam Code Annotated, to read:

14 **"§ 68602.1. Cost-Sharing and Use of Federal Grants Authorized.**

15 Nothing in this Article *shall* prohibit the Task Force from sharing the
16 costs associated with the development of the Southern Development Master
17 Plan with entities of the government of Guam, the U.S. Military, *or* the U.S.
18 federal government.

19 The Task Force *shall* also consider pursuing federal grants that *may*
20 be available to support the completion of the Southern Development Master
21 Plan, and that are consistent with the provisions of this Article."

22
23 **Section 3. Severability.** *If* any provision of this Act or the application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this Act which can be
26 given effect without the invalid provision or application, and to this end the
27 provisions of this Act are severable.

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

Bill No. 264-33 (LS), as Substituted
by Author

Introduced by:

T.A. Morrison
V.A. Ada
T.R. Muña-Barnes
R.J. Respicio
F.B. Aguon, Jr.
B.T. McCreddie
F.F. Blas, Jr.

**AN ACT TO AMEND § 68602 AND § 68605 OF ARTICLE
6, CHAPTER 68, DIVISION 2, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO THE SOUTHERN
DEVELOPMENT MASTER PLAN.**

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

2 **Section 1.** § 68602 of Article 6, Chapter 68, Division 2, Title 21, Guam
3 Code Annotated, is hereby *amended*, to read:

4 **“§ 68602. Funding; Reports & Budgets Requests.**

5 The Task Force shall develop sum of Three Hundred Thousand
6 Dollars (\$300,000.00) is designated as a budget for the Task Force work,
7 which shall be forwarded to I Maga'låhen Guåhan and I Liheslaturan
8 Guåhan for consideration. The Director Bureau of Budget and Management
9 Research (hereinafter BBMR) shall be responsible for providing the Task
10 Force with the necessary funds to accomplish its work. The Director of
11 BBMR shall use first the following sources of existing appropriations: (a)
12 any existing appropriations in the budget of Bureau of Planning which may
13 be used for the kind of work with which the Task Force is charged; to be

1 supplemented, if necessary by (b) funds from the General Fund appropriated
2 pursuant to this section, which are hereby appropriated. The appropriation
3 from the General Fund shall not, at any event, exceed the sum of Three
4 Hundred Thousand Dollars (\$300,000.00). The Task Force shall also
5 consider pursuing federal grants that may be available to support the
6 completion of the Southern Development Master Plan, and that are
7 consistent with the provisions of this Article. Nothing in this Article shall
8 prohibit the Task Force from sharing the costs associated with the
9 development of the Southern Development Master Plan with entities of the
10 government of Guam, the U.S. Military, or the U.S. federal government.

11 The Chairperson of the Task Force shall be responsible for developing
12 a set of written guidelines to control the expenditure of said budget. A
13 report, detailing expenditure, shall be appended to the final Southern Master
14 plan of the Task Force. Said report shall be audited and approved by the
15 Bureau of Budget and Management Research. No later than three (3)
16 months following the enactment of this Act, the Task Force shall submit,
17 together with the budget required herein, a preliminary Action Plan that
18 must include, but not be limited to, a project schedule and the identification
19 of funding options, if any. A Status Report summarizing the actions of the
20 Task Force shall be submitted to I Maga'låhen Guåhan and I Liheslaturan
21 Guåhan every three (3) months following the submission of the preliminary
22 Action Plan and proposed budget, until such time the Southern Development
23 Master Plan is submitted to I Liheslaturan Guåhan pursuant to § 68604 of
24 this Article. In the event that the final Master plan is not produced within
25 six (6) months following enactment of this Law, an interim report shall be
26 produced at the end of said six month period, and every six month period
27 thereafter. Such interim reports shall also be audited and approved by the

1 Bureau of Budget and Management Research, and appended to the final
2 Southern Master plan of the Task Force.”

3
4 **Section 2.** § 68605 of Article 6, Chapter 68, Division 2, Title 21, Guam
5 Code Annotated, is hereby *amended*, to read:

6 **“§ 68605. Task Force Membership.**

7 Mayors from the villages specified in § 68601 of this Article shall
8 serve as members of the Task Force and shall select, from among the group
9 of mayors, the individual who ~~The Director of the Bureau of Statistics and~~
10 ~~Plans shall~~ serve as the Chairperson of the Task Force. In addition, the Task
11 Force will include the Director of the Bureau of Statistics and Plans (‘BSP’),
12 the Director of the Department of Land Management (‘DLM’), the
13 Administrator of the Guam Environmental Protection Agency (‘GEPA’), the
14 Administrator of the Guam Economic Development and Commerce
15 Authority (‘GEDA’), the General Manager of the Guam Visitors Bureau
16 (‘GVB’), ~~all Mayors from the Villages specified in § 68601, hereinabove,~~ a
17 representative of the Chamber of Commerce and a member of the public at-
18 large to be chosen by *I Maga’lahen Guahan*. Moreover, I Maga’lâhen
19 Guâhan may appoint additional individuals from the public-at-large to serve
20 as community advisors to the Task Force.

21 The Chamber of Commerce may, however, decline to participate in
22 this Task Force. Each Director or Administrator may appoint a permanent
23 representative from that person’s office to attend meetings in that person’s
24 stead; provided, however, that the Director or Administrator shall bear
25 ultimate responsibility for the actions of such representative.”

1 **Section 3. Severability.** *If* any provision of this Act or the application to
2 any person or circumstance is found to be invalid or contrary to law, such
3 invalidity *shall not* affect other provisions or applications of this Act that can be
4 given effect without the invalid provision or application, and to this end the
5 provisions of this Act are severable.



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman

COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS

Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

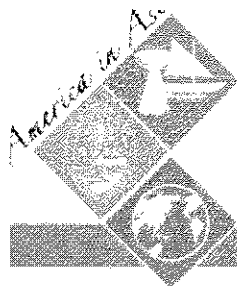
PUBLIC HEARING DATE / Tuesday, March 1, 2016

2:00pm

•Bill 264-33 (LS) - Introduced by Sen. Tommy Morrison / V. A. Ada / T. R. Muña Barnes / R.J. Respicio / F.B. Aguon, Jr. B.T. McCreadie / F.F. Blas, Jr.

An act to amend § 68605 of article 6, chapter 68, and to add a new § 68602.1 to article 6, chapter 68, both of division 2, title 21, Guam Code Annotated, relative to the Southern Development Master Plan.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
General S. Torres WILC Torres	<i>[Signature]</i>	Agent MO BSP	✓	✓	✓		929-0933 929-6209	wilcestro671@guam.gu
MICHAEL BORTA	<i>[Signature]</i>	LAND MOT		✓				dlmdir@land.gu
Roxana Sablan	<i>[Signature]</i>	SELF		✓			878-1295	
David Chardet Mayor	<i>[Signature]</i>	Self MERIZO	X	X				



GEDA

Guam Economic Development Authority

Assisted, Invited, or Encouraged

CHIEF OF BUREAU
MAGALAHEN GUANAN
RAY TENORIO
CHIEF OF BUREAU
ENRIQUE N. MAGALAHEN GUANAN
JAY ROJAS
ADMINISTRATOR
MANA SILVE TAJERON
CHIEF OF BUREAU
SOUNDING NA ADMINISTRADOR

Testimony of Mr. Jay Rojas, Administrator
Guam Economic Development Authority
March 1, 2016

Bill No. 264-33 (LS)

Bill 264-33 (LS) – “AN ACT TO AMEND §68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW §68602.1 TO ARTICLE 6, CHAPTER 68 BOTH OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN

Hafa Adai Chairman Rodriguez and members of the Committee on Health, Economic Development, Homeland Security, and Senior Citizens. My name is Jay Rojas, Administrator of the Guam Economic Development Authority (GEDA), and I hereby submit this written testimony in support of Bill No.264-33 (LS).

We acknowledge Senator Tommy Morrison for introducing Bill No. 264-33 (LS) which changes the Chairperson of the Task Force responsible for overseeing the preparation of a Southern Development Master Plan from the Director of the Bureau of Statistics and Plans to a Village Mayor selected by the Mayors of Agat, Santa Rita, Umatac, Merizo, Inarajan (including Malojloj), Talofofu and Yona. GEDA supports Senator Morrison and the sponsors of Bill 264-33 in creating public policy that recognizes the people most likely affected by development should lead planning efforts designed to manage such development.

While the intent of Bill 264-33 is highly commendable, the mechanism to fund the programmatic requirements does not provide clear dedication of funds from the General Fund, or any federal grant source to support the full implementation of the Act. It is improbable that the Bureau of Budget and Management Research would be able to reprogram funds from the Bureau of Stats and Plans, or any other General Fund funded entity to defray the costs of the Southern Development Master Plan.

Bill No. 264-33 (LS) also recognizes that funding is a major challenge for any effort designed to manage development. Originally enacted as Public Law 19-38, \$300,000 was appropriated to fund the activities of the Southern Development Master Plan Task Force. While GEDA is unaware of the status of funding designated for this effort, GEDA believes that revenues from all sources including the government of Guam, the U. S. Military and the federal government should be coalesced to create the plan as specified in Section 2 of Bill 264-33.

Should Bill 264 be signed into law, Section 68609 and 68610 of Article 6, Chapter 68, Title 21 of GCA however, will continue to require the Director of the Bureau of Statistics and Plans (formerly Bureau of Planning) to submit a detailed recommendation delineating the nature of any assistance needed in plan development. Section 68610 requires the Director of the Bureau of Statistics and Plans to implement the plan and negotiate for funding assistance. The Legislature may want to review these requirements in view of the change in chairperson.



Comments on Bill No: 264-33 LS

Bill No. 264-33 (LS): AN ACT TO AMEND SECTION 68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW SUBSECTION 68602.1 TO ARTICLE 6, CHAPTER 68, BOTH OF DIVISION 2, TITLE 21 GCA, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN.

The Guam Economic Development Authority (GEDA) upon its review of Bill No. 264-33 (LS) offers input and general comments as follows:

1. **Section 1. Structure of the Task Force.**

The inclusion of Mayors from the affected districts or villages with respect to Task Force membership is important in the development planning process. While broad participation and representation is crucial, it may not be the most expedient way to facilitate the preparation of the plan. It is inevitable that every district will have challenges in formulating consensus while vetting complementing as well as competing interests. By pursuing a single channel or one voice conduit to the Task Force via the Mayors Council's full membership, the issue of unanimity or competing bias toward the plan will be greatly minimized. It may also allow the other phases of the planning process for example, environmental protection, business and commercial components, general land-use designation, infrastructure support, etc., to move forward while area specific concerns are addressed. Further, in noting the historical development of communities throughout Guam, it is difficult to assume that land-use or preferred development activity in one village will not impact the contiguous and surrounding areas. Thus, in the effort to promote fully integrated planning as opposed to a fragmented or a disjointed initiative the consolidated position of the Mayors Council is highly recommended.

2. It is important to note that the success of development planning for limited land jurisdictions like Guam hinges on the adoption of a land-use plan that supports the community's growth vision, constraints and quality of life choices. In the event that a land-use component for the development of southern Guam is prepared, the recurring question of the Guam Land Use and Zoning Plan for the rest of Guam will again emerge with emphasis on the Guam Land Use Plan (GLUP) and how this ties in with any recommended changes to the land uses in southern Guam. In this regard, do we need to consider a more comprehensive approach to Bill 264-33 regionalized planning initiative?
3. While the intent of Bill 264-33 is highly commendable, the mechanism to fund the programmatic requirements does not provide clear dedication of

funds from the General Fund or any federal grant source to support the full implementation of the Act. It is improbable that the Bureau of Budget and Management Research would be able to reprogram funds from the Bureau of Stats and Plans of any other General Fund funded entity to defray the costs of the Southern Development Master Plan.

Guam Economic Development Authority
Analytics Division

Testimony
Of
Mayor Carol S. Tayama
On
Bill 264-33 (LS)
March 1, 2016

Buenas yan Hafa Adai! I am Mayor Carol S. Tayama of Agat. I come here today to testify wholeheartedly in favor of Bill 264-33.

It is about time that an entity is organized and created to oversee, comprehend, review, research, recommend, and participate in the economic development of the most pristine, beautiful, untouched, virgin properties and land areas of our island...Southern Guam.

We all most assuredly want growth and expansion to coincide with the needs of our residents and visitors. This growth and expansion, however, **cannot** and **must not** be a "hit or miss", "place it here or there", "oh wow, that sounds great", "why didn't I think of that" type of development.

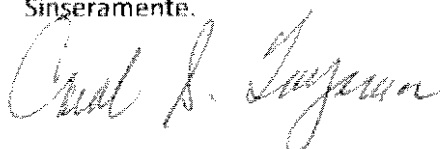
It has to be a development that is fully vetted and reviewed by all concerned entities, agencies, and, yes....residents of that particular village that will be impacted by such development. We cannot allow hodgepodge construction and development to be the rule of thumb. The rule of thumb must be concise, clear, and beneficial development not just for today but for generations to come.

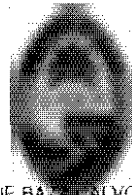
To mandate a mayor of the Southern districts to chair the creation of a Southern Development Master Plan is the most logical start. Who knows better the views of both the older and the younger generations of that village than their Mayors. Afterall who knows better what the villagers are asking and looking for than their Mayors. So yes, the person to spearhead and head the creation of the Southern Development Master Plan should be a Mayor from Yona, Talofoto, Inarajan, Merizo, Umatac, Agat, or Santa Rita.

We already are on the right track with the passage by this body of Bill 218-33 which promotes greater participation of residents at public hearings and meetings concerning zone changes, conditional uses, variances and sale or lease of government real estate. This bill embraced the concept that village municipal council members along with its mayor and vice mayor have input and ideas that must be heard, and at the very least, be respected.

We applaud Senator Tommy Morrison, Senator Tony Ada, Senator Tina Muna-Barnes, Senator Rory Respicio, Senator Frank Aguon, Jr., Senator Brant McCreddie, and Senator Frank Blas, Jr. for introducing and cosponsoring this piece of legislation that finally recognizes that the south is just as important as anywhere else on Guam.

Singeramenta.





DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guahan)



EDDIE BAZALVALVO
 Governor of Guahan

MICHAEL JB BORJA
 Director

RAY TENORIO
 Lieutenant Governor of Guahan

DAVID V. CAMACHO
 Deputy Director

Street Address:
 690 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://land.guam.gov>

E-mail Address:
dimdir@land.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

March 1, 2016

Honorable Dennis G. Rodriguez, Jr.
 Chairman, Committee on Health, Economic Development,
 Homeland Security, and Senior Citizens
 176 Serenu Avenue, Suite 107
 Tamuning, GU 96913

SUBJECT: Bill No. 264-33 - AN ACT TO AMEND §68605 OF ARTICLE 6, CHAPTER 68, AND ADD A NEW §68602.1 TO ARTICLE 6, CHAPTER 68, BOTH DIVISION 2, TITLE 21, GCA, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN

Buenas Yan Hafa Adai!

A public law was enacted almost three decades ago to create a development master plan of the southern part of Guam, a plan that never came to fruition. Bill No. 264-33 resets the intent of this law with newly designated leadership of the task force placed on the mayors of the southern villages. The scope of the task is significant and it was previously funded. Today, this bill only directs the task force to seek necessary funding to complete the task which will likely need professional and technical assistance.

Additionally, since all the mayors are up for election in the 2016 election cycle, I suggest that this task force not convene until 2017 when all the mayors begin their new tenure. This is necessary for continuity in the leadership of the task force.

I would further recommend that Bureau of Statistics and Plans provide all notes and drafts from any work performed by an earlier task force be made available to the Mayors Council of Guam and all the departments and agencies designated to be members in the task force. This will allow the membership to acquaint themselves with drafts and studies already completed.

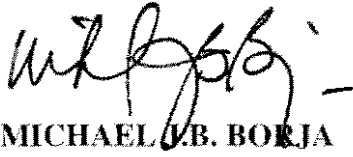
While this bill is well-intentioned, completion of the southern development master plan must reach a conclusion. Without any designated funding, however, it would appear that much effort will be placed in seeking funding before certain technical aspects could be completed. Therefore, it is imperative that a new funding source be programmed for this project rather than expecting assigned departments and agencies to designate their budgetary funds towards this effort.



Lastly, as in other development master plans created for Guam, support from the Legislature is imperative. It would be a fruitless use of personnel time and scarce resources to have a plan summarily rejected by legislation after it is enacted. Therefore, a sitting member of the Legislature should be included in the membership of the task force.

The Department of Land Management stands ready to take on its role as a member of the Southern Development Master Plan task force once it is convened.

Senseramente,

A handwritten signature in black ink, appearing to read 'Michael B. Borja', with a horizontal line extending from the end of the signature.

MICHAEL B. BORJA
Director

Randel Sablan
P.O. Box 3593 Hagatna, GU 96932

Dear Senator Morrison and Committee Members,

Ref: Bill 264-33

Thank you for the opportunity to provide testimony on Bill 264-33 relative to the proposed Southern Development Master Plan (SDMP). I support Bill 264-33 as it ensures perspectives from the municipal level of government, and by extension various communities where the impacts of growth both positive and negative will be most felt.

I recommend the following modifications to Bill 264-33:

- 1) **Add two (2) new Task Force members** (similar to the Chamber of Commerce provision). I recommend the additional Task Force members represent cultural/historic interests (such as the Guam Preservation Trust) and the young people of Guam who will ultimately steward growth management well into the future. I also suggest the young adult member be a student from the Guam Community College or University of Guam student population who has demonstrated leadership and activism.
- 2) **Require the development of zoning standards to support the SDMP.** The plan should be accompanied by enforceable procedures and standards such as how variances and plan amendments are handled, and new southern Guam numerical limits on variances to protect the integrity of the plan. Additional effort and therefore funding will be needed to formulate how community involvement will occur including the increasingly important role of municipal government.
- 3) **Consider sourcing funding from the Tourist Attraction Fund (TAF).** The Administration has articulated a development policy goal for more hotels and 2 million visitors annually. The Administration has also articulated a possible long-range vision that "imagines" the tourism industry expanding outside of Tumon. It's only appropriate that the TAF be considered as a funding source.
- 4) **Add a section that sets deadlines and requires the SDMP Task Force to set other deadlines to drive the process.** The first important date that the Legislature should set is when a formal report is submitted to the Legislature on efforts to identify adequate funding sources. Another important deadline should be when the Task Force is required to publish a project schedule. Southern residents in particular will need to continue to be informed as to:

- when the Task Force meets
- when funding solutions are required and obtained
- when the foundational elements of the plan will be publically scoped
- notional timing for preliminary draft
- when draft and final versions of the plan will be completed and publically presented

I'm concerned that the plan will take a back seat to other initiatives without some form of statutory timing requirement. The original legislation calling for this plan was passed more than 20 years ago.

I remain interested in the planning process.

Senseramente,



Randy
P.O. Box 3593
Hagatna GU 96932
898-1295

March 2, 2016



March 1, 2016

The Honorable Dennis G. Rodriguez, Jr.
Majority Whip
I Mina'trentai Tres Na Liheslaturan Guahan
176 Serenu Ave. Suite 107
Tamuning, Guam 96931

RE: Bill 264-33

Håfa Adai Senator Rodriguez:

Thank you for the opportunity to provide testimony for Bill No. 264-33 (LS) An act to amend § 68605 of article 6, chapter 68, and to add a new § 68602.1 to article 6, chapter 68, both of division 2, title 21, Guam Code Annotated, relative to the Southern Development Master Plan.

The Guam Visitors Bureau is in favor of policies that provide economic growth in a responsible manner. Much growth and diversification are expected in the coming years in the tourism industry, which is why GVB emphasizes the importance of meeting the goal of a world-class visitor experience and the need to preserve our culture and history. Although the population in the southern part of Guam has decreased significantly over the years, we support opportunities that bring in more jobs to this part of the island while promoting responsible development that respects the environment and the wishes of the southern community.

The southern part of Guam has always been looked to as the villages that truly embody Guam's rich 4,000 year old Chamorro culture and history, while preserving a way of life that is closest to Guam's past. Through the framework of the Southern Development Master Plan, we certainly want to ensure Guam's southern hospitality continues to be enjoyed for many generations to come.

Si Yu'os Ma'ase again for allowing GVB to testify and for your continued commitment to our tourism industry.

Senseramente',

JON NATHAN DENIGHT
General Manager

CC: All Senators of the 33rd Guam Legislature

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor



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

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



William M. Castro
Director
James T. McDonald
Deputy Director

March 11, 2016

Honorable Dennis G. Rodriguez, Jr.
Majority Whip
Chairperson, Committee on Health, Economic Development,
Homeland Security, and Senior Citizens
I Mina'trentaitres Na Liheslaturan Guahan
Suite 107
176 Serenu Avenue
Tamuning, Guam 96931

RE: BILL 264-33 AN ACT TO AMEND §68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW §68602.1 TO ARTICLE 6, CHAPTER 68, BOTH OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN.

Dear Senator Rodriguez:

Buenas yan Hafa Adai! The Bureau of Statistics and Plans (BSP) supports Bill 264-33 with regard to the membership of the Southern Development Master Plan Task Force. BSP supports the development of a comprehensive plan that may bring further balance to economic development while maintaining Guam's rich cultural history and abundant natural resources inherent in the southern communities of Guam.

BSP acknowledges that the village mayors significantly understand the needs, goals and priorities of their respective communities and how a responsible planning process that is inclusive may benefit their constituents culturally, socially and economically.

While BSP, the Guam Economic Development Authority and the Guam Visitors Bureau hold membership on the task force, I further recommend that the following agencies also be represented:

- 1) Department of Agriculture,
- 2) Department of Parks and Recreation,
- 3) Soil and Water Conservation Districts.

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor



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

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



William M. Castro
Director
James T. McDonald
Deputy Director

These entities possess the expertise and knowledge to expand and promote a viable development plan each of Guam's villages by providing valuable information and guidance regarding the protection of soil and water resources, preserving agricultural land uses and crop production, and enhancing park and recreation facilities use.

Further, I look forward to working with the Guam Legislature to explore both federal and local funding opportunities to support this planning initiative.

In closing, the Bureau of Statistics and Plans supports the passage of Bill 264-33. Thank you for the opportunity to provide testimony.



WILLIAM M. CASTRO
Director



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Senator

Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Judith T.P. Won Pat, Ed.D.
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Vice-Speaker

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Senator

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Member

Senator

Frank Blas Aguon, Jr.
Member

Senator

Michael E.Q. San Nicolas
Member

Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada

MINORITY LEADER

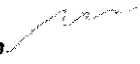
Mary C. Torres

MINORITY MEMBER

March 8, 2016

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Fiscal Notes and Fiscal Note Waiver

Hafa Adai!

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

FISCAL NOTES:

Bill No. 249-33(COR)


Bill No. 264-33(LS)

FISCAL NOTE WAIVER:

Bill No. 265-33(LS)

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

Si Yu'os ma'åse'!

2016 MAR 9 PM 4:54


Bureau of Budget & Management Research
Fiscal Note of Bill Nos. 264-33 (LS)

AN ACT TO AMEND §68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW §68602.1 TO ARTICLE 6, CHAPTER 68, BOTH OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	413,674
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	3,111,311
Total Department/Agency Appropriation(s) to date:	\$3,524,985

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 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? \$ _____ / X / N/A
- Does the Bill establish a new program/agency? / X / Yes / / No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X / 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
 / X / Requested agency comments not received by due date / / Other:

Analyst: Jason Baza Date: 2/2/16 Director: [Signature] Date: **MAR 04 2016**
 Jason Baza, BMA II Jose S. Calvo, Director

Notes:
 See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 264-33 (LS)

There are two (2) actions involved in the proposed legislation. The first is to amend §68605, Article 6, Chapter 68, Title 21 Guam Code Annotated (GCA) to appoint a new Chairperson of the Southern Development Master Plan Task Force. The Task Force includes the appointing authorities of BSP, Department of Land Management (DLM), Guam Environmental Protection Agency (GEPA), Guam Visitors Bureau (GVB), all Mayors from Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo, and Yona, a representative from the Guam Chamber of Commerce, and a member of the public chosen by the Governor of Guam.

Originally, the Director of the Bureau of Statistics and Plans (BSP) was appointed as the Chairperson of the Task Force. The amendment to §68605 designates the new Chairperson of the Task Force to be one of the Mayors of the aforementioned villages as determined by the group of mayors from those villages.

It should be noted that §68602, Article 6, Chapter 68, Title 21 GCA designated \$300K as the budget for the Task Force. Per this section, it is the Director of BBMR's responsibility to provide such funds either from the existing appropriations of BSP or directly from the General Fund (GF). It should also be noted that all FY 2016 GF revenues have been appropriated and diverting \$300K from BSP may have an adverse impact on their operations.

The second action in the proposed legislation is to add a new §68602.1 to Article 6, Chapter 68, Title 21 GCA. This added section authorizes cost-sharing and the use of federal grants to cover the cost of the Task Force. While there is no provision in this section that designates the cost-sharing ratio between the Government of Guam, the U.S. military, and the US federal government, this provision is supported as it allocates costs to all stakeholders and not just to the Government of Guam.



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 15, 2016

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Speaker
Judith T.P. Won Pat, Ed.D.
Member

To: Rennae Meno
Clerk of the Legislature

Vice-Speaker
Benjamin J.F. Cruz
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Legislative Secretary
Tina Rose Muna Barnes
Member

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: Referral of Bill No. 264-33(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 264-33(LS)**.

Senator
Frank Blas Aguon, Jr.
Member

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

Senator
Michael F.Q. San Nicolas
Member

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

Senator
Nerissa Bretania Underwood
Member

Si Yu'os Ma'åse!

V. Anthony Ada
MINORITY LEADER

Attachment

Mary C. Torres
MINORITY MEMBER

I Mina'Trentai Tres Na Liheslaturan Received
 Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
264-33 (L5)	Tommy Morrison V. Anthony Ada T. R. Muña Barnes R. J. Respicio FRANK B. AGUON, JR. Brant T. McCreadie Frank F. Blas, Jr.	AN ACT TO AMEND § 68605 OF ARTICLE 6, CHAPTER 68, AND TO ADD A NEW § 68602.1 TO ARTICLE 6, CHAPTER 68, BOTH OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE SOUTHERN DEVELOPMENT MASTER PLAN.	02/15/16 4:30 p.m.	02/15/16	Committee on Health, Economic Development, Homeland Security, and Senior Citizens			



Joe Mesngon <joe@toduguam.com>

FIRST NOTICE of PUBLIC & INFORMATIONAL HEARINGS for Tuesday, March 1, 2016

1 message

Joe Mesngon <joe@toduguam.com>
To: phnotice@guamlegislature.org

Tue, Feb 23, 2016 at 9:56 AM

February 23, 2016

MEMORANDUM**To:** All Senators, Media and Stakeholders**From:** Sen. Dennis G. Rodriguez, Jr.**Subject:** First Notice of PUBLIC & INFORMATIONAL Hearings for Tuesday, March 1, 2016

Hafa Adai!

The Committee on Health issues this FIRST NOTICE for the following hearings on Tuesday, March 1, 2016 at the Public Hearing Room in the Guam Legislature.

The Committee will accept written and oral testimony on the following:

10am-

Informational Hearing on the Proposed Rules and Regulations governing the Issuance of Sanitary Permits, as submitted by the Department of Public Health and Social Services via the office of the Governor.

2pm-

Public Hearing on Bill No. 264-33 (LS) - T.A. Morrison / V. A. Ada T. R. Muña Barnes / R.J. Respicio / F.B. Aguon, Jr. / B.T. McCreddie / F.F. Blas, Jr.

An act to amend § 68605 of article 6, chapter 68, and to add a new § 68602.1 to article 6, chapter 68, both of division 2, title 21, Guam Code Annotated, relative to the Southern Development Master Plan.

6pm-

Informational Hearing exploring the expansion of Animal Assisted Interventions (AAI) on Guam and the various manners in which AAI using dogs can be utilized.

Written testimony may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman, and sent via email to senatordrodriguez@gmail.com, or sent to 176 Serenu Ave. Suite 107 Tamuning, Guam or the Legislature Mailroom at 155 Hester Place Hagatna, Guam.

Individuals who may require assistance are asked to contact the office of Sen. Rodriguez at 649-8638/0511 no later than 48 hours prior to the scheduled hearing.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens
I Mina'trentai Tres Na Liheslaturan Guahan
33rd Guam Legislature
176 Serenu Ave. Suite 107
Tamuning, Guam 96931
649-8638/0511
www.toduguam.com



Joe Mesngon <joe@toduguan.com>

SECOND NOTICE of PUBLIC & INFORMATIONAL HEARINGS for Tuesday, March 1, 2016

1 message

Joe Mesngon <joe@toduguan.com>
 To: phnotice@guamlegislature.org

Fri, Feb 26, 2016 at 9:25 AM

February 26, 2016

MEMORANDUM

To: All Senators, Media and Stakeholders

From: Sen. Dennis G. Rodriguez, Jr.

Subject: Second Notice of PUBLIC & INFORMATIONAL Hearings for Tuesday, March 1, 2016

Hafa Adai!

The Committee on Health and Economic Development issues this **SECOND NOTICE** for the following hearings on Tuesday, March 1, 2016 at the Public Hearing Room in the Guam Legislature.

The Committee will accept written and oral testimony on the following:

10am-

Informational Hearing on the Proposed Rules and Regulations governing the Issuance of Sanitary Permits, as submitted by the Department of Public Health and Social Services via the office of the Governor.

2pm-

Public Hearing on Bill No. 264-33 (LS) - T.A. Morrison / V. A. Ada T. R. Muña Barnes / R.J. Respicio / F.B. Aguon, Jr. / B.T. McCreadie / F.F. Blas, Jr.

An act to amend § 68605 of article 6, chapter 68, and to add a new § 68602.1 to article 6, chapter 68, both of division 2, title 21, Guam Code Annotated, relative to the Southern Development Master Plan.

6pm-

Informational Hearing exploring the expansion of Animal Assisted Interventions (AAI) on Guam and the various manners in which AAI using dogs can be utilized.

Written testimony may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman, and sent via email to senatordrodriguez@gmail.com, or sent to 176 Serenu Ave. Suite 107 Tamuning, Guam or the Legislature Mailroom at 155 Hesler Place Hagatna, Guam.

Individuals who may require assistance are asked to contact the office of Sen. Rodriguez at 649-8638/0511 no later than 48 hours prior to the scheduled hearing.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens
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Public Hearing Notice Listserv
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Updated: February 15, 2016

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Updated: February 15, 2016

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Tuesday, March 1, 2016 10am, 2pm, 6pm Public Hearing Room, *I Liheslatura*

I. Call to order

II. Items for public consideration:

10:00 A.M.

- Informational Hearing on the Proposed Rules and Regulations governing the Issuance of Sanitary Permits, as submitted by the Department of Public Health and Social Services via the office of the Governor.

2:00 P.M.

- **Bill No. 264-33 (LS)** – Introduced by T.A. Morrison / V. A. Ada / T. R. Muña Barnes / R.J. Respicio / F.B. Aguon, Jr. / B.T. McCreadie / F.F. Blas, Jr. - An act to amend § 68605 of article 6, chapter 68, and to add a new § 68602.1 to article 6, chapter 68, both of division 2, title 21, Guam Code Annotated, relative to the Southern Development Master Plan.

6:00 P.M.

- Informational Hearing exploring the expansion of Animal Assisted Interventions (AAI) on Guam and the various manners in which AAI using dogs can be utilized.

III. Adjournment

Thank you for your participation in today's hearing.