



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

AUG 15 2016
A

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

Rory J. Respicio

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

RE: Committee Report on Bill No. 322-33 (COR) As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 322-33 (COR) As Amended, **“AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL “A” ZONE TO SCHOOL “S-1” ZONE.”**

Committee votes are as follows:

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

2016 Aug 19 PM 11:09

Si Yu'os ma'åse',

Thomas C. Ada

Thomas C. Ada



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 REPORT ON

**Bill No. 322-33 (COR)
As Amended**

**AN ACT TO REZONE LOTS 2260 AND 2261,
MUNICIPALITY OF BARRIGADA FROM
AGRICULTURAL "A" ZONE TO SCHOOL "S-
1" ZONE.**



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

August 8, 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. 322-33 (COR) As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 322-33 (COR) As Amended, **“AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL “A” ZONE TO SCHOOL “S-1” ZONE.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 322-33 (COR), As Introduced
- Copy of Bill No. 322-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimonies from: June U. Blas (Mayor of Barrigada), Nito Blas (Mayor of Mangilao), Rudy Matanane (Mayor of Yigo), Mary B. Mafnas (*Principal*, Guahan Academy Charter School (GACS)), Vince Leon Guerrero, *Chief Executive Officer*, GACS, William Lucas and Fe Ovalles, *Chairwoman*, GACS Board of Trustees
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 322-33 (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 Guåban • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 322-33 (COR) As Amended, "AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" 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	9/5/16 <i>T.C. Ada</i>	✓				
SENATOR RORY J. RESPICIO Vice Chairperson	<i>R. Respicio</i> 8-15-16					
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>B. Cruz</i>	✓				
SENATOR FRANK B. AGUON, JR. Member						
SENATOR DENNIS RODRIGUEZ, JR. Member	<i>D. Rodriguez</i>	✓				
SENATOR NERISSA UNDERWOOD Member	9/15/16 <i>N. Underwood</i>	✓				
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member						
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 Guahan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 322-33 (COR) was introduced on May 18, 2016 by Senator Thomas C. Ada and was subsequently referred on May 19, 2016 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement ("Committee").

The Committee convened a public hearing on June 8, 2016 at 9:00 am in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 322-33 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on May 31, 2016 (5-Day Notice) and again on June 6, 2016 (48-Hour Notice). Publication was conducted in the May 31, 2016 issue and June 6, 2016 issue of the **Guam Daily Post**, a newspaper of general circulation, fulfilling the 5-Day Notice and 48-Hour Notice of the Open Government Law requirement.

Senators Present

Senator Thomas C. Ada
Senator V. Anthony Ada

Committee Chairperson
Legislative Member

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

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada calls the Public Hearing to order and as sponsor, introduces Bill No. 322-33.

Chairperson Ada: He orientates everyone on the property to be rezoned in Barrigada. The property is in the vicinity of Nimitz Golf Course, Guam Power Authority headquarters in Mangilao and Route 15, backroad to Andersen. Access to Lots 2260 and 2261 would be through an already established public easement that has been surveyed and severed out to provide an access road from Route 15 into the property.

The zoning in the area is currently Agricultural ("A"). The Guahan Charter School is requesting to rezone Lots 2260 and 2261 to "S-1" to build a school there. I agreed to introduce and support a bill to rezone Lots 2260 and 2261 through legislative action because of the benefit that would also be derived by the surrounding Lots by requiring that an access road be constructed. If the road doesn't get constructed, the bill expressly states an occupancy permit will not be issued by DPW. As we go through the legislative zoning process, we will

be getting input from the agencies as they normally would if a zoning request went through the Guam Land Use Commission.

The Department of Land Management didn't provide testimony and is silent on Bill 322-33.

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

Fe Ovalles, *Chairwoman*, Guahan Academy Charter School (GACS) Board of Trustees (written testimony): She reads her testimony in support of the bill.

The Board chose to pursue the route of legislative rezoning for several reasons. The most critical reasons are: 1) GACS lease with the Government of Guam for Tiyan campus expires this month; however, an MOA will extend the period for another year to June 2017. The time period though for the administrative process is not conducive for our facility expansion plan timeline. 2) One of the requirements of the U.S. financing is that the property be appropriately zoned or is undergoing a legitimate zone change process. GACS received a notice of eligibility from USDA and the deadline for the application for this funding is July 31, 2016. The funding is for 100% financing at a rate of 2.875%.

Senator, Bill 322-33 will truly jumpstart the financing process for GACS. Part of the facility's financing will be opening the primary access from Route 15 near the main entrance of the Gloria Nelson public utilities building. Along with this access, we will also be installing a main water line and power line from Route 15 to the school. Our wastewater disposal system will be a self-contained treatment system. Our master plan is under concept and part of the construction budget. She goes on to explain that the facilities will be environmentally sound and energy efficient.

Vincent Leon Guerrero, *Chief Executive Officer*, GACS (written testimony): He reads his testimony in support of Bill 322-33 (see attached testimony). The rezone will benefit neighbors in the area by bringing infrastructure such as roads, power and water. The project has the support of the Mayors and their Municipal Planning Councils in Barrigada and Yigo. It will allow the GACS to finally have a home and allow them to recruit faculty, students, and families.

O. J. Taitano, *High School Coordinator*, GACS (oral testimony): GACS is the first and only current school partnership with the Guam Behavioral Health Prevention Team. We have a three year grant that allows us to advocate for alcohol and tobacco prevention and education and we aim at extending our reach by campaigning around the neighborhood. This is prohibited in our temporary setting. We are able to host other partners and champion community efforts aligned with our mission and vision with this new facility. We will ensure the community that we will uphold the services that we have so we can continue to be accredited.

Chairperson Ada: I would ask Ms. Ovalles that you have your engineering consultant go over the language of the bill. In particular, section 3b, which puts the issuance of construction permit as being contingent upon construction of the access road into the area. Before we

report the bill out, have your engineering consultant take a close look at this language because it is not the intent of myself to freeze everything until that road is built. In the meantime, you may want to be clearing the property. It may require getting together with DPW to clarify that the construction permit is for the vertical construction and not going there to begin horizontal construction. The consultant can take a look at this and if he thinks that the language provided or suggested by DPW needs to be changed, then that can be done with my Chief of Staff.

Terry Debold, *Vice-Chairman*, GACS Board of Trustees: He reads a written testimony on behalf of William and Sandra Lucas (see attached testimony). The Lucas family are in support of Bill 322-33.

Nito Blas, Mayor of Mangilao, *Mayors' Council of Guam* (written testimony): He reads his testimony in support of the bill (see attached testimony). He welcomes the addition of another educational institution in the municipalities of Barrigada and Mangilao so that more families will be able to register their students.

Rudy Matanane, Mayor of Yigo, *Mayors' Council of Guam* (written testimony): When they build the road, everybody benefits from it, but when somebody lives way inside and tries to get loans so that they can build their homes, it's quite a battle. Are we compensating the person that spends money to get infrastructure to their homes and not have enough money to build his house?

Chairperson Ada: I don't know of any provision that would require any adjoining landowners to contribute to that road. That road is a public easement.

Mayor Blas: Those are ancestral lands that have been deeded back to the landowners. I've been asked to start helping them with a temporary access or road to their property. It's already been surveyed, but they haven't identified the easement.

Chairperson Ada: In this case, this easement has already been surveyed and severed out, but for others I'm not aware.

Mayor Matanane: He reads his testimony in support of the bill (see attached testimony). The President of the Mayors' Council of Guam, Paul McDonald, is in support of the bill and will provide a resolution.

Chairperson Ada: The Committee will wait for that resolution.

Bob Pelkey, *Member*, Mangilao Municipal Planning Council (oral testimony): He is in support of the bill. I think the infrastructure improvements that they are bringing in is going to benefit members of the community and I hope that your bill gets passed at the Legislature.

Chairperson Ada: There are some things that we have to wait for before reporting the bill out. We have to get the Land Zoning Consideration Report which the agencies have 45 days

to submit. The same report that they would submit if it were to go through the Land Use Commission. If they don't submit, then we can go ahead and proceed with the bill.

We also need to sit down and look at the final language of the bill and do a markup hearing with input from the engineering consultant so we don't forget about that road. Otherwise, I do not normally introduce legislative rezoning bills. In the meantime, we'll work on getting the committee report ready and we have 45 days from today. It may not be until August and if that causes any problems with your grant application then let's get together to see how we can bridge that gap.

Chairperson Ada adjourns the Public Hearing for Bill No. 322-33 (COR).

Written Testimonies Received:

1. June U. Blas, *Mayor of Barrigada*
2. Nito Blas, *Mayor of Mangilao*
3. Mary B. Mafnas, *Principal*, Guahan Academy Charter School
4. Vincent Leon Guerrero, *Chief Executive Officer*, Guahan Academy Charter School
5. William Lucas
6. Rudy M. Matanane, *Mayor of Yigo*
7. Fe Ovalles, *Chairwoman*, Guahan Academy Charter School Board of Trustees
8. Rosa Salas Palomo, *Chair*, Guahan Academy Charter School Board of Trustees

III. Findings and Recommendation

The Committee finds that the Guahan Academy Charter School (GACS) chose the legislative rezoning route due to two reasons:

1. Legislative Rezoning is deemed to be expeditious.
2. The lending entity, USDA, requires that the GACS project be in compliance with Guam law. Hence rezoning of Lots 2260 and 2261 to "S-1" would meet the requirements.

The Committee further conducted a Village Hearing for Bill 322-33 on June 29, 2016 at 6pm in the Barrigada Community Center. Stakeholders including members of GACS, Barrigada Municipal Planning Council members, landowners in the Radio Barrigada area and Barrigada residents were invited to discuss and provide further testimony to the bill.

In collaboration between members of GACS and the Department of Public Works, the language in Section 3(b) of the bill, relating to the construction of the access road on Route 15, was revised. Specifically, the 'issuance of an occupancy permit will be contingent on the construction of the access road.

The Department of Land Management submitted the Land Zoning Consideration Report on June 30, 2016 (see attached report). The report recommended the following caveats:

1. Allow adequate traffic circulation.
2. Achieve individual property for maximum utility and livability.
3. Secure adequate provisions for water supply, drainage, sewage and other health requirements.
4. Permit the conveyance of land by accurate legal description; and
5. Provide logical procedures for the achievement of this purpose.

The Mayors' Council of Guam submitted a Resolution on July 7, 2016 supporting Bill 322-33 (see attached resolution).

The Committee hereby reports out **Bill 322-33 (COR) as amended**, with the recommendation TO DO PASS.

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

Bill No. 322-33 (Core)

Introduced by:

T.C. Ada 

2016 10/11 PM 3:37
Jim Auet

**AN ACT TO REZONE LOTS 2260 AND 2261,
MUNICIPALITY OF BARRIGADA FROM
AGRICULTURAL "A" ZONE TO SCHOOL "S-1"
ZONE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Lots 2260 and 2261, Municipality of *Barrigada* (Lots) were Returned Federal
4 Excess Lands. As such, §61217 Title 21 Guam Code Annotated Chapter 61
5 effectively zoned all Returned Federal Excess Lands Agricultural Zone "A".

6 *I Liheslaturan Guåhan* further finds that the Lots have recently been
7 purchased by the Guahan Academy (Academy) as part of their plan to build a
8 permanent school campus.

9 *I Liheslaturan Guåhan* also finds that the Academy's lease for their
10 temporary campus at Tiyan expires in June 2016. However, the Tiyan lease is
11 currently under consideration for a one-year extension.

12 *I Liheslaturan Guåhan* also finds that the Academy has submitted
13 applications for Federal grants for the construction of a permanent campus. The
14 furtherance of the grant applications is contingent upon proof of ownership and site
15 control of real property conforming to local land use laws for the intended use of

1 such property. Hence, the construction of a school on the purchased Lots must be
2 properly zoned to School zone “S-1”.

3 *I Liheslaturan Guåhan* also finds that the Academy’s grant also includes
4 funding for the construction of a road, from Route 15 to the Lots, on a previously
5 established and approved public rights-of-way access and utilities easement to the
6 permanent school site. The opening of the public access will enable construction
7 of the permanent campus and supporting infrastructure. The public access will
8 also enable development in the surrounding area.

9 *I Liheslaturan Guåhan* intends to re-zone Lots 2260 and 2261, Municipality
10 of *Barrigada* from Agricultural Zone “A” to School Zone “S-1” in order to enable
11 the construction of a permanent school campus by Guahan Academy.

12 **Section 2. Lot Re-Zoning.** Notwithstanding any other provision of law,
13 Lot 2260, Municipality of *Barrigada* and Lot 2261, Municipality of *Barrigada* as
14 shown on Department of Land Management Drawing No. 059FY2014 recorded
15 under Document No. 861354 (Attachment A) are hereby re-zoned from
16 Agricultural Zone “A” to School Zone “S-1”.

17 **Section 3. Access Road.**

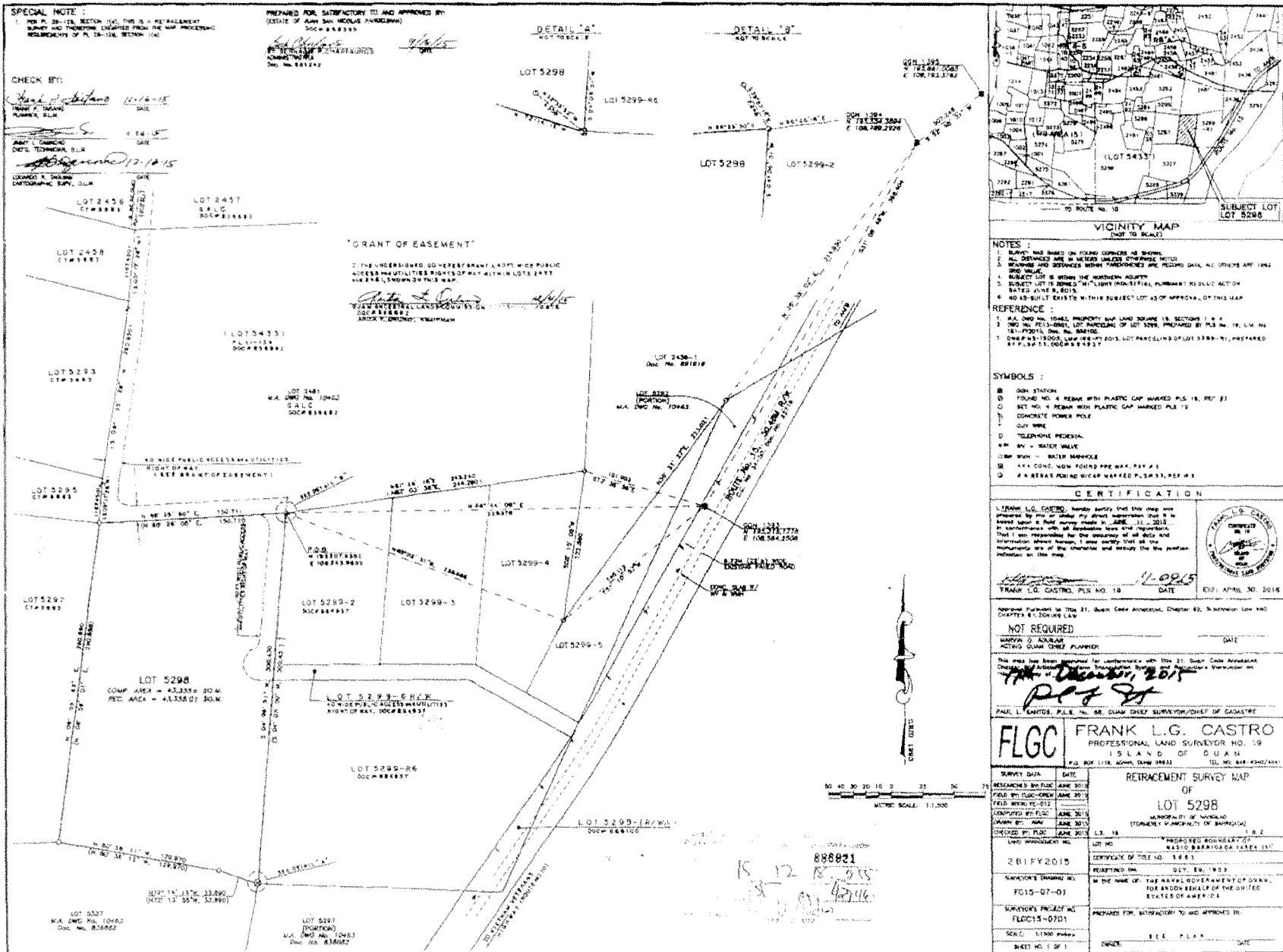
18 (a) Access to Lots 2260 and 2261, Municipality of *Barrigada* shall
19 be constructed by the Academy on previously established and approved
20 public rights-of-way access and utilities easements to the permanent school
21 site as partially shown on Department of Land Management Drawing No.
22 281FY2015 recorded under Document No. 886921 (see Attachment B).

23 (b) Issuance of construction permits for the permanent school
24 campus shall be contingent upon the construction of the access road by the
25 Guahan Academy on the established rights-of-way easement and compliance
26 with other required permits.

1 (c) The Guahan Academy shall be responsible for the cost of
2 surveying the easement to establish the boundary markers.

3 **Section 4. Severability.** If any 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 that can be
6 given effect without the invalid provisions or applications and to this end the
7 provisions of this Act are severable.

Attachment B of Bill No. 322-33 (cont)



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

Bill No. 322-33 (COR)
As Amended by the Sponsor.

Introduced by:

T.C. Ada

**AN ACT TO REZONE LOTS 2260 AND 2261,
MUNICIPALITY OF *BARRIGADA* FROM
AGRICULTURAL “A” ZONE TO SCHOOL “S-1”
ZONE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Lots 2260 and 2261, Municipality of *Barrigada* (Lots) were Returned Federal
4 Excess Lands. As such, §61217 Title 21 Guam Code Annotated Chapter 61
5 effectively zoned all Returned Federal Excess Lands Agricultural Zone “A”.

6 *I Liheslaturan Guåhan* further finds that the Lots have recently been
7 purchased by the Guahan Academy (Academy) as part of their plan to build a
8 permanent school campus.

9 *I Liheslaturan Guåhan* also finds that the Academy’s lease for their
10 temporary campus at Tiyan expires in June 2016. However, the Tiyan lease is
11 currently under consideration for a one-year extension.

12 *I Liheslaturan Guåhan* also finds that the Academy has submitted
13 applications for Federal grants for the construction of a permanent campus. The
14 furtherance of the grant applications is contingent upon proof of ownership and site
15 control of real property conforming to local land use laws for the intended use of

1 such property. Hence, the purchased Lots upon which construction of a school is
2 to be undertaken must be properly zoned to School zone “S-1”.

3 *I Liheslaturan Guåhan* also finds that the Academy’s grant also includes
4 funding for the construction of a road, from Route 15 to the Lots, on a previously
5 established and approved public rights-of-way access and utilities easement to the
6 permanent school site. The opening of the public access will enable construction
7 of the permanent campus and supporting infrastructure. The public access will
8 also enable development of privately owned Lots in the surrounding area.

9 *I Liheslaturan Guåhan* intends to re-zone Lots 2260 and 2261, Municipality
10 of *Barrigada* from Agricultural Zone “A” to School Zone “S-1” in order to enable
11 the construction of a permanent school campus by Guahan Academy.

12 **Section 2. Lot Re-Zoning.** Notwithstanding any other provision of law,
13 Lot 2260, Municipality of *Barrigada* and Lot 2261, Municipality of *Barrigada* as
14 shown on Department of Land Management Drawing No. 059FY2014 recorded
15 under Document No. 861354 (Attachment A) are hereby re-zoned from
16 Agricultural Zone “A” to School Zone “S-1”.

17 **Section 3. Access Road.**

18 (a) Access to Lots 2260 and 2261, Municipality of *Barrigada* shall
19 be constructed by the Academy on previously established and approved
20 public rights-of-way access and utilities easements to the permanent school
21 site as partially shown on Department of Land Management Drawing No.
22 281FY2015 recorded under Document No. 886921 (see Attachment B).

23 (b) Issuance of partial or full occupancy permits for the permanent
24 school campus or parts thereof shall be contingent upon the completion of
25 construction of the local rural access road by the Guahan Academy on the
26 established rights-of-way easement and compliance with all permit
27 requirements for construction. The easement is a public right-of-way. No

1 partial or full occupancy permits shall be issued without completion of the
2 access road herein described being constructed and accessible. For purposes
3 of this section “local rural access road” shall mean “Local Rural Road” with
4 design criteria and dimensions conforming to and as defined in Chapter 5 of
5 AASHTO “Greenbook – A Policy on Geometric Design of Highways and
6 Streets, 2011”.

7 (c) The Guahan Academy shall be responsible for the cost of
8 surveying the easement to establish the boundary markers.

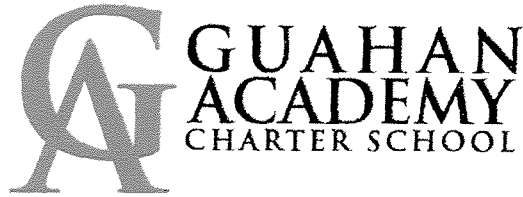
9 **Section 4. Severability.** If any provision of this law or its application
10 to any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this law that can be
12 given effect without the invalid provisions or applications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

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
 Public Hearing
 June 08, 2016
 9:00am
 I Liheslaturan Guåhan, Hagåtña

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural “A” Zone to School “S-1” Zone.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
✓ Ted Nelson	Self	✓		✓		7270355	
✓ Vince Leon Guerrero	Guahan Acad. Charter Sch	✓	✓	✓		688-3091	ceo.gacs@gmail.com
✓ Nito Blas	Mayor Leo Mayor	✓	✓	✓		988-1517	
✓ Bob Pelkey		✓				888-2621	bob.pelkey55@gmail.com
✓ Fe Ovalles	Chairwoman	✓	✓				
✓ Mary Mafnas	GACS principal		✓	✓		979-1065	
✓ O.J. Taitano	GACS/HS Coordinator	✓		✓		11	otaitano@guahanacademy.org
✓ T'Nel Mori	GACS/ Student Support Liaison	✓				11	tmori@guahanacademy.org
✓ Mayor Matanam	YIGO MAYOR	✓	✓	✓		777-9446	yigomayorsoffice@gmail.com
✓ c/o: Lucas Family Rowena Zacarias	GACS		✓			686 76 98	rowena_zacarias@gmail.com



TESTIMONY OF
FE VALENCIA-OVALLES
CHAIRWOMAN, BOARD OF TRUSTEES OF
GUAHAN ACADEMY CHARTER SCHOOL
Public Hearing – June 8, 2016

RE: BILL NO. 322-33(COR)
*“An Act to Rezone Lots 2260 and 2261-1,
Municipality of Barrigada, from Agricultural “A” Zone
To School “S-1” Zone*
Introduced by: T.C. Ada, on May 18, 2016

Good morning, Chairman and Senator Tom Ada and members of your Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans’ Affairs and Procurement. My name is Fe Valencia-Ovalles and I am the Chairwoman of the Board of Trustees of Guahan Academy Charter School (GACS). I am here to present testimony in support of Bill No. 322-33 on behalf of Guahan Academy Charter School.

I want to introduce the members of the Board of Trustees who are present: Vice-Chairman, Trustee Terry DeBold, a parent; Secretary, Trustee Rowena Zacarias, another parent; Treasurer: Trustee Victor A. Perez; Trustee Dr. Jacqui Cyrus of the University of Guam; Trustee Hentrick Eveluck, representing our Micronesian community; and Trustee Richard Quiambao, another parent, and our Principal Mary Mafnas, who is our ex-officio member of the Board. Not with us today is Trustee Theseus Mendiola, President of the PTO.

It gives me pleasure to introduce our CEO, Vince Leon Guerrero, and our Legal Counsel, Lenny Rapadas. We also have present our consultants, a few members of our faculty, staff and parents who are here to offer support for this legislation.

We come with grateful hearts --- grateful for the many blessings that our Lord has bestowed upon our charter school organization – including the introduction of Bill 322-33 by you, Mr. Chairman, to rezone GACS recently acquired land, Lot Nos. 2260 and 2261-1 in the Municipality of Barrigada -- grateful for the efforts of the staff of the Honorable Nerissa B. Underwood in the collaborative work between her office and Mr. Joe Borja of your office – grateful for the discussions with the author of the charter law, the Honorable Speaker Judy Won Pat – the dialogue with the Honorable B.J. Cruz, Chairman of the Committee on Appropriations and Adjudication -- the conversations with the staff of the Honorable Mike San Nicolas – the exchange of questions and answers at a minority meeting led by Minority Leader the Honorable Senator Tony Ada with the Honorable Senators Tom Morrison, Jim Espaldon and Brant McCreddie – the telephonic discussions and support from Senators Frank Aguon, Jr., Dennis Rodriguez, and Tina Muna Barnes. We regret that we were not able to pursue these conversations with the other Senators, but we are available to confer with them at their convenience.

GACS Facilities Expansion Program started since September of 2013. The Board authorized the Board Development Consultant to prepare an expansion plan examining all the alternatives available to make room for the growing demand of families who want to enroll their children. It saddened our hearts to advise them that we didn't have any vacancies. And even if we wanted to offer an additional class for the grade level in demand, we couldn't because we didn't have the space to do so.

We present a brief Executive Summary that chronicles the events and actions of Guahan Academy Charter School to justify our request for legislative rezoning of the parcels of land that we recently acquired. An

advanced copy was earlier provided to your office, Mr. Chairman. The Summary not only narrates the historical background, but attaches as exhibits documents which validate each undertaking.

Senators, the first two years were indeed a difficult period but also an experience which strengthened our faith to trust in the Lord. We are encouraged that parents and guardians of our students remain faithful to their children's education at Guam's first charter school. Their fidelity is the compelling catalyst for the Board and management to strive to provide the quality education our children so deserve and to seek and build a facility that will make available a gym to play basketball and other recreational activities instead of using the parking lot of our current Tiyan Campus -- a facility that will incorporate an auditorium for school assemblies and other functions, -- a library, a faculty resource center, and the list goes on.

December last year was a memorable Christmas blessing for GACS when a landowner whose ancestral land had just been returned approached the Board and asked if we were still looking for land to build a school. The size of the property was ideal and the cost per square meter was a bargain for land that is for sale around the neighboring area. Our legal counsel reviewed the legal authority and the acquisition instruments were executed and recorded with the Department of Land Management.

The property is currently zoned Agriculture "A" and the zoning law does allow a school to be built under a conditional use permit. However, it is the position of the Board to rezone the property as School "S-1" zone solely for its intended use as a school and for no other purposes.

As cited in our Executive Summary, the Board chose to pursue the route of a legislative rezoning for several imminent reasons – the most critical reasons are: (1) GACS lease with the Government of Guam for the Tiyan Campus expires this month, however, an amendment to the current MOA will extend the incubation period for another year to June, 2017. The time

period though for the administrative process is not conducive for our facilities expansion plan timeline; and (2) one of the requirements of the USDA financing is that the property be appropriately zoned or is undergoing a legitimate zone change process. GACS received a Notice of Eligibility from USDA and the deadline for the full application for this funding is July 31, 2016. The funding is for a 100% financing at a rate of 2.875%.

Part of the facilities financing will be opening the primary access from Route 15 near the main entrance to the Gloria Nelson Public Utilities Building. The route will be along easements designated by the Guam Ancestral Land Commission at the time of the return of these other ancestral lands. Along this access, we will also be installing a main waterline and power lines from Route 15 to the school. Our wastewater disposal system will be a self-contained treatment system. These improvements are contained within our master plan which is currently under concept, and the associated costs are included within our construction budget planning.

We have already embarked on the archeological survey and the environmental assessment. Additionally, our approach to alternate energy and clean power to reduce reliance on fossil fuel is not an afterthought but an integral part of our planning efforts. Although our DOI-Energy Grant was not awarded because of the lack of available funds to award all notable applications, we are pursuing other grants, private sector provider agreements or through our construction loan.

We will incorporate features for efficient storm drainage systems, permeable hardscape surfaces, judicious use of water-retention plant beds, hardy shade trees and “cooling” landscaping.

The Guam Tropical Energy Code, the International Energy Conservation Code, and modern construction methods and materials will be the primary drivers behind our energy-smart “green” school design, construction and

operations. Low-heat, low-draw appliances and fixtures will reduce electrical energy consumption with our target reduction of 20% minimum for a facility of this size over five years. Our facilities program will maintain reflective surfaces and cooling paints and coverings.

Guahan Academy Charter School is planning the entire project to require less water and power consumption than other contemporary facilities.

Our efforts will also provide groundwater recharge in accordance with the CNMI and Guam Storm Drain Manual. We are also taking a hard look at conserving resources and reducing waste. For instance, much of our instruction (and more and more in the near future) will be via electronic tablets and workbooks. This will allow us to reduce the volume of bound books and materials in favor of the modern learning platforms which is “cloud” or server-based. Through the use of low-flush plumbing fixtures, the engineering team has estimated that we will utilize less than 70% of normal projections for a school this size.

The intention of mentioning all of the above is to notify you, Mr. Chairman, and Senators that we are cognizant of all the regulatory requirements with which we will comply and in addition, we will propose and implement our own initiatives.

We pledge to be diligent stewards of funds from our government, and we are very grateful for every penny that comes to finance the needs of our students and the continuing operations of our school.

We will continue to empower our children to access learning options that work well with them and to attend to our crucial mission of early education: **teaching children to read.** And we will continue to commission independent evaluations of our students tests and share the assessment reports on their progress and achievements as we have done with recent reports.

I want to express and emphasize how blessed I am to have an assertive

and collaborative team in my fellow Trustees and with our charter school educational community. We recognize that the multitude of work ahead of us will be challenging. But the mission, goals and objectives of Guahan Academy Charter School remain the impetus to weather the challenges.

In closing, I share a meaningful graduation congratulatory message from Chairwoman, Mrs. Rosa Salas Palomo, of the Guam Academy of Charter Schools, the authorizer of all charter schools:

“Six years ago, the Board of Trustees of Guahan Academy Charter School submitted its application for a Charter School, employing the Direct Instruction methodology. History was made. Their application was approved and thus, Guahan Academy Charter School became the first charter school on Guam! Congratulations!

Three years ago, after some challenging times securing a facility, Guahan Academy Charter School opened its doors to 500 kindergarten through tenth grade students in Tiyan. Another historical event! Congratulations!

This year, Guahan Academy Charter School celebrates its first two graduates, Breeliant “Bree” Sablan and Jameilynn Zamora. Another major milestone in the history of Guam’s first charter school! Congratulations!

Congratulations are indeed in order; the accomplishments and milestones of Guahan Academy Charter School should be celebrated!

Indeed, we celebrate! We also join and celebrate with the National Alliance for Public Charter Schools in celebrating its 25th anniversary of

charter schools, with about 3 million students enrolled in over 6,800 charter schools. Two years ago, we were fortunate to have the author and founder of the nation's charter law, former Minnesota Senator, Ember Junge, visit Guam and be our guest during the Inaugural Charter Schools Week.

To accomplish the mission and goals of our charter school and add another milestone in the history of Guahan Academy Charter School -- our students, administrators, faculty and staff seek the support of the Guam Legislature in the passage of Bill 322-33, rezoning Lots 2260 and 2261-1 from Agriculture "A" zone to School "S-1" zone.

Un Dangkulo Na Si Yu'os Ma'ase from all of us at Guahan Academy Charter School. God bless you all.

Fe Valencia-Ovalles Chairwoman, Board of Trustees
Guahan Academy Charter School
P.O. Box CS, Hagatna, Gu 96932
feovalles.gacsbot@gmail.com
(671) 777-4622



BOARD OF TRUSTEES

OFFICERS:

Fe Valencia-Ovalles
Chairwoman

Terry DeBold
Vice Chairman

Rowena Zacarias
Secretary

Victor A. Perez
Treasurer

MEMBERS:

Theseus Mendiola
Jacqui Cyrus, MA, MEd, EdD.
Hentrick Eveluck
Richard Quiambao

Mary B. Mafnas, Principal
Ex-Officio Member

Administration:

Chief Executive Officer
Vincent Leon Guerrero

COMMITTEES

Executive

- Board Governance and Policy
- Finance and Procurement
- Grants and Development
- Human Resources
- Government and Public Affairs
- Special Education
- Technology

June 8, 2016

Honorable Senator Thomas C. Ada
Chairman, Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina'trentai Tres Na Liheslaturan Guahan
155 Hesler Place
Hagatña, GU 96910

Hafa Adai Honorable Chairman Ada, members of the Committee and senators present this morning:

My name is Vincent Leon Guerrero, Chief Executive Officer for the Guahan Academy Charter School (GACS). On behalf of the Board of Trustees of GACS, school administrators, faculty, staff, students and parents of our school, I wish to extend our sincere appreciation and gratitude for your expeditious response to our request for legislation and for timely scheduling a public hearing to receive testimony on Bill 322-33. More importantly, I wish to personally thank you for your sponsorship of Bill 322-33; we are humbled by such support.

It shouldn't surprise anyone to know that of course, I am here today to testify in support of Bill 322-33.

We thank you and Senator Nerissa Underwood's staff for meeting with our Board and providing us with information and guidance that led to the development of Bill 322-33, a bill that proposes to rezone Lots 2260 and 2261, in the Municipality of Barrigada, from its current zone status of "A", for Agriculture use, to "S" for School use. Our request to change our property from "A" to "S" zone status is not inconsistent with a conditional use for property zoned "A" – it can be used for a school, but only on a conditional basis, not a permanent basis. Thus our request in part is based on making permanent what is now only allowable conditionally.

The normal route for seeking to rezone property is to seek the zone change via the Department of Land Management and the Guam Land Use Commission. If we had the necessary time to follow these procedures, we most certainly would. However, as we shared with you, time is not on our side. That is why we are here today: to appeal to the Legislature for a remedy that is permissible and has been exercised in the past.

Our school opened its doors on August 2013 on Tiyan facilities that were made available to GACS by the Governor's Office on behalf of the Government of Guam, and in support of the first charter school authorized under local law. We were successful in securing the use of the premises as a start-up charter school for a period not to exceed three years. A formal Memorandum of Agreement (MOA) was signed but expires on June 30, 2016. We have since negotiated an extension for an additional year. Once the Attorney General and Governor sign the amended MOA, we will be authorized to stay until June 2017.

The reason we are seeking an expedited zone change via legislation is because of the time pressure to move off the Tiyan premises and into our own facility. Additionally, we are in the process of finalizing a loan from the US Department of Agriculture (USDA). This loan will provide us with the financing necessary to construct a school campus on the property that we acquired, but this property needs to be permanently zoned strictly for school use, based on communication with USDA staff. We need to complete our final application to USDA next month, and having our property zoned "S" is vital to our application, as it provides assurance to the federal agency we have acquired the right property for the right use.

Our request to rezone Lots 2260 and 2261 is simple. We are not proposing to rezone our property for controversial use. In fact, in order to realize our dream of building our new campus, we would have to bring in the necessary infrastructure, such as roads, water and power. Such improvements can only benefit our neighbors; we cannot see any downside to our planned investments. Our property and the surrounding land were recently returned by the Ancestral Land Use Commission, and improvements to our property provide critically needed access to utilities that would normally be cost-prohibitive for owners of the recently returned Ancestral Lands.

As you will hear in testimony today, we have the support of the Mayors and their Municipal Planning Councils in the villages of Barrigada and Mangilao. We will follow all required procedures to rezone property via a Legislative route. We wish to be good neighbors and good citizens in our new community. Your support to Bill 322-33 will not only help our school realize its dream to be on its own campus, but also allows us to finally have a place to call home. This planned campus allows us to recruit faculty, students and families who will no longer have to worry about where they will teach and learn from year to year.

Please help us become a prominent and permanent fixture in charter education on Guam. Please help us to achieve our motto, "***Guahan Academy Charter School, Guam's First Choice in Education***". We respectfully ask that you vote to pass Bill 322-33, not just in committee, but as it is brought before the full body for consideration for passage into law.

Si Yu'os Ma'ase,



Vincent Leon Guerrero

ceo.gacs@gmail.com

734-1067



June 8, 2016

To: Oversight Committee
Public Hearing Regarding Rezoning
Bill 322-23

Hafa Adai Committee:

This is our official testimony in support of Bill 322-23 concerning the rezoning of properties from agricultural to school for the future campus of Guahan Academy Charter School (GACS). It is our hope that our testimonies and advocacy of GACS supporters will lead to the support and adoption of Bill 322-23 giving GACS our "Forever Campus".

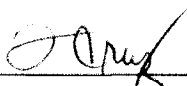
We face several obstacles being in a temporary setting. As tenants, we are unable to retrofit our campus to meet specific needs and services. It is extremely difficult to find areas to house support services such as counseling, social work, special education therapists. It is also difficult to implement certain projects and activities such as a school garden. Routine programs such as holiday celebrations, promotional ceremonies, testing coordination are also more challenging and tedious to accomplish.

Other challenges that can be addressed through the building of the permanent school facility include a fully functioning cafeteria and kitchen facility with the space to seat more students than our present facility allows us. Our students and teachers are mostly excited about being able to have sports activities in a fully equipped gymnasium and increased outdoor space especially for recess, lunch breaks and PE lessons.

We encourage our students and supporters of GACS to take pride in their school and community. It is our goal to make all students feel like they are a part of the GACS family; GACS is their home. Additionally, having a school in the area will contribute a positive family environment to the community. The rezoning from agricultural to school will prevent other types of businesses such as bars and adult novelty stores from infiltrating this developing village and surrounding areas. This will attract more families looking to raise their children in a welcoming and peaceful neighborhood.

We humbly ask for your support for Bill 322-23; the rezoning of the future site of Guahan Academy Charter School from an agricultural zone to a school zone.

Si Yu'os Ma ase,



Terry Cruz, Assistant Principal



Mary B. Mafnas, Principal

GUAHAN ACADEMY CHARTER SCHOOL

Address: P.O. Box CS, Hagatna, Guam 96932 • Website: www.guahanacademy.org • Phone: 979-1065/66



Barrigada Municipal Planning Council
Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

June 6, 2016

Honorable Thomas C. Ada
Chairman, Committee on Transportation, Infrastructure,
Lands, Border Protection, Veterans' Affairs and Procurement
I Mina'trentai tres na Liheslaturan Guåhan
Hagåtña, Guam 96910

Re: Bill No. 322-33 (COR) – An act to rezone lots 2260 and 2261, municipality of Barrigada from Agricultural “A” Zone to School “S-1” Zone.

Dear Chairman Ada, Members of the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, *Buenas yan Saludu para todos hamyu!*

Vice Mayor Jessie P. Bautista and I, together with members of the Barrigada Municipal Planning Council are here to submit testimony supporting Bill No. 322-33 (COR), “An act to rezone lots 2260 and 2261, municipality of Barrigada from Agricultural “A” zone to School “S-1” zone.” Unlike our previous positions on other zoning requests, we submit testimony in favor of the rezoning proposal contained in Bill No. 322-33 (COR) for the reasons provided for in §61217, Article 2 of Title 21, Guam Code Annotated, relative to the establishment of zones and boundaries.

Furthermore, §61217 entitled, Federal Excess Land Zoning provides that notwithstanding any provision of law, all federal excess land returned by the government of Guam to the original landowner shall be designated as Agricultural Zone (A). This section further provides that subsequent to the return of the properties by the government of Guam, the landowner, through the Planning Division of the Department of Land Management, may apply for a higher zone designation, up to a zone designation consistent with that of the majority of land contiguous to the returned land as of the date of the return by the government of Guam.

Also, as a matter of record, we found that a 1980 study to revise the current Zoning Law of Guam was completed along with recommendations. The legislation (Bill No. 322-33 (COR) fulfills the study's recommendation to establish policies to effectuate processes to designate land use zones on Federal releasable lands. Further, this bill reaffirms the Attorney General Opinion dated June 15, 1982 on the "Zoning of Releasable Federal Lands" (BP 82-0408).


It is our opinion that if this project is done right, we (Barrigada Municipal Planning Council) do not anticipate any negative infrastructure or fiscal impact or burden as a result of the legislation's passage.


The property owners abutting Lot Nos. 2260 and 2261, will benefit from the installation of the needed infrastructure and will encourage housing development in and around the immediate area.

Thank you for your time and attention and we look forward to your Committee's favorable reporting of Bill No. 322-33 (COR).

Sinsieramente,

GUAM LEGISLATURE
CENTRAL FILES


JUNE U. BLAS
Mayor

ACKNOWLEDGED & RECEIVED
DATE BY: 
9:58
6-08-16


JESSIE P. BAUTISTA
Vice Mayor

TESTIMONY OF
NITO BLAS
MAYOR OF THE MUNICIPALITY OF MANGILAO
IN SUPPORT OF BILL 322-33
REZONING OF LOTS 2260 AND 2261-1,
Municipality of Barrigada
From Agricultural Zone to School Zone
June 8, 2016

Senator Tom Ada, Chairman of this Committee, and members of your Committee and Honorable Senators.

My name is Nito Blas, and I am the Mayor of the Municipality of Mangilao. I am hereby to offer support to the rezoning of these two lots to a school zone. I support this rezoning because there

are several families from Mangilao proper and from Latte Heights who sent their children to Guahan Academy Charter School. There have been occasions where families were not able to register their children because there were no vacancies in the grades that their children would have enrolled in. With the expansion of the charter school, this will allow these families a better

opportunity to get their children enrolled at Guahan Academy Charter School. Mangilao has the following educational institutions: George Washington High School, the Guam Community College, the University of Guam, and the Pacific Island University. The addition of another educational institution in the Municipality of Barrigada and Municipality of Mangilao postures central Guam as the center of education in Guam. We welcome this expansion in education in our communities.

More importantly, we understand that public access roads from the Pagat area will be developed – opened and paved and to include water lines and power. We thank Guahan Academy Charter School this in their school expansion plan. This is a major improvement and undertaking to improve that area of ancestral lands that are now being returned to the original landowners. These landowners will benefit much from this infrastructure development which normally they would not been able to do this themselves or wait for a long, long time for the government to do it. I also want to thank Senator Tom Ada for assisting in this development and facilitating over the rezoning so that the only purpose that this land will be used is for a school.

Again, thank you Senator Ada and members of the Guam Legislature for the opportunity to have

me offer support to Bill 322-33 to rezone these two lots into a school zone. It's a good thing for the families all over the island who send their children to attend Guam's first charter school.

Si Yu'os Ma'ase ni ayudunmiyu para I eskulan Guahan Academy.





YIGO MAYOR'S OFFICE

"OFFICINAN I TAOTAO"

Rudy M. Matanane, Mayor
Anthony P. Sanchez, Vice Mayor

June 8, 2016

Reference: Guahan Academy Charter School
Rezoning of Lots 2260 and 2261, Barrigada
Bill 322-33

Good morning honorable Senators. For the record, my name is Mayor Rudy Matanane from the beautiful village of Yigo.

I am here in support of Bill 322-33. I want to congratulate the administrator, staff and most especially former Senator Marilyn Manibusan for calling me to support this bill for I would not have known about it and be here today. I am very thankful for being notified because I always want to support the children for a better education as they are our future leaders.

I am most especially honored because there are 55 children from Yigo attending the Guahan Academy Charter School. This is most important because this is where the roots starts for the Guahan Academy Charter School.

Recently, I spoke to the President of the Mayor's Council of Guam, Mr. Paul McDonald, for support of the rezoning of Lots 2260 and 2261, Barrigada, through Bill 322-33 from "A" (agricultural) to "S-1" (school zone) through a Resolution.

I see no problem with this to follow through if we work together.

As the representative of the Yigo Municipal Planning Council and a member of the Guam Education Board for the Mayor's Council of Guam, I urge all leaders and all concerned, to support Bill 322-33.

The Guahan Academy Charter School, deserves to have their roots extended for the benefit of the children and their future.

Thank you in advance for your support.

Senseramente,

Mayor Rudy M. Matanane

Guam Academy Charter Schools Council
#3 Deans Circle, Micronesian Language Institute
University of Guam
UOG Station, Mangilao, Guam 96913
Voice: (671) 735-2193/1; Cell: (671) 727-5522; Fax: (671) 734-0455

July 6, 2016

Honorable Senator Thomas C. Ada
Chairman, Committee on Transportation, Infrastructure, Lands,
Border Protection, Veteran's Affairs and Procurement
I Mina' Trentai Tres na Lihelatruan Guahan
155 Hesler Place
Hagåtña, Guam 96910

RE: Testimony on Bill No. 22-33 (COR): An Act to Rezone Lots 2260 and 2261, Municipality of Barrigada from Agricultural "A" Zone to School "S-1" Zone, and Bill 335-33 (COR) An Act to Amend and Add New Subsections (a), (b), (c), (d) and (e) to §60401 of Chapter 60, ... and Votes Needed for Approval.

Dear Chairman Ada:

Bueñas yan háfa adai.

In my oral testimony on June 29, 2016 at the Barrigada Mayor's Office, I stated that I supported Bill Nos. 322-33 (COR) and 335-33 (COR). However, I was speaking as a private citizen and not as the Chairwoman of the Guam Academy Charter Schools Council. I explained that I was not able to verbalize the Council's testimony that evening because the Council had not yet discussed the Bills. Further, I added that the Council had a scheduled meeting the immediate next day, June 30, 2016 at which time the aforementioned subject was included in the agenda. Additionally, I informed you that as soon as the Council entertained and acted on the Bills, I will submit written testimony.

In my personal testimony, I made it known that I was extremely concerned that there was only one entry and exit road to and from the proposed school site. I made mention of some of the break-ins and burglaries that schools in similar situations have encountered as a result of properties with only one entry and exit road. Furthermore, this concern is of utmost importance in light of potential endangerment to students as a result of fires and other unforeseen circumstances. Having alternative routes to and from the sites enable evacuations from the site more accessible and ensures more safety measures.

The Guam Academy Charter Schools Council met on June 30, 2016, Friday, and approved a motion to support the passage of Bill No. 322-33(COR). However, they also wanted to express

their concern over the one entry and exit road into the proposed school site. Council members present were Jamie Mason, Francis Toves, Eloise Sanchez (representing Superintendent Fernandez), and myself.

With regards to Bill No. 335-33(COR), the Council had no objections.

Un gof dangkolo na si Yu'os ma'åse' for affording the Guam Academy Charter Schools Council the opportunity to submit testimony on these Bills. Should additional information or clarification be needed in regards to Bill No. 322-33(COR), please do not hesitate to contact me.

Astaki,

A handwritten signature in black ink, appearing to read 'Rosa Salas Palomo', with a long horizontal flourish extending to the right.

Rosa Salas Palomo

Chair, Guam Academy Charter Schools Council

cc: Members, Guam Academy Charter Schools Council
Chairwoman, Guahan Academy Charter School
CEO, Guahan Academy Charter School

William & Sandra Lucas
P. O. Box 26723
Barrigada, Guam 96921
671-734-4683

June 8, 2016

Senator Thomas Ada
Chairman, Committee on Lands and Transportation
33rd Guam Legislature
Ada Plaza Center, Suite 207
173 Aspinall Avenue
Hagatna, Guam 96921

RE: TESTIMONY IN SUPPORT OF BILL NO 322-33

Dear Chairman Ada,

Unfortunately, I am not able to make the public hearing scheduled for today; however, I did want to state my support for this bill rezoning Lots 2260 and 2261, Municipality of Barrigada from Agriculture "A" Zone to School "S-1" Zone in order to build the Guahan Academy Charter School. I have been a resident of Pagat, Mangilao for the past 7 years, and a resident of Guam for more than 30 years. As a foster parent of 4 elementary children, 3 of whom have attended Guahan Academy the last 2 years, it is my personal opinion that the land should be rezoned to build the academy for the following reasons:

1. Obviously having another quality institution of education is going to be beneficial to the island;
2. Charter schools provide a choice to parents who cannot afford private schools;
3. Having attended the same school from 1st-12th grade in a rural community in Michigan, it is my experience that this provides stability and school pride;
4. Guahan Academy's involvement with the Trades Academy is very beneficial. I have a son who loves to fix things. This academy would be an asset to him once he reaches high school;
5. Our children are benefiting very much from direct instruction. Our daughter who is going into 4th grade can easily read 6th grade level books and comprehend what she is reading; and
6. We are personally excited about the new plans for the facility, especially the fine-arts theater, swimming pool, gymnasium and field. Our children, who are very gifted in many of these areas, as well as any other child who attends this school, will greatly benefit from a high quality facility such as this.

Thank you very much for writing this bill. I appreciate you taking my testimony into consideration.

Very respectfully yours,



WILLIAM LUCAS



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: roryforguam@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

June 9, 2016

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Thomas C. Ada** *[Signature]*
Acting 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. 298-33(COR)
- Bill No. 317-33(COR)
- Bill No. 322-33(COR)
- Bill No. 324-33(COR)
- Bill No. 329-33(COR)

FISCAL NOTE WAIVER:

- Bill No. 316-33(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 JUN 10 AM 10:05 [Signature]

Bureau of Budget & Management Research
Fiscal Note of Bill No. 322-33 (COR)

AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL "A" ONE TO SCHOOL "S-1" ZONE.

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	<u>3,111,311</u>
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? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / X / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / X / Yes / / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ X / Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u>	Date: <u>6/08/16</u>	Director: <u>José S. Calvo</u>	Date: <u>6-8-16</u>
Jason Baza, BMA II		José S. Calvo, Director	

Notes:
Per the legislation, the Guahan Academy Charter School ("Academy") recently purchased the subject lots as part of their plan to build a permanent campus. In addition, the legislation states that the Academy has submitted requests for federal assistance to construct a permanent campus and road on a public rights-of-way access to the permanent school site. The federal assistance funds are contingent on ownership of real property as well as conforming to local land use laws, thus the necessity to rezone the subject properties from "A" to "S-1". Because construction of both the school and access road are to be funded through federal sources, the Bureau does not anticipate an adverse effect on any Government of Guam fund sources. Subsequent costs include the surveying of the public rights-of-way for construction of the road to the permanent campus, which Section 3(c) of the proposed legislation places the responsibility of covering such cost on the Academy.



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: roryforguam@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

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. 322-33(COR) through 325-33(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
322-33 (COR)	T. C. Ada	AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE.
323-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.
324-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO AMEND SUB-ITEM (jj) OF § 61103, OF ARTICLE 1, AND §61304(B) AND §61305(B) OF ARTICLE 3 OF CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED; TO ADD A NEW SUBITEM (KK) OF §61103 OF ARTICLE 1, ; TO ADD A NEW SUB-ARTICLE 1 TO ARTICLE 1, A NEW SUB-ARTICLE 2 TO ARTICLE 1 CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO CLARIFYING THE DEFINITION OF A BED AND BREAKFAST AND TO ESTABLISHING CONDITIONAL USE OF BED AND BREAKFAST AND SHORT-TERM VACATION UNITS; TO AUTHORIZING SHORT-TERM VACATION RENTALS ON GUAM, AND TO PROVIDE SUCH REQUIREMENTS AS ARE NECESSARY AND PROPER FOR THE OPERATION OF THE BED AND BREAKFAST AND SHORT-TERM VACATION UNITS ON GUAM.
325-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO ADD A NEW §51112 TO CHAPTER 51, TITLE 18 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CIVIL PENALTIES FOR OWNER-PROPRIETORS LEASING REAL PROPERTY AS A LODGING FACILITY AND OPERATING WITHOUT THE PROPER LICENSES.



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: roryfonguam@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 19, 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. 322-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 322-33(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

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
322-33 (COR)	T. C. Ada	AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE.	05/18/16 3:37 p.m.	05/19/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Senator Tom Ada

Peter Tran <peter@senatorada.org>

1st Notice of Confirmation / Public Hearing: Wednesday, June 08, 2016 at 9:00 a.m.

1 message

Charlene Flores <flores@senatorada.org>

Tue, May 31, 2016 at 8:19 AM

To: Media <media@senatorada.org>, Melanie Mendiola <melmendiola@gmail.com>, Hardy Tan Vy <hardytan@gmail.com>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, teresa.topasna@land.guam.gov, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, jbrown@portguam.com, mduenas@portguam.com, franksantos1914@hotmail.com, jarroyo@tgguam.net, angelatenorio.indalecio@outlook.com, jbenavente@gpagwa.com, agumataotao@gpagwa.com, Marilyn Manibusan <info.gacsbot@gmail.com>, legalcounsel.gacsbot@gmail.com, wbsmflor@wbflores.com, phnotice@guamlegislature.org

May 31, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*Subject: **1st Notice of Confirmation / Public Hearing: Wednesday, June 08, 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 confirmation/public hearing on **Wednesday, June 08, 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 AM

Executive Appointment of **Ms. Melanie R. Mendiola** to serve as a **member** of the **Guam Port Authority Board of Directors**.

Executive Appointment of **Mr. Hardy Tan I. Vy** to serve as a **member** of the **Guam Land Use Commission**.

Executive Appointment of **Mr. Pascual V.A. Sablan** to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill No. 320-33 (COR) – T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33(COR) –T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone, for *Guahan Academy Charter School*.

Testimony on the **Executive Appointment of Ms. Melaine Mendiola, Executive Appointment of Mr. Hardy Tan Vy, Executive Appointment of Mr. Pascual Sablan, Bill No. 320-33 (COR), Bill No. 321-33 (COR), and Bill No. 322-33 (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 **4:00pm Wednesday, June 08, 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 Liheslaturan Guåhan - 33rd Guam Legislature

671-473-3301

 1st Notice.pdf
531K



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 31, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **1st Notice of Confirmation / Public Hearing: Wednesday, June 08, 2016 at 9:00 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a confirmation/public hearing on **Wednesday, June 08, 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 AM

Executive Appointment of **Ms. Melanie R. Mendiola** to serve as a **member** of the **Guam Port Authority Board of Directors**.

Executive Appointment of **Mr. Hardy Tan I. Vy** to serve as a **member** of the **Guam Land Use Commission**.

Executive Appointment of **Mr. Pascual V.A. Sablan** to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill No. 320-33 (COR) – T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33(COR) –T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone, for *Guahan Academy Charter School*.

Testimony on the **Executive Appointment of Ms. Melaine Mendiola, Executive Appointment of Mr. Hardy Tan Vy, Executive Appointment of Mr. Pascual Sablan, Bill No. 320-33 (COR), Bill No. 321-33 (COR), and Bill No. 322-33 (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 **4:00pm Wednesday, June 08, 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.



Senator Tom Ada

Peter Tran <peter@senatorada.org>

2nd Notice of Confirmation / Public Hearing: Wednesday, June 08, 2016 at 9:00 a.m.

1 message

Charlene Flores <flores@senatorada.org>

Mon, Jun 6, 2016 at 8:22 AM

To: Media <media@senatorada.org>, Melanie Mendiola <melmendiola@gmail.com>, Hardy Tan Vy <hardytan@gmail.com>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, teresa.topasna@land.guam.gov, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, jbrown@portguam.com, mduenas@portguam.com, franksantos1914@hotmail.com, John Arroyo <jarroyo@tggguam.net>, angelatenorio.indalecio@outlook.com, jbenavente@gpagwa.com, agumataotao@gpagwa.com, sbias@gpagwa.com, mcamacho@gpagwa.com, Marilyn Manibusan <info.gacsbot@gmail.com>, legalcounsel.gacsbot@gmail.com, wbsmflor@wbflores.com, bmomayor@gmail.com, Jessie Bautista <jessie.bautista007@gmail.com>, agatmayorsoffice@hotmail.com, ksusuico@yahoo.com

June 6, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*Subject: **2nd Notice of Confirmation / Public Hearing: Wednesday, June 08, 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 confirmation/public hearing on **Wednesday, June 08, 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 AM

Executive Appointment of **Ms. Melanie R. Mendiola** to serve as a **member** of the **Guam Port Authority Board of Directors**.

Executive Appointment of **Mr. Hardy Tan I. Vy** to serve as a **member** of the **Guam Land Use Commission**.

Executive Appointment of **Mr. Pascual V.A. Sablan** to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill No. 320-33 (COR) – T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33(COR) –T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone, for Guahan Academy Charter School.

Testimony on the **Executive Appointment of Ms. Melaine Mendiola**, **Executive Appointment of Mr. Hardy Tan Vy**, **Executive Appointment of Mr. Pascual Sablan**, **Bill No. 320-33 (COR)**, **Bill No. 321-33 (COR)**, and **Bill No. 322-33 (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 **4:00pm Wednesday, June 08, 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 Liheslaturan Guåhan - 33rd Guam Legislature

671-473-3301

 2nd Notice.pdf
524K




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

June 6, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **2nd Notice of Confirmation / Public Hearing: Wednesday, June 08, 2016 at 9:00 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a confirmation/public hearing on **Wednesday, June 08, 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 AM

Executive Appointment of **Ms. Melanie R. Mendiola** to serve as a **member** of the **Guam Port Authority Board of Directors**.

Executive Appointment of **Mr. Hardy Tan I. Vy** to serve as a **member** of the **Guam Land Use Commission**.

Executive Appointment of **Mr. Pascual V.A. Sablan** to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill No. 320-33 (COR) – T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33(COR) –T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone, for *Guahan Academy Charter School*.

Testimony on the **Executive Appointment of Ms. Melaine Mendiola, Executive Appointment of Mr. Hardy Tan Vy, Executive Appointment of Mr. Pascual Sablan, Bill No. 320-33 (COR), Bill No. 321-33 (COR), and Bill No. 322-33 (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 **4:00pm Wednesday, June 08, 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.

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

Updated: May 23, 2016

30thguamyouthcongress@gmail.com	committee@frankaguonjr.com	jean@tinamunabarnes.com
action@weareguahan.com	communications@frankaguonjr.com	jenataisague@guamlegislature.org
admin2@guamrealtors.com	communications@guam.gov	jennifer.lj.dulla@gmail.com
admin@frankaguonjr.com	cor@guamlegislature.org	joan@kuam.com
admin@guamrealtors.com	coy@senatorada.org	joe@toduguam.com
admin@weareguahan.com	cyrus@senatorada.org	joesa@guamlegislature.org
aguon4guam@gmail.com	danireyes@senatorbjcruz.com	john.calvo@noaa.gov
agusto.aflague@gmail.com	dcrisost@guam.gannett.com	john@postguam.com
ahernandez@guamlegislature.org	debbieretuyan@judiwonpat.com	johnluces@toduguam.com
alan@tinamunabarnes.com	delisleduenas@judiwonpat.com	johntaoconnor@gmail.com
alerta.jermaine@gmail.com	desori623@hotmail.com	jon.calvo@mail.house.gov
aline4families@gmail.com	divider_j_jimenez@hotmail.com	jontalk@gmail.com
am800guam@gmail.com	dleddy@guamchamber.com.gu	jpmanuel@gmail.com
amandalee.shelton@mail.house.gov	dmgeorge@guampdn.com	jstedtaotao@gmail.com
amcborja@gmail.com	duenasenator@gmail.com	jtenorio@guamcourts.org
anitaataligmani@gmail.com	ed@tonyada.com	julian.c.janssen@gmail.com
ann@toduguam.com	edelynn1130@hotmail.com	juliette@senatorada.org
ataligba@gmail.com	editor@postguam.com	kai@spbguam.com
assist_editor@glimpsesofiguam.com	editor@saipantribune.com	kcharfauros74@gmail.com
av@guamlegislature.org	edpocaigne@judiwonpat.com	kcn.kelly@gmail.com
avillaverde@guamlegislature.org	elena.garcia@senatorbjcruz.com	keepinginformed.671@gmail.com
avon.guam@gmail.com	emqcho@gmail.com	kelly.toves@mail.house.gov
baza.matthew@gmail.com	eo@guamrealtors.com	kennylg@guamlegislature.org
bdydasco@senatorada.org	etajalle@guamlegislature.org	kenq@kuam.com
bernice@tinamunabarnes.com	ewinston1@yahoo.com	khmg@hbcguam.net
berthaduenas@guamlegislature.org	fbtorres@judiwonpat.com	koreannews@guam.net
bmkelman@guampdn.com	fes22744@gmail.com	koreatv@kuentos.guam.net
brantforguam@gmail.com	flores@senatorada.org	kstokish@gmail.com
bruce.lloyd.media@gmail.com	frank.blasjr@gmail.com	kstonews@ite.net
bshringi@moylans.net	frank@judiwonpat.com	kurtzman.guamlegis@gmail.com
caquino@tinamunabarnes.com	gerry@postguam.com	law@guamag.org
carlaborja.73@yahoo.com	gerrypartido@gmail.com	legislativecounsel@guamlegislature.org
carlo.branch@gmail.com	gktv23@hotmail.com	leling@judiwonpat.com
carlo.branch@senatorbjcruz.com	guadalupeignacio@gmail.com	life@guampdn.com
carlsanchez@judiwonpat.com	guam.avon@gmail.com	ljalcairo@gmail.com
carlsonc@pstripes.osd.mil	guam@pstripes.osd.mil	llmatthews@guampdn.com
ccastro@guamchamber.com.gu	guamnativesun@yahoo.com	louise@tonyada.com
ccharfauros@guamag.org	hana@guam-shinbun.com	m.salaila@yahoo.com
cgogue@guampdsc.net	hermina.certeza@senatorbjcruz.com	managingeditor@glimpsesofiguam.com
cheerfulcatunao@yahoo.com	hill.bruce@abc.net.au	mabuhaynews@yahoo.com
christine.quinata@takecareasia.com	hottips@kuam.com	mahoquinene@guam.net
chucktanner@toduguam.com	ihernandez@guamlegislature.org	malainse@gmail.com
cipo@guamlegislature.org	info@chinesetimesguam.com	maria.pangelinan@gec.guam.gov
clerks@guamlegislature.org	james.servino@guamlegislature.org	marilyntablante@gmail.com
clynt@spbguam.com	jason@kuam.com	martavictoriapalmertree@gmail.com
cmduenas@guamlegislature.org	jason@senatormorrison.com	marycamachotorres@gmail.com

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

Updated: May 23, 2016

maryfejeran@gmail.com	sarah.elmore@senatorbjcruz.com
marym@guamlegislature.org	senator@senatorbjcruz.com
matthew.santos@senatorbjcruz.com	senator@tinamunabarnes.com
mcarlson@guamlegislature.org	senatorbrantmccreadie@gmail.com
mcperson.kathryn@abc.net.au	senatordrodriguez@gmail.com
mcruz@hitradiol00.com	senatorsannicolas@gmail.com
media@frankaguonjr.com	senatortonyada@guamlegislature.org
menchu@toduguam.com	senatorunderwood@guamlegislature.org
millie@tinamunabarnes.com	senjvespaldon@gmail.com
mindy@kuam.com	sgtarms@guamlegislature.org
mis@guamlegislature.org	sitarose2@yahoo.com
mlwheeler2000@yahoo.com	sixquintanilla@gmail.com
monty.mcdowell@amiguam.com	slimtiaco@guampdn.com
mspeps4873@gmail.com	smendiola@guamlegislature.org
mwatanabe@guampdn.com	sonedera-salas@guamlegislature.org
natasha@toduguam.com	speaker@judiwonpat.com
nb.underwood@yahoo.com	staff@frankaguonjr.com
news@guampdn.com	stephaniemendiola@gmail.com
news@spbguam.com	tasigirl@gmail.com
nick@kuam.com	tcastro@guam.net
norman.aguilar@guamcc.edu	tcruznelson@gmail.com
office@senatorada.org	team5andahalfstar@gmail.com
officeassistant@frankaguonjr.com	telo.taitague@visitguam.org
oliviampalacios@gmail.com	thebigshow@k57.com
onlyonguam@acubedink.com	tina.alicto@yahoo.com
orleen@senatorbjcruz.com	tina@tinamunabarnes.com
orsini.rikki@gmail.com	tjtaitano@cs.com
oyao1.ngirairikl@gmail.com	tom@senatorada.org
pacificjournalist@gmail.com	tommy@senatormorrison.com
parroyo@k57.com	tony@senatorada.org
pdkprg@gmail.com	tony@tonyada.com
pete@tonyada.com	tritten@pstripes.osd.mil
phill@spbguam.com	tterlaje@guam.net
procurement@guamlegislature.org	vparriola1@gmail.com
policy@frankaguonjr.com	vpaulino@guamlegislature.org
publisher@glimpsesofofguam.com	xiosormd@gmail.com
rennae@guamlegislature.org	xiosormd@yahoo.com
responsibleguam@gmail.com	ylee2@guam.gannett.com
rfttehan@yahoo.com	
ricknauta@hitradiol00.com	
rlimtiaco@guampdn.com	
robert@postguam.com	
rolly@ktkb.com	
roryforguam@gmail.com	
rowena@senatormorrison.com	
sabrina@kuam.com	



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

CONFIRMATION / PUBLIC HEARING

Wednesday, June 08, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

9:00am

Executive Appointment of **Ms. Melanie R. Mendiola** to serve as a **member** of the **Guam Port Authority Board of Directors**.

Executive Appointment of **Mr. Hardy Tan I. Vy** to serve as a **member** of the **Guam Land Use Commission**.

Executive Appointment of **Mr. Pascual V.A. Sablan** to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill No. 320-33 (COR) – T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33(COR) –T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) – T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural “A” Zone to School “S-1” Zone, for *Guahan Academy Charter School*.



Sen. Thomas Ada
Committee on Lands and Transportation
Confirmation / Public Hearing Notice

Wednesday, June 08, 2016, 9AM
I Liheslaturan Guahan, Public Hearing Room

AGENDA

At 9:00 AM:

Executive Appointment of Ms. Melanie R. Mendiola to serve as a member of the Guam Port Authority Board of Directors.

Executive Appointment of Mr. Hardy Tan I. Vy to serve as a member of the Guam Land Use Commission.

Executive Appointment of Mr. Pascual V.A. Sablan to serve as a member of the Chamorro Land Trust Commission.

Bill No. 320-33 (COR) - T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the design and installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33 (COR) - T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) - T.C. Ada

An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone.

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

Paid for by funds of the Committee on Lands and Transportation

www.senatorada.org



Sen. Thomas Ada

Committee on Lands and Transportation Confirmation / Public Hearing Notice

**Wednesday, June 08, 2016, 9AM
I LiheSlaturan Guahan, Public Hearing Room**

AGENDA

At 9:00 AM:

Executive Appointment of Ms. Melanie R. Mendiola to serve as a member of the Guam Port Authority Board of Directors.

Executive Appointment of Mr. Hardy Tan I. Vy to serve as a member of the Guam Land Use Commission.

Executive Appointment of Mr. Pascual V.A. Sablan to serve as a member of the Chamorro Land Trust Commission.

Bill No. 320-33 (COR) - T.C. Ada

An act to authorize the expenditure of up to thirty thousand dollars (\$30,000) from the *Chamorro Land Trust Survey and Infrastructure Fund* for the design and installation of power infrastructure in basic Lot 480, *Santa Ana*, Municipality of *Agat*.

Bill No. 321-33 (COR) - T.C. Ada

An act to amend Section 2 of Public Law 33-104, relative to extending the payment period for the expired Land for the Landless contracts; to waive the 10 year wait period prior to the transfer of property for exceptional cases; to provide a waiver for existing residents of affected lots; and to provide for a journal voucher transfer of funds.

Bill No. 322-33 (COR) - T.C. Ada

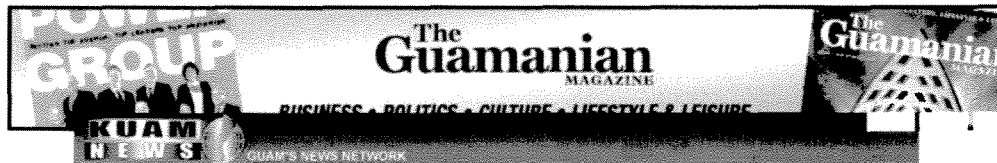
An act to rezone Lots 2260 and 2261, Municipality of *Barrigada* from Agricultural "A" Zone to School "S-1" Zone.

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

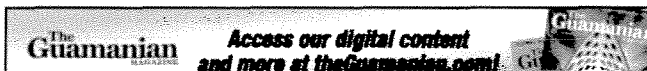
Paid for by funds of the Committee on Lands and Transportation

www.senatorada.org

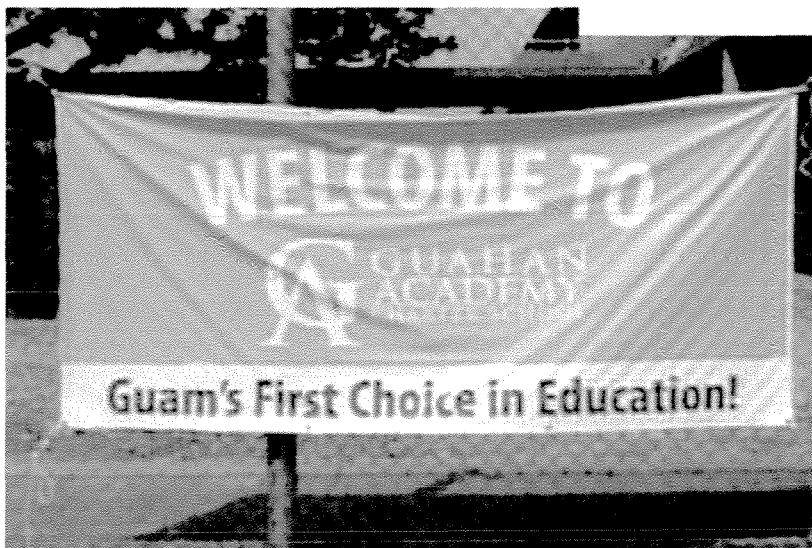
Guam Daily Post - 06 June 2016



[NEWS](#) [DECISION 2016](#) [SPORTS](#) [TV](#) [RADIO](#) [VIDEO](#) [WEATHER](#) [ABOUT](#) [LIFESTYLE](#)



Mayors supporting bill to rezone Barrigada land for charter school



Posted: Jul 13, 2016 2:10 PM
Updated: Jul 13, 2016 2:10 PM

By Isa Baza [CONNECT](#)

The Mayor's Council of Guam is publicly supporting Bill 322, which would rezone two lots in the Radio, Barrigada area from an agricultural "A" zone to school "S-1" zone. Although it's unusual to rezone land through legislation, Guahan Academy Charter School executive director Vince Leon Guerrero said the change is needed to build a permanent campus for the charter school within a two-year timeframe.

Without the change, federal funding for the campus could be compromised.

A public meeting will be held to discuss this bill with community stakeholders at the Barrigada Community Center tonight at 6pm, and then again on Thursday at the Mangilao Community Center at 6pm.



[Meet Our Team](#)
[Contact Us](#)
[Jobs](#)
[Site History](#)
[Accessibility](#)
[KUAM Classifieds](#)
[RSS](#)

[Home](#)
[News](#)
[Weather](#)
[Sports](#)
[Videos](#)

[TV App](#)
[Android App](#)
[TV Apps](#)
[RSS Feeds](#)

 **Frankly and KUAM. All Rights Reserved. For more information on this site, please read our [Privacy Policy](#), and [Terms of Service](#), and [Ad Choices](#).**

http://www.postguam.com/news/local/charter-school-looks-forward-to-permanent-campus/article_bebc5552d4f-11e6-8c4a-2fe732d6f875.html

<

PREVIOUS

Deputy Superintendent Assumes Role as Acting Superintendent of Education

Joseph Sanchez will take on the role of Acting Superintendent of the Guam Depart...

>

NEXT UP

Alleged child rapist will go to trial for third time

On July 15, the Supreme Court of Guam issued an opinion by Associate Justice Kat...

Charter school looks forward to permanent campus

John O'Connor | Post News Staff Jun 11, 2016



CAMPUS: The Guahan Academy Charter School may be able to move into a new campus as soon as the second semester of 2017-2018 school year if plans for the construction of the new school move forward as scheduled. Post file photo

Students attending the Guahan Academy Charter School may be able to move into a new campus as soon as the second semester of the 2017-2018 school year if plans for the construction of a new school move forward as desired.

Officials from GACS testified before Sen. Thomas Ada's committee on lands Wednesday in favor of a bill that would rezone lots in Barrigada from agricultural "A" zoning to school "S-1" zoning.

The rezoning is a requirement for a U.S. Department of Agriculture loan for the construction of a new campus. GACS had been provided temporary use of its Tiyan facility by the Office of the Governor, on behalf of the government of Guam, since it opened in August 2013.

The lease was for a period not to exceed three years. The memorandum of agreement allowing use of the premises is set to expire by the end of this month, but GACS has managed to negotiate a one-year lease extension. If the attorney general and governor approve the extension, GACS will be able to remain at Tiyan for an additional year, up to June 2017.

The normal route for rezoning is to go through the Department of Land Management and Urban Use Commission. But as Vince Leon Guerrero, the new CEO of GACS, stated in his testimony, "we are seeking an expedited zone change via legislation because of the time pressure to move off Tiyan premises. ... Additionally, we are in the process of finalizing a loan from (USDA)."

In order to gain approval for the loan, which, as requested, is about \$7.8 million, the property to be developed must be zoned for school use. GACS is eyeing two rural lots in Barrigada that combine for a total of 15.5 acres. The lots were returned to the original landowners by the Ancestral Land Commission. The lots were purchased by GACS for a total of \$1.5 million on Feb. 2, according to GACS documents.

Expansion

Fe Valencia-Ovalles, chairwoman of the GACS board of trustees, said the academy has been working on a facilities expansion program since September 2013.

By the 2017-2018 school year, GACS hopes to be able to absorb about 1,000 students. The USDA loan can provide for a campus that can hold up to 750 students in its initial phase. GACS is also looking at a federal grant administered by the Guam Housing and Urban Renewal Authority to

process the next phase.

Leon Guerrero said the GHURA grant was for \$4.5 million and should allow for the construction of a fine arts theater and additional classrooms, providing capacity for up to 250 more students.

"USDA has given us an indication that if the (GHURA grant) falls through and we need to add (the \$4.5 million) on as an amendment, they're looking at that very favorably also," Leon Guerrero said.

According to Valencia-Ovalles, the new campus is expected to include a gymnasium, an auditorium, a library, and a faculty resource center, among other facilities.

Testimony for the bill was largely supportive. However, Ada suggested that GACS look carefully at the contingency for the construction of the new school.

According to the measure, the issuance of construction permits requires that GACS construct an access road leading from Route 15, near the entrance of the Gloria B. Nelson Public Service building, to the new facility. The grant includes funding for the construction of the road, the bill stated.

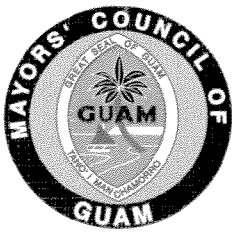
"The opening of the public access will enable construction of the permanent campus and support infrastructure," it added. "The public access will also enable development in the surrounding area."

If the bill becomes law, Leon Guerrero said the next major hurdle is to secure interim financing for development costs. But all the interim financing would eventually be covered by the USDA grant, he said.

"It's all part of the \$7.8 million cost estimate," Leon Guerrero said.

John O'Connor

Reporting on utilities, healthcare, education and other topics.



Mayors' Council of Guam

Konsehelon Mahot Guahan

July 7, 2016

The Honorable Thomas C. Ada
Senator
33rd Guam Legislature
Suite 207, Ada Plaza Center
Hagåtña, Guam 96910

Dear Senator Ada,

Buenas Yan Hafa Adai! Transmitted herewith for your information and file is a copy of Resolution No. 16-06 **RELATIVE TO THE MAYORS' COUNCIL OF GUAM SUPPORTING BILL NO. 322-33, AN ACT TO REZONE LOTS 2260 AND 2261-1, MUINICIPALITY OF BARRIGADA, FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE** which was duly and regularly adopted by the Mayors' Council of Guam on Wednesday, July 6, 2016.

Thank you for your attention regarding this matter. If you should have any questions or comments relative to the above resolution, please do not hesitate to call me.

Senseramente,

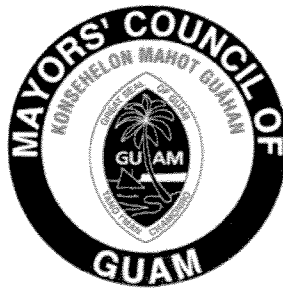
ANGEL R. SABLAN
Executive Director

Attachment

cc.: File/Chrono

COUS TOARES
7/07/16
3:51 PM
RECEIVED by the
Office of Senator
Thomas C. Ada



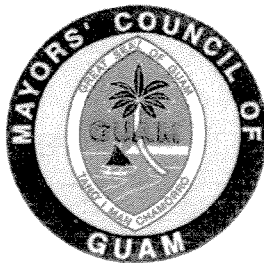


CERTIFICATION OF THE ADOPTION OF A MAYORS' COUNCIL RESOLUTION

THIS IS TO CERTIFY THAT RESOLUTION NO. 16-06, RELATIVE TO SUPPORTING BILL NO. 322-33, AN ACT TO REZONE LOTS 2260 AND 2261-1, MUNICIPALITY OF BARRIGADA, FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE WAS ADOPTED ON THE 6TH DAY OF JULY 2016.

MAYOR CAROL S. TAYAMA, SECRETARY
Mayors' Council of Guam

COY TORRES
7/07/16 3:51 PM
RECEIVED by the
Office of Senator
Thomas C. Ada



MAYORS' COUNCIL OF GUAM

Resolution No. 16-06

Introduced By:

Mayor J.U. Blas
Vice Mayor J.P. Bautista
Mayor N.C. Blas
Vice Mayor A.R.G. Ungacta
Mayor R.M. Matanane
Vice Mayor A.P. Sanchez
Mayor R.RDC Hofmann
Vice Mayor R.D. Iriarte
Mayor P.M. McDonald
Mayor L.C. Rivera
Mayor C.S. Tayama
Mayor J.A. Cruz
Mayor K.J. M. Ada
Mayor D.E. Alvarez
Vice Mayor A.A. Benavente
Mayor J.M.C. Blas
Mayor E.T. Chargualaf
Mayor J.C. Gogue
Mayor V.D. Gumataotao
Mayor D.F. Lujan
Mayor J.A. Quinata
Vice Mayor K.C. Santos
Mayor M.B. Savares
Vice Mayor K.T. Susuico
Mayor V.S. Taitague
Mayor A.C. Villagomez

RELATIVE TO THE MAYORS' COUNCIL OF GUAM SUPPORTING BILL NO. 322-33, AN ACT TO REZONE LOTS 2260 AND 2261-1, MUINICIPALITY OF BARRIGADA, FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE.

1 WHEREAS, the Board of Trustees through its adopted GACS Resolution 5-2016-
2 110A requested the assistance of the Guam Legislature to rezone Lot Nos. 2260 and 2261-
3 1, Municipality of Barrigada, from Agricultural (A) to School Zone (S-1);

4 WHEREAS, the Honorable Senator Tom Ada, Chairman of the Committee on
5 Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and
6 Procurement, introduced Bill No. 322-33, a copy of which is attached as Exhibit A;

7 WHEREAS, since students come from most of the municipalities of Guam, the
8 Mayors Council find it fitting and proper to support the families and guardians of
9 students who have exercised their choice in sending their children to Guahan Academy
10 Charter School; *now, therefore be it*

11 RESOLVED, that the *Konsehelon Mahot Guâhan* does hereby, on behalf of the
12 families and guardians of students throughout Guam who attend Guahan Academy
13 Charter School, support Bill No. 322-33 (COR), authored and sponsored by the Honorable
14 Tom Ada; and

15 BE IT FURTHER RESOLVED, that the *Konsehelon Mahot Guâhan* applauds the
16 efforts of the Board of Trustees for the acquisition of land for the future site of its new
17 school facility that would benefit the children island-wide and extend its heartfelt *Si Yu'os*
18 *Ma'ase*; and

19 BE IT FURTHER RESOLVED, that the President certify, and the Secretary of the
20 Council attest to, the adoption hereof and that copies of the same be thereafter
21 transmitted to the Board of Trustees and Administrators of Guahan Academy Charter
22 School, to the Parent-Teacher Organization of Guahan Academy Charter School, to the
23 Honorable Senator Tom Ada, sponsor of Bill No. 322-33 and Chairman of the Committee
24 on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and
25 Procurement, to Chairwoman Rosa Salas Palomo and Members of the Guam Academy
26 Charter Schools Council, to Superintendent Jon Fernandez of the Guam Department of
27 Education, to the Municipal Planning Councils of Barrigada and Mangilao which has

DEPARTMENT OF LAND MANAGEMENT LAND ZONING CONSIDERATION REPORT

**For Bill No. 322-33
June 29, 2016**

To The Honorable Thomas C. Ada, Chairman, Committee on
Transportation, Infrastructure, Lands, Border Protection, and Veterans'
Affairs & Procurement

As submitted by the Director of the Department of Land Management
pursuant to Public Law 31-157.

As referenced to Legislative Bill 322-33, An Act to Rezone Lots 2260 and
2261, Municipality of Barrigada from Agricultural "A" to School "S-1" zone.

6/30/16
9:40 AM
RECEIVED by the
Office of Senator
Thomas C. Ada

Hafa Adai Mr. Chairman:

Provided for your review and consideration is the Department of Land Management's "Land Zoning Consideration Report" for **Bill 322-33, An Act to Rezone Lots 2260 and 2261, Municipality of Barrigada from Agricultural "A" to School "S-1" zone.**

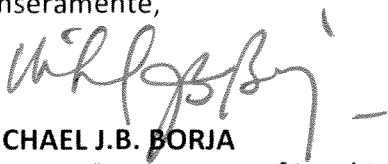
Pursuant to Public Law 31-157 §2110, any bill that seeks to designate a particular zoning for any real property shall not be placed on a legislative session agenda until a "Land Zoning Consideration Report" has been issued by the Department of Land Management.

As required, the "Land Zoning Consideration Report" is be prepared by the Director of the Department of Land Management, the Department's Land Planning Division and, if the proposed zoning of property in question is greater than an R-2 designation zone, the head of the Department's Application Review Committee. The Report *shall* be prepared in consultation with other permitting governmental departments and agencies, and the property owner, as deemed necessary by the Department.

Mandatory contents of "Land Zoning Consideration Report" have been prepared in accordance with Title 2 Guam Code Annotated, Section 2110.

We thank you for this opportunity to provide this report and remain available to provide future assistance.

Senseramente,



MICHAEL J.B. BORJA
Director, Department of Land Management

RECOMMENDATION OF THE LAND PLANNING DIVISION

Authority: Title 2GCA, Chapter 2, §2110(b)(1)

1. FACTS:

A. **Location:** Lots 2260 and 2261-1 are located in the Radio Barrigada area, south of the former Admiral Nimitz Golf Course. It is approximately three-quarters of a mile from Route 15.

B. **Lot Area:**

Lot 2260: 23,898± square meters or 257,235± square feet or 5.91± acres

Lot 2261-1: 38,439± square meters or 413,754± square feet or 9.5± acres

C. **Present Zoning:** "A" (Rural) Zone pursuant to §61217 Title 21 GCA Ch. 61 and Public Law 33-077, as amended.

D. **Field Description:** The land is currently vacant and undeveloped.

E. **Masterplan:** None. (Federal Lands) Property is recently returned Ancestral Lands Property.

F. **Community Design Plan** None. (Federal Lands) Property is recently returned Ancestral Lands Property.

G. **Guam Land Use Commission Action:** None

2. CHRONOLOGICAL FACTS:

A. **Date of Receipt:** June 10, 2016

B. **30 Day Submission Deadline for ARC:** July 24, 2016

C. **Report Due (45 Days from Receipt):** July 25, 2016

3. ANALYSIS:

Rectified Legal Property Description. Bill 322-33 identifies the subject as lots *2260 and 2261 in the municipality of Barrigada*. **Research indicates actual lot description as Lot 2260 and 2261-1** with the latter identified as that portion of basic lot 2261 returned to original property owners by the federal government.

Title 21 GCA, Chapter 61, Section 61630 cites the criteria to change the zones whenever it finds that the **public necessity, convenience and general welfare** justifies this action. We provide in our assessment of the request on how such criteria is met.

Public Necessity and Convenience: We find there is demonstrated necessity in responding to the expansion of the Guahan Academy Charter School's (GACS) student population. PL 29-140 was enacted to provide opportunities for teachers, parents, guardians, students and community members to operate independently from the Department of Education and provide expanded choices in the types of educational opportunities that are available within the public school system. GACS's authorization for additional students for School Year 2016-2017 has led to the vision of a permanent school site to further accommodate anticipated growth of the institution. Facilities such as these are necessary and will serve to benefit the neighborhood, vicinity, and the entire Guam community.

General Welfare: General welfare is elevated because there will be new community responsive facilities to choices in the types of educational opportunities that are available within the public school system. Furthermore, improved educational opportunities will contribute to the general welfare of the community.

Because of its proximity to Pagat Mangilao, properties can serve as an extension to existing and a growing Mangilao community.

Compatibility with existing uses. As with the subject lot, expanded areas remained open rural areas that are mostly vacant and in some areas containing sporadic and clustered housing development, yet not presenting a clear logical development overlay throughout this particular area bordering Pagat, Mangilao.

The Department of Land Management, by virtue of its mandates, must support any endeavor that will or can control and regulate development and/or subdivision of any land for any purpose whatsoever for the purpose of encouraging orderly growth and harmonious development¹. In this respect, we may dub the subject lots and their surrounding areas as an "open canvas" that have the opportunity to exploit creative and ideal land use planning and development efforts.

Further, caveat to any development scheme and again in line with DLM's mandates, the development of the school must be expanded to insure the following minimum requirements are achieved:

¹ See Title 21GCA, Chapter 62, §62102.

1. Cause to allow adequate traffic circulation through coordinated street, road and highway systems;
2. to achieve individual property lots of maximum utility and livability;
3. to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements;
4. to permit the conveyance of land by accurate legal description; and
5. To provide logical procedures for the achievement of this purpose².

Such caveats are important particularly since land resources on Guam are limited and therefore the obvious importance to exact an all-inclusive plan to best direct and guide all lands on Guam. Therefore, the opportunity to best fit development components such as schools, parks, open area, and anticipated infrastructure capacity to support such growth lies in proper planning of infrastructure and facilities such as schools in a clear and logical manner to support balanced growth.

The Provisional Commission was entrusted with creating a comprehensive zoning plan for all properties and parcels under the jurisdiction of the Guam Ancestral Land Commission³. The community design plan for the subject area is consistent with Public Law 33-077 in its zoning designation as rural-agriculture⁴.

As proposals such as this, an urban-residential design must consider community growth from a perspective that can address dense-population overlay schemes with caveats to insure successful resource sustainability is achieved. With this we are most concern that Bill No. 322-33 should include caveats to address infrastructure and development component from perspective of a greater overlay as opposed to not address such matters at all.

5. RECOMMENDATION:

In line with the intent of PL 29-140 which establishes a charter school, the request is to establish a site for a future school facility. Clearly, schools are positive components to community growth, yet we are hopeful the placement of a school site in this area will serve as a positive catalyst to future development of the surrounding area into a viable family-oriented community. Notwithstanding the existence of light industrial activities within a mile of the site, a logically planned design could become a feasible transition from such activities to the proposed School Zone use. Should the zone change be

² See Title 21GCA, Chapter 62, §62102.

³ See 21GCA, Chapter 80, §80106.

⁴See Attachment I. Although pending executive and/or legislative adoption.

effected, infrastructure should be designed to anticipate the community's natural development into a growing Village Center.⁵

⁵ The North and Central Guam Land Use Plan describes Village Centers as a category of land use intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods.

**IF APPLICABLE, RECOMMENDATION OF THE APPLICATION REVIEW
COMMITTEE**

Authority: Title 2GCA, Chapter 2, §2110(b)(2)

Not applicable as of the date of this report. See ATTACHMENT 1.

CONTACT LISTING-SURROUNDING PRPERTY OWNERS

(For the purpose of notifying surrounding property owners of any public hearings or other public discussions to be held in regards to zoning designation project)

Authority: Title 2GCA, Chapter 2, §2110(b)(4)

Naval Facilities Engineering Command Marianas, c/o A. M. Department	L2261-R1; L2254; L1046; L2252; L2253; L2259-1; L2251; Portion of L2249-5; L2249-4; L2249-3; L2250-1 (Not Returned)	PSC 455 Box 195	FPO AP 96540-2937
Guam Ancestral Lands Commission	L2463; L2465; L2249-5	P.O. Box 2950	Hagatna, Guam 96932
Flores Ana Guerrero Estate of	L2462	P.O. Box 24182	GMF, Barrigada, GU 96921
Flores Jose Cruz Estate of	L2464	P.O. Box 4644	Hagatna, Guam 96932
Lizama Maria Flores Estate of	L2466	P.O. Box 22252	Barrigada, GU 96921
Francisco Juan Cabrera Estate of	L2456	P.O. Box 3972	Hagatna, Guam 96932
Calvo Benedicta T. (Estate of Vicente Blas Calvo)	L2458-R1	P.O. Box 42	Hagatna, Guam 96932
Calvo Jacinto B.; Calvo Elmer B.; Perez Beatrice B. Calvo; Calvo Jesus B.; Calvo Antonio B.; Calvo Jose B.; Bisco Maria Calvo; Toves Juanita Calvo; Benavente Margarita B. Calvo (Estate of Felix P. and Antonia B. Calvo)	L2458-R1; L2458-1	P.O. Box 4006	Hagatna, Guam 96932
Diaz Maria Blas Estate of	L5293	P.O. Box 20941	GMF, Barrigada, GU 96921

Flores Rosa G. Estate Of	L2461; L2257; L2258	P.O. Box 24791	GMF, Barrigada, GU 96921
Flores Vicente Muna Estate of	L2493	P.O. Box 26527	GMF, Barrigada, GU 96921
Mendiola Joaquin Borja Estate of	L2494	P.O. Box 4733	Hagatna, Guam 96932
Francisco Rita Flores Estate of	L2499	P.O. Box 25103	GMF, Barrigada, GU 96921
Muna Roas Flores Estate of	L2256; L2255	P.O. Box 542	Hagatna, Guam 96932
Flores Juan Muna Estate of	L2500	P.O. Box 369	Hagatna, Guam 96932
Flores Jose Rivera & Asano Ignacio Flores Co- Administrators of the Estate of Ignacio Cruz Flores aka: Ignacio Flores Cruz	L2259-R1	4983 Y Sengsong RD	Dededo, GU 96929
Heirs of Ancestral Landowners Ignacio Flores Cruz	L2250-R1	4983 Y Sengsong RD	Dededo, GU 96929
June U. Blas	Mayor of Barrigada	P.O. Box 786	Hagatna, Guam 96932

EVIDENCE OF CONSULTATION

Authority: Title 2GCA, Chapter 2, §2110(b)(5)

Non applicable as of the date of this report.

MUNICIPAL PLANNING COUNCIL INPUT

Authority: Title 2GCA, Chapter 2, §2110(b)(6)

Not applicable as of the date of this report.

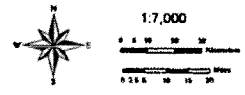
TIMELINES

- a. Date of Departmental Official Receipt of Request: June 10, 2016**
- b. Date of 45 day Deadline July 25, 2016**
- c. Date Submitted to Requesting Standing Body June 29, 2016**

Proposed Land Use Zones for Tiyan and Radio Barrigada Ancestral Properties



Legend	
	AIRPORT
	POST OFFICE
	SCHOOL
	CHURCH
	CEMETERY
	WATER TREATMENT PLANT
	SEWERAGE TREATMENT PLANT
	HIGHWAYS
	MAJOR ROAD
	MINOR ROAD
	RAILWAY
	POWER LINES
	TELEPHONE LINES
	WATER BODY
	WETLAND
	FOREST
	AGRICULTURAL LAND
	RESIDENTIAL LAND
	COMMERCIAL LAND
	INDUSTRIAL LAND
	PUBLIC USE LAND
	UNCLASSIFIED LAND



Map Number: 2008/01/001
 Prepared by: [Name]
 Date: [Date]

