



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

JUN 06 2016

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: *FOR: [Signature]*
The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 314-33 (COR) As Amended

2016 JUN 10 PM 6:13
[Signature]

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 314-33 (COR) As Amended, "AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE LOT NO. 10164-1 FROM AGRICULTURAL (A) ZONE TO A PUBLIC FACILITY (PF) ZONE."

Committee votes are as follows:

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

Si Yu'os ma'åse',

[Signature]

Thomas C. Ada



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT ON

**Bill No. 314-33 (COR)
As Amended**

**“AN ACT TO TRANSFER A PORTION OF
LOT 10164-1, MUNICIPALITY OF
DEDEDO WITH AN AREA OF 1,852
SQUARE +/- METERS FROM THE
CHAMORRO LAND TRUST INVENTORY
TO THE GUAM WATERWORKS
AUTHORITY FOR THE PURPOSE OF
CONSTRUCTING A WATER STORAGE
TANK AND RELOCATING A PUMP
STATION; AND TO REZONE LOT NO.
10164-1 FROM AGRICULTURAL (A)
ZONE TO A PUBLIC FACILITY (PF)
ZONE.”**



Sen. Thomas Ada

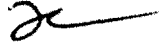
Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guåhan • 33rd Guam Legislature

June 3, 2016

MEMORANDUM

To: **All Members**
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 314-33 (COR) As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 314-33 (COR) As Amended, **“AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS +/- FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE LOT NO. 10164-1 FROM AGRICULTURAL (A) ZONE TO A PUBLIC FACILITY (PF) ZONE.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 314-33 (COR), As Introduced
- Copy of Bill No. 314-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimony from: Michael J.B. Borja (*Administrative Director, Chamorro Land Trust Commission*), Miguel Bordallo (*General Manager, Guam Waterworks Authority*)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 314-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

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



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 314-33 (COR), As Amended, "AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS +/- FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION; AND TO REZONE LOT NO. 10164-1 FROM AGRICULTURAL (A) ZONE TO A PUBLIC FACILITY (PF) ZONE."

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson	<i>TC Ada</i> 6/2/2016	<input checked="" type="checkbox"/>				
SENATOR RORY J. RESPICIO Vice Chairperson						
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>B Cruz</i>	<input checked="" type="checkbox"/>				
SENATOR FRANK B. AGUON, JR. Member	<i>F Aguon</i>	<input checked="" type="checkbox"/>				
SENATOR DENNIS RODRIGUEZ, JR. Member	<i>D Rodriguez</i>	<input checked="" type="checkbox"/>				
SENATOR NERISSA UNDERWOOD Member						
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member	<i>M Torres</i>	<input checked="" type="checkbox"/>				
SENATOR JAMES V. ESPALDON Member						



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 314-33 (COR) was introduced on May 06, 2016 by Senator Thomas C. Ada and was subsequently referred on May 09, 2016 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on May 20, 2016 at 9:00 am in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 314-33 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets and published in the Guam Daily Post on May 13, 2016 (5-Day Notice) and again on May 17, 2016 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada

Committee Chairperson

The public hearing was Called-to-Order at 9:00am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada: He explained that Bills 313, 314 and 315 are similar bills. He clarified the differences between the three bills are the locations and the size of the water storage tanks. He then goes on to say that Guam Waterworks Authority will provide their testimony first to explain the need for the bill. Then the Chamorro Land Trust will provide its testimony to provide their position on the bill. Chairperson Ada explains that the property in Bill No. 314 is located in *Dededo* and the bill would transfer an area of 1,852 square meters from the Chamorro Land Trust to GWA.

Chairperson Ada then called those who have signed up to provide testimony.

Miguel Bordallo, General Manager, Guam Waterworks Authority: He stated that in order to comply with a 2011 court order, GWA is required to upgrade and add water storage for its water distribution system. Bill No. 314-33 (COR) relates to the water reservoir in *Dededo* and the request for additional land will be to build a bigger reservoir and demolish the existing reservoir. That is in addition to other improvements such as storm water retention to meet the USEPA clean water act requirements.

Michael Borja, *Administrative Director, Chamorro Land Trust Commission*: He started by saying that a resolution has been approved by Chamorro Land Trust Commission concurring with the transfer of the land. Compensation will still be required and the period of 180 days as defined in the bill is adequate time to come up with a method of compensation.

Joey Duenas, *Chairman, Consolidated Commissions on Utilities*: He stated that he is here to support GWA's request and to verify that the CCU has authorized the GWA General Manager to make the request for the property. The CCU also stands ready to finance the request.

Chairperson Ada: Are the funds already in place for this tank?

General Manager Bordallo: Yes.

Chairperson Ada: He stated that the stipulations are the same; that GWA shall pay for the appraisal, the surveying of the property and that both agencies will work together to determine the appropriate compensation. Chairperson Ada then asks if there is any inkling that this will be an outright purchase?

Mr. Duenas: He stated that the CCU and GWA would prefer an outright purchase because this is a long term facility.

Director Borja: He went on to say that discussions have been made about the compensation. It was more of brainstorming the concepts that can be taken. Land exchange is an option that is acceptable but if that is not viable on GWA's end, then compensation can be looked at.

General Manager Bordallo: He said the preference for a purchase is due to the fact that GWA is unsure if there is excess land in GWA's inventory or if the land is suitable for the purposes of the CLTC. He stated they would like to leave options open and are open to a resolution of the issue. But the preference is an outright purchase.

Director Borja: He stated that based on one final review, the Department of Land Management suggests that the zoning designation of the property be changed to "PF" for Public Facility.

There being no further testimony Chairperson Ada adjourned the Public Hearing for Bill No. 314-33 (COR).

Written Testimony Received:

Michael J.B. Borja, *Administrative Director, Chamorro Land Trust Commission*
Miguel Bordallo, *General Manager, Guam Waterworks Authority*

III. Findings and Recommendation


The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement finds that based on testimony provided by the Department of Land Management, Bill No. 314-33 (COR) shall be amended to reflect a technical change. The change is to include language in the bill to rezone Lot 10164-1, *Dededo* to zoning designation "PF" (Public Facility) in accordance with 21GCA, Chapter 61, Section 61313.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement hereby reports out **Bill No. 314-33 (COR) As Amended**, with the recommendation to do pass.

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

Bill No. 314-33 (COR)

Introduced by:

T.C. Ada 

**AN ACT TO TRANSFER A PORTION OF LOT 10164-1,
MUNICIPALITY OF DEDEDO WITH AN AREA OF
1,852 SQUARE METERS FROM THE CHAMORRO
LAND TRUST INVENTORY TO THE GUAM
WATERWORKS AUTHORITY FOR THE PURPOSE OF
CONSTRUCTING A WATER STORAGE TANK AND
RELOCATING A PUMP STATION.**

2016 FEB -6 PM 4:25



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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA)
4 has identified property, owned by the Chamorro Land Trust Commission (CLTC),
5 for the purpose of providing a staging area during the construction of a new water
6 reservoir, preparing the site for the future construction of an additional reservoir,
7 and for the relocation of an existing pump station. These improvements are
8 essential in meeting current and future growth demands for drinking water and
9 improve operational reliability of the water system.

10 *I Liheslaturan Guåhan* finds that the construction of a new 2MG reservoir at
11 the selected site will increase total storage capacity from 4MG to 6MG. The
12 increased storage capacity will address growth in water demand due to population
13 growth and improve operational reliability. More specifically, the new reservoir

1 will also enhance service to the Dededo service zones, as well as to the water
2 system overall.

3 *I Liheslaturan Guåhan* finds that Guam Waterworks Authority (GWA) has
4 been working with the Chamorro Land Trust Commission (CLTC) to address the
5 critical property needs to meet the 2011 Court Order deadlines and the CLTC has
6 approved a board resolution to support GWA system improvement plans.

7 *I Liheslaturan Guåhan* finds that this project is necessary and will benefit
8 the people of Guam. *I Liheslaturan Guåhan* intends to authorize the CLTC to
9 transfer 1,852 square meters (0.446 acres) more or less, to the GWA to accomplish
10 the necessary improvements described above. GWA and CLTC have agreed on the
11 basic terms of the transfer to meet the needs and mandates of both parties, and
12 have committed to finalize compensation to the Chamorro Land Trust Commission
13 within one hundred eighty days (180) of the enactment of this Act.

14 *I Liheslaturan Guåhan* finds that GWA, under United States Department of
15 Justice ORDER FOR PRELIMINARY RELIEF RE: DEADLINES FOR
16 OUTSTANDING PROJECTS UNDER THE AMENDED STIPULATED ORDER
17 Civil Case No. 02-00035 (Court Order or CO) effective as of 11/10/2011, is
18 required to “*assess and repair, rehabilitate, replace and/or relocate all Guam*
19 *Waterworks Authority water reservoirs within its systems as detailed in § II (C) ¶*
20 *29 (b) of the order, and the deadline to complete these tasks specified for the water*
21 *reservoirs is 2018*”.

22 **Section 2. Authorization to Transfer Land Identified to the Guam**
23 **Waterworks Authority.** Notwithstanding any other provision of law, rule or
24 regulation, *I Liheslaturan Guåhan* authorizes the CLTC to transfer approximately
25 one thousand eight hundred and fifty-two (1,852) square meters (0.446 acres),
26 more or less, a portion of Lot No. 10164-1, Municipality of *Dededo*, as shown on
27 the on Agricultural Subdivision Master Plan of Lot 10164, prepared by Department

1 of Land Management, filed under instrument No.880811 for the construction of a
2 new IMG water reservoir, preparing the site for the future construction of an
3 additional 2MG reservoir, and for the relocation of an existing pump station. The
4 administrative transfer of property shall become effective upon the enactment of
5 this Act. (See exhibit A)

6 (a) GWA *shall* pay for the appraisal of the property by two
7 different appraisers, one which shall be selected by the Director of the
8 Department of Land Management.

9 (b) GWA shall have the property surveyed at its own expense and
10 the surveyed map shall be approved and recorded by the Department of
11 Land Management.

12 (c) GWA shall work with CLTC to determine an appropriate
13 compensation for the property to include but not limited to land exchange,
14 purchase, or a combination of options to be approved by GWA,
15 Consolidated Commission on Utilities (CCU) and CLTC. GWA and CLTC
16 will have one hundred eighty (180) days to finalize a compensation
17 agreement.

18 (d) CLTC grants right of entry immediately for GWA to complete
19 required geotechnical survey, topographic survey, archeological studies,
20 other required testing and studies to initiate design for the construction of
21 new water reservoirs, while both parties are finalizing compensation and the
22 deed is recorded.

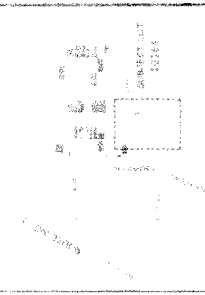
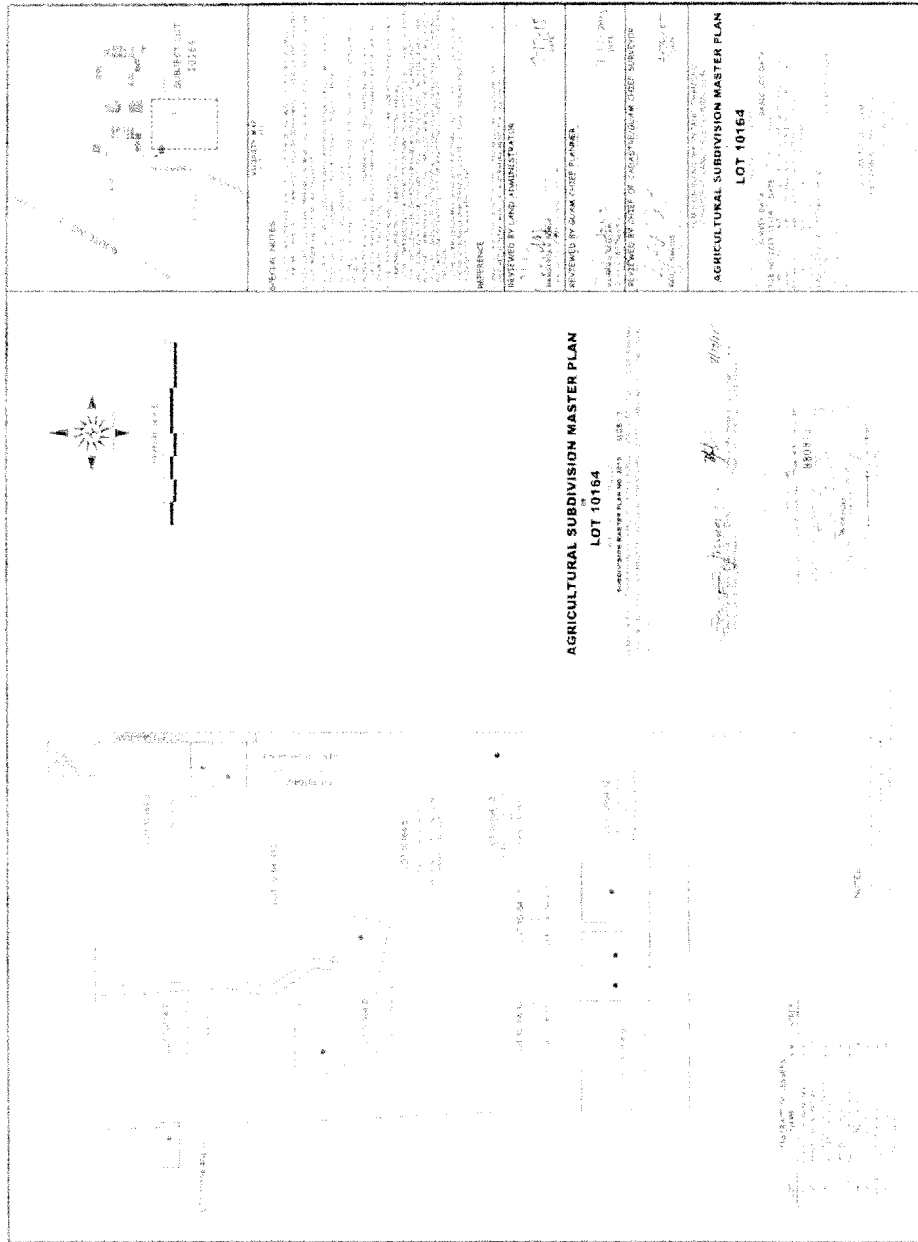
23 **Section 3. Reversionary Clause.** The Guam Waterworks Authority must
24 begin construction at the As-Tumbo water reservoir facility, within which the
25 transferred property exists, within five (5) years from the date of the enactment of
26 this act. In the event, that GWA does not initiate construction at the facility within
27 the stipulated period, without notice to the CLTC, or defaults on the compensation

1 agreement, the property *shall* revert back to the CLTC.

2 **Section 4. Effective Date.** This act *shall* take effect upon its enactment.

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

Exhibit A



SPECIAL NOTES

1. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE ZONING REGULATIONS AND ORDINANCES.

2. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.

3. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE DEEDS, EASEMENTS, AND OTHER INTERESTS.

4. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.

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10. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE RECORDS AND DOCUMENTS.

REFERENCE

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

REVIEWED BY STATE ENGINE EXAMINER

DATE: [illegible]

STATE ENGINE EXAMINER

AGRICULTURAL SUBDIVISION MASTER PLAN
LOT 10164

PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS
LICENSE NO. 10164
EXPIRES 12/31/2024

NOTED: [illegible]

DATE: [illegible]

SCALE: [illegible]

LEGEND:
[illegible]

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**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

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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

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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)

1 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption of
2 this Resolution.
3

4 **DULY AND REGULARLY ADOPTED**, this 26th day of April 2016.
5

6 Certified by:

7 J.T. D
8 **JOSEPH T. DUENAS**
9 Chairperson

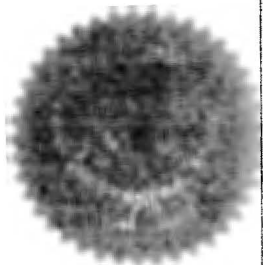
Attested by:

J. George Bamba
J. GEORGE BAMBA
Secretary

10 I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as
11 evidenced by my signature above do hereby certify as follows:

12 The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular
13 meeting by the members of the Guam Consolidated Commission on Utilities, duly and
14 legally held at a place properly noticed and advertised at which meeting a quorum was
15 present and the members who were present voted as follows:

16 AYES:	<u>5</u>
17 NAYS:	<u>0</u>
18 ABSTENTIONS:	<u>0</u>
19 ABSENT:	<u>0</u>



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**CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-04**

***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 and 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 10164-1, Municipality of Dededo, an area consisting of 1,852± square meters, as shown on Agricultural Subdivision Master Plan of Lot 10164, prepared by Department of Land Management, filed under Instrument No. 880811, shown in Exhibit "A", currently zoned Agricultural (A).

NOW THEREFORE BE IT RESOLVED,

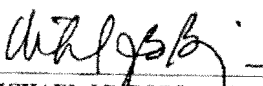
1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be available and designated property for the Guam Waterworks Authority infrastructure development who will be fully responsible for any and all land surveys and land registration, as necessary;
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 *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 17TH DAY OF MARCH 2016.



PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission

Date: 4/21/16



MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 4/21/16

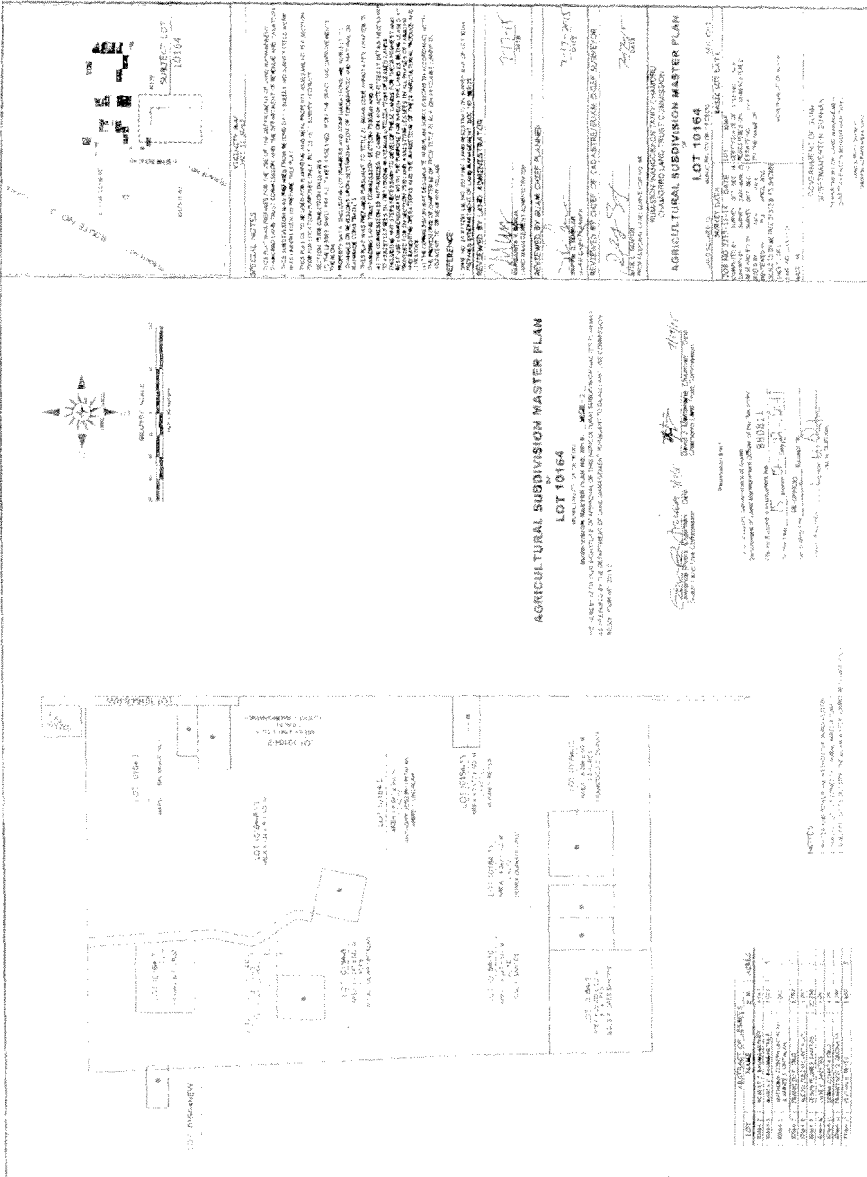


EXHIBIT 'A' - CITY RESOLUTION 123456

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

Bill No. 314-33(COR)

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

Introduced by:

T.C. Ada

**AN ACT TO TRANSFER A PORTION OF LOT 10164-1,
MUNICIPALITY OF DEDEDO WITH AN AREA OF
1,852 SQUARE METERS FROM THE CHAMORRO
LAND TRUST INVENTORY TO THE GUAM
WATERWORKS AUTHORITY FOR THE PURPOSE OF
CONSTRUCTING A WATER STORAGE TANK AND
RELOCATING A PUMP STATION; AND TO REZONE
LOT NO. 10164-1 FROM AGRICULTURAL (A) ZONE
TO A PUBLIC FACILITY (PF) ZONE.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA)
4 has identified property, owned by the Chamorro Land Trust Commission (CLTC),
5 for the purpose of providing a staging area during the construction of a new water
6 reservoir, preparing the site for the future construction of a new additional
7 reservoir, and for the relocation of an existing pump station. These improvements
8 are essential in meeting current and future growth demands for drinking water and
9 to improve operational reliability of the water system.

10 *I Liheslaturan Guåhan* finds that the construction of a new 2 Million Gallon
11 (MG) reservoir at the selected site will increase total storage capacity from 4

1 Million Gallon (MG) to 6 Million Gallon (MG). The increased storage capacity
2 will address growth in water demand due to population growth and to improve the
3 operational reliability of the water system. More specifically, the new reservoir
4 will enhance service to the Dededo service zones as well as the water system
5 overall.

6 *I Liheslaturan Guåhan* finds that Guam Waterworks Authority (GWA) has
7 been working with the Chamorro Land Trust Commission (CLTC) to address the
8 critical property needs to meet the 2011 Court Order deadlines and the CLTC has
9 approved a board resolution to support GWA system improvement plans.

10 *I Liheslaturan Guåhan* finds that this project is necessary and will benefit
11 the people of Guam. *I Liheslaturan Guåhan* intends to authorize the CLTC to
12 transfer 1,852 square meters (0.446 acres), more or less, to the GWA to accomplish
13 the necessary improvements described above. GWA and CLTC have agreed on the
14 basic terms of the transfer to meet the needs and mandates of both parties and have
15 committed to finalize compensation to the Chamorro Land Trust Commission
16 within one hundred eighty days (180) of the enactment of this Act.

17 *I Liheslaturan Guåhan* finds that GWA, under United States Department of
18 Justice ORDER FOR PRELIMINARY RELIEF RE: DEADLINES FOR
19 OUTSTANDING PROJECTS UNDER THE AMENDED STIPULATED ORDER
20 Civil Case No. 02-00035 (Court Order or CO) effective as of 11/10/2011, is
21 required to “*assess and repair, rehabilitate, replace and/or relocate all Guam*
22 *Waterworks Authority water reservoirs within its systems as detailed in § II (C) ¶*
23 *29 (b) of the order, and the deadline to complete these tasks specified for the water*
24 *reservoirs is 2018”.*

25 **Section 2. Authorization to Transfer Land Identified to the Guam**
26 **Waterworks Authority.** Notwithstanding any other provision of law, rule or
27 regulation, *I Liheslaturan Guåhan* authorizes the CLTC to transfer approximately

1 one thousand eight hundred and fifty-two (1,852) square meters (0.446 acres),
2 more or less, a portion of Lot No. 10164-1, Municipality of *Dededo*, as shown on
3 the Agricultural Subdivision Master Plan of Lot 10164 (See Exhibit A), prepared
4 by Department of Land Management filed under Instrument No.880811 for the
5 construction of a new IMG water reservoir, preparing the site for the future
6 construction of a new additional 2MG reservoir and for the relocation of an
7 existing pump station. The administrative transfer of property shall become
8 effective upon the enactment of this Act.

9 (a) GWA shall pay for the appraisal of the property by two
10 separate appraisers, one of which shall be selected by the Administrative
11 Director of the CLTC.

12 (b) GWA shall have the property surveyed at its own expense and
13 the survey map shall be approved by the Administrative Director of the
14 CLTC and the Department of Land Management. The map shall then be
15 recorded at the Department of Land Management.

16 (c) GWA shall work with CLTC to determine an appropriate
17 compensation for the property to include but not limited to land exchange,
18 purchase or a combination of options to be approved by GWA, Consolidated
19 Commission on Utilities (CCU) and CLTC. GWA and CLTC will have one
20 hundred eighty (180) days to finalize the compensation agreement.

21 (d) CLTC immediately grants right of entry for GWA to complete
22 the required geotechnical survey, topographic survey, archeological studies
23 and other required testing and studies to initiate the design for the
24 construction of the new water reservoirs while both parties are finalizing the
25 compensation agreement, the survey map and the subsequent recording of
26 the deed.

27 **Section 3. Zoning Designation.** The portion of Lot No. 10164-1, *Dededo*

1 that is utilized for the new reservoirs, the site prepared and reserved for future
2 reservoirs and the new proposed site for the relocation of an existing pump shall
3 be rezoned from an Agricultural (A) zone to a Public Facility (PF) zone pursuant to
4 21GCA, Chapter 61, section 61313.

5 **Section 3 4. Reversionary Clause.** The Guam Waterworks Authority shall
6 begin construction at the facility within five (5) years from the date of the
7 enactment of this act. In the event that GWA does not initiate construction at the
8 facility within the stipulated period, without notice to the CLTC, or defaults on the
9 compensation agreement, the property *shall* then revert back to the CLTC.

10 **Section 4 5. Effective Date.** This act *shall* take effect upon its enactment.

11 **Section 5 6. Severability.** If any of provision of this law or its application
12 to any person or circumstance is found to be invalid or contrary to law, such
13 invalidity *shall not* affect other provisions or applications of this law, which can be
14 given effect without the invalid provisions or applications and to this end the
15 provisions of this act are severable.

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**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

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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

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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)

1 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the adoption of
2 this Resolution.

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DULY AND REGULARLY ADOPTED, this 26th day of April 2016.

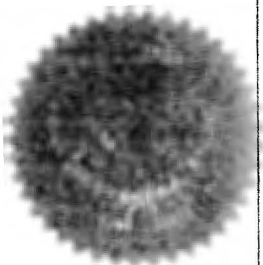
Certified by:
J. T. Duenas
JOSEPH T. DUENAS
Chairperson

Attested by:
J. George Bamba
J. GEORGE BAMBA
Secretary

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:	<u>5</u>
NAYS:	<u>0</u>
ABSTENTIONS:	<u>0</u>
ABSENT:	<u>0</u>



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**CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-04**

***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 and 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 10164-1, Municipality of Dededo, an area consisting of 1,852± square meters, as shown on Agricultural Subdivision Master Plan of Lot 10164, prepared by Department of Land Management, filed under Instrument No. 880811, shown in Exhibit "A", currently zoned Agricultural (A).

NOW THEREFORE BE IT RESOLVED,

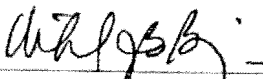
1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be available and designated property for the Guam Waterworks Authority infrastructure development who will be fully responsible for any and all land surveys and land registration, as necessary;
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 / *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 17TH DAY OF MARCH 2016.



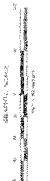
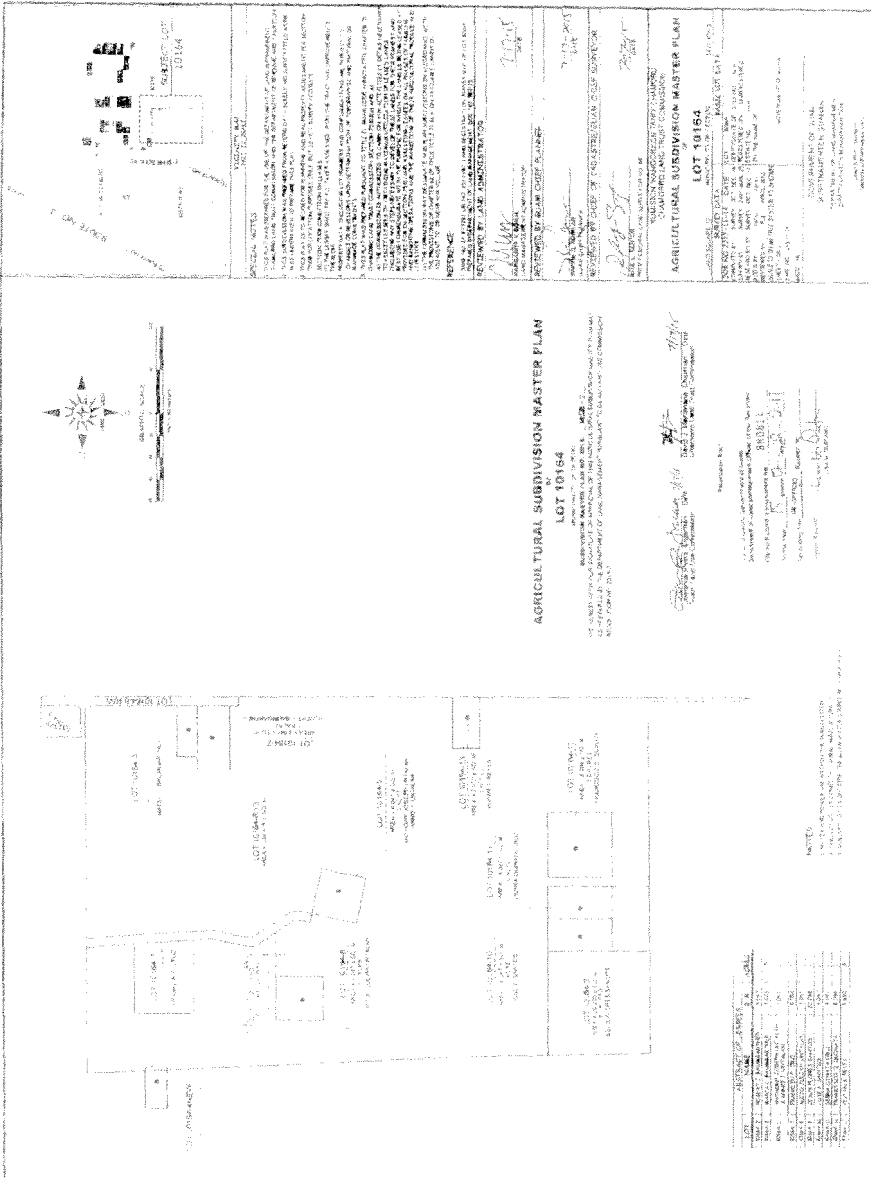
PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission

Date: 4/21/16



MICHAEL J.B. BORJA, Administrative Director
Chamorro Land Trust Commission

Date: 4/21/16



AGRICULTURAL SUBDIVISION MASTER PLAN

LOT 10164

THE CITY ENGINEER HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS FOR AGRICULTURAL SUBDIVISIONS.

[Signature]
CITY ENGINEER

[Signature]
CITY ADMINISTRATOR

[Signature]
CITY ENGINEER

NOTES

- 1. ALL LOTS SHALL BE PLANNED FOR AGRICULTURE.
- 2. ALL LOTS SHALL BE PLANNED FOR AGRICULTURE.

AGRICULTURAL SUBDIVISION MASTER PLAN

LOT 10164

THE CITY ENGINEER HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS FOR AGRICULTURAL SUBDIVISIONS.

[Signature]
CITY ENGINEER

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CITY ADMINISTRATOR

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CITY ADMINISTRATOR

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
 Public Hearing
 May 20, 2016
 9:00am
 I Liheslaturan Guåhan, Hagåtña

Bill No. 314-33 (COR) – T.C. Ada

An act to transfer a portion of Lot 10164-1, Municipality of *Dededo* with an area of 1,852 square meters from the Chamorro Land Trust inventory to the Guam Waterworks Authority for the purpose of constructing a water storage tank and relocating a pump station.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
JOEY DUENAS	CC4	X		X		686-1512	jdduenas@hotmail.com
MIGUEL BORDALLO	GWA		X	X		777-6369	mbordallo@guamwaterworks.org
MICHAEL BORJA	DLM	—	—	—			



GUAM WATERWORKS AUTHORITY

"Better Water. Better Lives."

Gloria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913

P. O. Box 3010, Hagatna, Guam 96932

Tel. No. (671) 300-8846/48 Fax No. (671) 648-3290

May 20, 2016

Senator Thomas Ada, Chairman
Committee on Transportation, Infrastructure,
Lands, Border Protection, Veterans' Affairs and Procurement
Ste. 207 Ada Plaza Center, 173 Aspinall Ave.
Hagatna, Guam 96910

Hafa Adai Senator Ada and Members of the Committee:

Thank you for the opportunity to provide comments for the following bill:

- ***BILL NO. 314-33 (COR), AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.***

Over the last five years, the Guam Waterworks Authority has been aggressively meeting the requirements under the 2011 Court Order. Under Paragraph 29 (b) of the Court Order, GWA is required to "access and repair, rehabilitate, replace and/or relocate all GWA water reservoirs within its system." GWA identified 33 reservoirs island-wide that need to be reconstructed or built. The three bills that are being heard today will support GWA's effort to meet the requirements of the Court Order, by providing land that is critical to our reservoir projects, and will allow GWA to improve the infrastructure and overall reliability of the GWA water system, as well as to meet current and future growth demands for drinking water.

The locations identified in the bills were selected to provide optimal elevations for pressure to the GWA system, and because of their proximity to existing GWA water tanks, water lines and other appropriate infrastructure. The properties will enable GWA to rebuild existing water reservoirs, construct required stormwater detention basins to address United States Environmental Protection Agency (USEPA) Clean Water Act (CWA) requirements and construct additional water reservoirs. The construction of additional water reservoirs is critical to address population growth and provide operational storage, equalizing storage, fire suppression storage, and standby storage.

Over the last several months, GWA's staff have been working with Mr. Michael Borja at the Chamorro Land Trust Commission to identify and evaluate suitable land in the CLT inventory to support the needs identified to address the court order, as well as discussing possible options for insuring the CLTC receives the appropriate value of such lands so as not to adversely affect their programs. This bill, along with the other two, would enable and require GWA to work closely with the CLTC in developing an appropriate compensation package over the next 180 days that could include purchase/lease, in-kind services and land exchange. Further, GWA is prepared to fund required property assessments and surveys to ensure the contemplated property transfers are beneficial to both the Chamorro Land Trust and to the people of Guam.

Due to the time restraints to meet the deadlines in the Court Order, it is critical to move forward with the design and construction of these projects. Funding for these projects is in place and GWA has consultants ready to execute these projects immediately.

As population and commercial activity increases, water demands in the Agat/Santa Rita, Dededo, Tamuning, Hagatna, and Tumon areas will also increase. These projects will support anticipated development, and contribute significantly to the sustainability of the island's economy by meeting future water demands.

Over the next few years, Capital Improvement Projects will include replacement of existing water lines to reduce leaks and enhance reliability of the system, developing of additional water resources and improve overall water facilities. The projects identified in the three bills being heard today will increase water storage by four million gallons to meet our goals of improving our utility and providing outstanding water services to the community.

Based on the foregoing, GWA expresses its full support of the bill as presented and respectfully requests your vote in favor of this bill.

Thank you to Senator Ada and his staff for moving this critical legislation forward. We look forward to working with Mr. Borja and his staff to come to an agreement for appropriate compensation for these properties.

Thank you for the opportunity to comment on this bill, and if you have any questions, I am happy to respond.

Sincerely,

A handwritten signature in black ink, appearing to read 'Miguel C. Bordallo', with a stylized flourish at the end.

Miguel C. Bordallo, P.E.
General Manager

Reference figure to

Bill No. 314-33(COR) – T.C. Ada

An act to transfer a portion of Lot 10164-1, Municipality of Dededo, with an area of 1,852 square meters from the Chamorro Land Trust inventory to the Guam Waterworks Authority for the purpose of constructing a water storage tank and relocating a pump station.





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



EDDIE BAZA CALVO
 Governor of Guahan

MICHAEL JB BORJA
 Director

RAY TENORIO
 Lieutenant Governor of Guahan

DAVID V. CAMACHO
 Deputy Director

Street Address:
 590 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:
dlmdir@land.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

May 18, 2016

Senator Thomas C. Ada
 33rd Guam Legislature
 Chairman, Committee on Transportation,
 Infrastructure, Lands, Border Protection,
 Veteran's Affairs and Procurement
 173 Aspinall Ave, Ste 207
 Hagatna, Guam 96910

SUBJECT: Bill No. 314-33 – AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSES OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.

Hafa Adai!

The Department of Land Management and the Chamorro Land Trust Commission (CLTC) have reviewed Bill No. 314-33. The CLTC board of commissioners, in Resolution No. 2016-04, approved the intent of this bill to provide the Guam Waterworks Authority (GWA) with land necessary for the development of water infrastructure which is in the public interest.

Nevertheless, compensation for the land is necessary but due to the immediate need for GWA to acquire the property and begin construction of infrastructure facilities, the period of 180 days is adequate time to determine the best manner of compensation. Equally, GWA would be responsible for all costs associated with this land transfer.

As shown in the exhibits to this bill, both the CLTC and GWA respective boards of commissioners have issued resolutions supporting this measure. Additionally, each have been working collaboratively because water is a necessary element for everyone. Just as many water wells and potential sites reside on CLTC property, both agencies have worked together to ensure the availability and protection of these water sources. In the same way, both agencies have been cooperative in ensuring CLTC lessees' utility authorization requests are honored and managed as expeditiously as possible.



Lastly, the Department of Land Management requests the inclusion of language in this bill to rezone Lot 10164-1, Dededo, to zoning designation "PF" (Public Facility), in accordance with 21GCA, Chapter 61, Section 61313.

Bill No. 314-33 is intended to serve the needs of the public and a land transfer is necessary. The CLTC recommends passage of this bill.

Thank you for the opportunity to submit this testimony.

Senseramente,

A handwritten signature in black ink, appearing to read "Michael J.B. Borja", with a horizontal line extending to the right.

MICHAEL J.B. BORJA
Director



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryfingguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker

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

Vice-Speaker

Benjamin J.F. Cruz
Member

Legislative Secretary

Tina Rose Muna Barnes
Member

Senator

Dennis G. Rodriguez, Jr.
Member

Senator

Frank Blas Aguon, Jr.
Member

Senator

Michael F.Q. San Nicolas
Member

Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

May 20, 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. 300-33(COR)
- Bill No. 303-33(LS)
- Bill No. 304-33(LS)
- Bill No. 305-33(LS)
- Bill No. 306-33(LS)
- Bill No. 307-33(LS)
- Bill No. 308-33(LS)
- Bill No. 313-33(COR)
- Bill No. 314-33(COR)
- Bill No. 315-33(COR)

FISCAL NOTE WAIVER:

- Bill No. 318-33(COR)

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 MAY 20 12:52

**Bureau of Budget & Management Research
Fiscal Note of Bill Nos. 314-33 (COR)**

AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operating Fund	1,424,311
Total Department/Agency Appropriation(s) to date:	\$1,424,311

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

1. Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / X / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
4. Will the enactment of this Bill require new physical facilities? / X / Yes / / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ / Requested agency comments not received by due date

Other:

Analyst: <u>Jason Baza</u> Jason Baza, BMA II	Date: <u>5/19/16</u>	Director: <u>Jose S. Calvo</u> Jose S. Calvo, Director	Date: <u>MAY 19 2016</u>
--	----------------------	---	--------------------------

Notes:
See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 314-33 (COR)

The proposed legislation intends to transfer a portion of Lot No. 10164-1 in the municipality of Dededo (approx. 1,852± square meters) from the Chamorro Land Trust Commission (CLTC) to the Guam Waterworks Authority (GWA) for the purposes of constructing a water storage tank and relocating a pump station.

Sections 2(a) and 2(b) stipulate that the GWA will be responsible for covering the cost of the appraisal of the property by two different appraisers as well as the cost of the property survey that shall be approved and recorded by the Department of Land Management (DLM).

Although compensation for the transfer of CLTC property to the GWA is not specifically outlined, Section 2(c) stipulates that the two parties will determine the appropriate method of compensation to include, but not limited to, a land exchange, in-kind services, purchase, or a combination of the listed options. All compensation options shall be approved by the GWA, CLTC, and the Consolidated Commission on Utilities (CCU). The compensation agreement between the GWA and CLTC must be finalized within 180 days after the enactment of the proposed legislation.

Because the GWA does not receive appropriations from the Government of Guam, having GWA cover the cost of the appraisals and survey of the subject property will not have an impact on any of the Government of Guam's finances.

As previously mentioned, the CLTC will receive an appropriate compensation for the transfer of the subject property. However, because the specific terms of compensation have not been outlined or agreed upon at the time of preparing comments, the Bureau is unable to determine if the compensation is equal, more, or less than the value of the subject property.



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guahan)



EDDIE BAZA CALVO
 Governor of Guahan

MICHAEL JB BORLA
 Director

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May 18, 2016

Senator Thomas C. Ada
 33rd Guam Legislature
 Chairman, Committee on Transportation,
 Infrastructure, Lands, Border Protection,
 Veteran's Affairs and Procurement
 173 Aspinall Ave, Ste 207
 Hagatna, Guam 96910

SUBJECT: Bill No. 314-33 – AN ACT TO TRANSFER A PORTION OF LOT NO. 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSES OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.

Hafa Adai!

The Department of Land Management and the Chamorro Land Trust Commission (CLTC) have reviewed Bill No. 314-33. The CLTC board of commissioners, in Resolution No. 2016-04, approved the intent of this bill to provide the Guam Waterworks Authority (GWA) with land necessary for the development of water infrastructure which is in the public interest.

Nevertheless, compensation for the land is necessary but due to the immediate need for GWA to acquire the property and begin construction of infrastructure facilities, the period of 180 days is adequate time to determine the best manner of compensation. Equally, GWA would be responsible for all costs associated with this land transfer.

As shown in the exhibits to this bill, both the CLTC and GWA respective boards of commissioners have issued resolutions supporting this measure. Additionally, each have been working collaboratively because water is a necessary element for everyone. Just as many water wells and potential sites reside on CLTC property, both agencies have worked together to ensure the availability and protection of these water sources. In the same way, both agencies have been cooperative in ensuring CLTC lessees' utility authorization requests are honored and managed as expeditiously as possible.

Lastly, the Department of Land Management requests the inclusion of language in this bill to rezone Lot 10164-1, Dededo, to zoning designation "PF" (Public Facility), in accordance with 21GCA, Chapter 61, Section 61313.

Bill No. 314-33 is intended to serve the needs of the public and a land transfer is necessary. The CLTC recommends passage of this bill.

Thank you for the opportunity to submit this testimony.

Senseramente,


MICHAEL J.B. BORJA
Director



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
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VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
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Legislative Secretary
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Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

May 9, 2016

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 313-33(COR) through 315-33(COR)

Hafa Adai Mr. Calvo:

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

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
<p>313-33 (COR)</p>	<p>T. C. Ada</p>	<p>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 PURPOSES OF RECONSTRUCTING AN AGED 1MG WATER RESERVOIR AND TO CONSTRUCT A NEW 1MG.</p>
<p>314-33 (COR)</p>	<p>T. C. Ada</p>	<p>AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.</p>
<p>315-33 (COR)</p>	<p>T. C. Ada</p>	<p>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 TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW WATER STORAGE TANKS.</p>



COMMITTEE ON RULES

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MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

May 9, 2016

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 314-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 314-33(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

1 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
314-33 (COR)	T. C. Ada	AN ACT TO TRANSFER A PORTION OF LOT 10164-1, MUNICIPALITY OF DEDEDO WITH AN AREA OF 1,852 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A WATER STORAGE TANK AND RELOCATING A PUMP STATION.	05/06/16 4:25 p.m.	05/09/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Senator Tom Ada

1st Notice of Public Hearing: Friday, May 20, 2016 at 9:00 a.m.

Charlene Flores <flores@senatorada.org>

Fri, May 13, 2016 at 8:28 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, teresa.topasna@land.guam.gov, mcbordallo@guamwaterworks.org, vangie@guamwaterworks.org, bobbie@guamwaterworks.org, jtduenas@hotmail.com, Lou Sablan <lsablan@gpagwa.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, Dale Alvarez <daleealvarez@gmail.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, mcogadmin@teleguam.net

May 13, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Friday, May 20, 2016 at 9:00 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Friday, May 20, 2016 at 9:00 a.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

9:00 a.m.

Bill No.313-33 (COR) – T.C. Ada

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 purposes of reconstructing an aged 1MG water reservoir and to construct a new 1MG water reservoir.

Bill No. 314-33(COR) – T.C. Ada

An act to transfer a portion of Lot 10164-1, Municipality of *Dededo* with an area of 1,852 square meters from the Chamorro Land Trust inventory to the Guam Waterworks Authority for the purpose of constructing a water storage tank and relocating a pump station.





Bill No. 315-33(COR) – T.C. Ada

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 to the Guam Waterworks Authority for the purpose of constructing new water storage tanks.

Testimony on **Bill No. 313-33 (COR)**, **Bill No. 314-33 (COR)**, and **Bill No. 315-33 (COR)**, should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **5:00pm Friday, May 27, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--
Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Tres na Libeslaturan Guåban - 33rd Guam Legislature
671-473-3301

4 attachments

-  **1st Notice.pdf**
389K
-  **Bill No. 313-33 (COR).pdf**
2482K
-  **Bill No. 314-33 (COR).pdf**
1569K
-  **Bill No. 315-33 (COR).pdf**
1775K



Sen. Thomas Ada


Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

May 13, 2016

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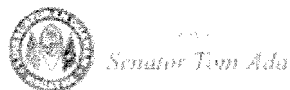
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2nd Notice of Public Hearing: Friday, May 20, 2016 at 9:00 a.m.

Charlene Flores <flores@senatorada.org>

Tue, May 17, 2016 at 8:12 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, teresa.topasna@land.guam.gov, mcbordallo@guamwaterworks.org, vangie@guamwaterworks.org, bobbiec@guamwaterworks.org, jtduenas@hotmail.com, Lou Sablan <lsablan@gpagwa.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, Dale Alvarez <daleealvarez@gmail.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, mcogadmin@teleguam.net

May 17, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Friday, May 20, 2016 at 9:00 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Friday, May 20, 2016 at 9:00 a.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

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Bill No.313-33 (COR) – T.C. Ada

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 purposes of reconstructing an aged 1MG water reservoir and to construct a new 1MG water reservoir.

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Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Tres na Libeslaturan Guåhan - 33rd Guam Legislature
671-473-3301

4 attachments

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1775K



Sen. Thomas Ada

Chairman


Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

May 17, 2016

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Public Hearing Notice Listserv
phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: May 9, 2016

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Updated: May 9, 2016

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Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

AGENDA

PUBLIC HEARING

Friday, May 20, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

9:00am

Bill No. 313-33 (COR) – T.C. Ada

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 purposes of reconstructing an aged IMG water reservoir and to construct a new IMG water reservoir.

Bill No. 314-33 (COR) – T.C. Ada

An act to transfer a portion of Lot 10164-1, Municipality of *Dededo* with an area of 1,852 square meters from the Chamorro Land Trust inventory to the Guam Waterworks Authority for the purpose of constructing a water storage tank and relocating a pump station.

Bill No. 315-33 (COR) – T.C. Ada

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 to the Guam Waterworks Authority for the purpose of constructing new water storage tanks.

Testimony on **Bill No. 313-33 (COR)**, **Bill No. 314-33 (COR)**, and **Bill No. 315-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Friday, May 27, 2016 at 5:00 pm**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.



Sen. Thomas Ada
Committee on Lands
Public Hearing Notice

Friday, May 20, 2016, 9am
I Liheslaturan Guahan, Public Hearing Room

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Individuals requiring special accommodations should submit request to Blaine Dydasco at 473-3301.

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Guam Daily Post 5.13.16



Sen. Thomas Ada

Committee on Lands
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