



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

REFER TO
LEGISLATIVE SECRETARY

REFER TO
LEGISLATIVE SECRETARY

RECEIVED
OFFICE OF THE SPEAKER

DATE: 12/1/93

TIME: 13:20

RECD BY: *[Signature]*

DEC 01 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 275 which I have signed into law this date as
Public Law 22-45.

Sincerely yours,

Frank F. Blas

FRANK F. BLAS
Governor of Guam,
Acting

220426

Attachment

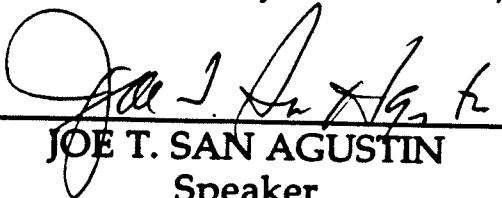


Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

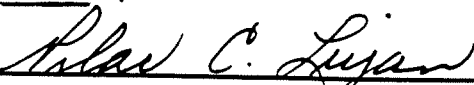
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 275 (LS), "AN ACT TO ADD ARTICLE 5 TO CHAPTER 6, TITLE 12, GUAM CODE ANNOTATED, TO ESTABLISH A PARKING DIVISION WITHIN THE GUAM MASS TRANSIT AUTHORITY; TO PROVIDE FOR THE DEVELOPMENT OF PUBLIC PARKING FACILITIES AND THE INSTALLATION OF PARKING METERS; TO DEFINE THE DUTIES OF THE PARKING DIVISION; AND TO AMEND §§6203, 6303, 6304 AND 6401 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PARKING DIVISION," was on the 19th day of November, 1993, duly and regularly passed.



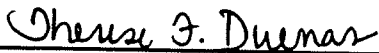
JOE T. SAN AGUSTIN
Speaker

Attested:



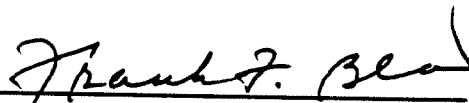
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of NOVEMBER,
1993, at 10:05 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: 12-01-93

Public Law No. 22-45

**TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session**

Bill No. 275 (LS)

As substituted by the Committee on
General Governmental Operations and
Micronesian Affairs and further substituted
by the Committee on Rules

Introduced by:

T. S. Nelson
J. P. Aguon
T. C. Ada

E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD ARTICLE 5 TO CHAPTER 6, TITLE 12, GUAM CODE ANNOTATED, TO ESTABLISH A PARKING DIVISION WITHIN THE GUAM MASS TRANSIT AUTHORITY; TO PROVIDE FOR THE DEVELOPMENT OF PUBLIC PARKING FACILITIES AND THE INSTALLATION OF PARKING METERS; TO DEFINE THE DUTIES OF THE PARKING DIVISION; AND TO AMEND §§6203, 6303, 6304 AND 6401 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PARKING DIVISION.

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

2 **Section 1. Article 5 is hereby added to Chapter 6, Title 12, Guam Code**
3 **Annotated, to read:**

4 **"ARTICLE 5**

5 **PARKING DIVISION**

6 **§6501. Title. This Article shall be known as the "Parking Act of**
7 **1993".**

8 **§6502. Parking Division, creation of.** There is hereby
9 established a Parking Division (the "Division") within the Guam
10 Mass Transit Authority.

11 **§6503. Same: duties.** The Division shall be responsible for
12 implementation of measures designed to regulate public parking on
13 public rights-of-way and government properties reserved for
14 parking including determining the present and future parking needs
15 of Guam; installation of parking meters; and development,
16 promotion, acquisition, construction, purchase, extension,
17 improvement, operation and maintenance of self-supporting public
18 parking facilities including construction of parking facilities on
19 government properties within the Territory of Guam.

20 **§6504. Same: Report.** The Authority shall report annually to
21 the Governor and the Legislature on the status of the projects
22 undertaken by the Division.

23 **§6505. Same: Fund.** There is hereby established within the
24 government of Guam a Guam Parking Division Fund (the "Fund")
25 and all revenues derived from the activities of the Division, including
26 but not limited to revenues from parking meters, shall be deposited

1 into the Fund and utilized for the purposes enumerated in §6503. The
2 Fund shall be maintained separate and apart from the other funds
3 administered by the government of Guam.”

4 Section 2. §6203 of Chapter 6, Title 12, Guam Code Annotated, is
5 amended to read:

6 “§6203. Purposes. The purposes for which the Authority is
7 created are to establish, develop, promote and/or operate public
8 transportation systems within the territory of Guam together with
9 incidental and related facilities and services, including determining
10 the present and future parking needs of Guam, installation and
11 maintenance of parking meters, operation and maintenance of self-
12 supporting public parking facilities including construction of parking
13 facilities on government properties, development of measures
14 designed to regulate public parking, in order to provide adequate
15 public transportation and parking for persons residing in or visiting
16 the territory of Guam.”

17 Section 3. §6303 of Chapter 6, Title 12, Guam Code Annotated, is
18 amended to read:

19 “§6303. Parking fees, schedules and fares. The Board of
20 Directors, after public hearing thereon, may establish parking fees
21 for parking facilities under its control, schedules and fares to control
22 the operation of the Authority and such parking fees, schedules and
23 fares may be altered or modified only after public hearing on any
24 proposed changes, said hearing to comply with the provisions of the
25 Administrative Adjudication Law and other legal requirements of the
26 Territory.”

1 Section 4. §6304 of Chapter 6, Title 12, Guam Code Annotated, is
2 amended to read:

3 “§6304. **General Management.** The Board of Directors, with
4 the approval of the Governor, may appoint such other officers as it
5 deems necessary for the proper conduct of the Authority’s business,
6 including and upon such terms as it deems appropriate, a General
7 manager who shall be the Chief Executive Officer of the Authority.
8 In addition, the Board, with the approval of the Governor, may
9 contract with responsible companies for the operation of buses and
10 other vehicles, facilities and other properties owned and/or operated
11 by the Authority including parking meters and parking facilities. The
12 provisions of Title VII-A of the Government Code shall be applicable
13 to the Authority except when requirements of federal law with
14 respect to the expenditure of federal funds is inconsistent with the
15 provisions of Title VII-A and under such conditions federal law shall
16 control.”

17 Section 5. §6401 of Chapter 6, Title 12, Guam Code Annotated, is
18 amended to read:

19 “§6401. **Exclusive Franchise.** The Guam Mass Transit
20 Authority shall have the exclusive franchise for the furnishing of
21 public transportation within the territory of Guam and on its roads
22 and highways. Except for private parking facilities, and for parking
23 facilities maintained and operated by the Guam Airport Authority,
24 the Guam Mass Transit Authority shall have the exclusive franchise
25 within the government of Guam for the collecting of fees for the
26 furnishing of public parking within the territory of Guam.”



SENATOR TED S. NELSON

Chairman

Committee on General Governmental Operations & Micronesia Affairs

Twenty-Second Guam Legislature

297-B West O'Brien Drive, Agaña, Guam 96910

Telephones: 472-3446 ~ 8/472-3501

April 12, 1993

Honorable Joe T. San Agustin
Speaker
21st Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

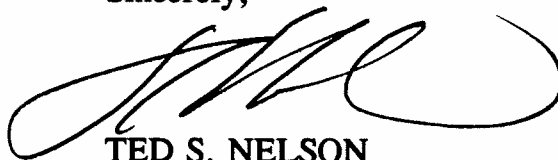
The Committee on General Governmental Operations and Micronesia Affairs, to which was referred **Bill No. 275** (*An Act to establish the Guam Parking Authority within the Guam Mass Transit Authority*) has had the same consideration and now wishes to report back the same with the recommendation to **do pass as amended**.

The Committee votes are as follows:

To do pass	<u>8</u>
Not to pass	—
To place in inactive file	—
Abstain	—

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,



TED S. NELSON

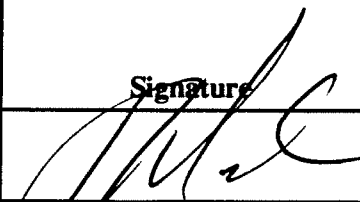

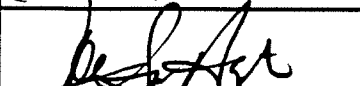
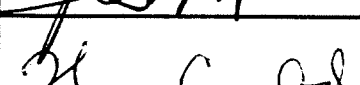
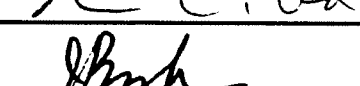
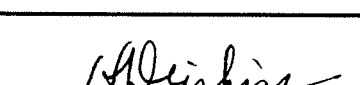
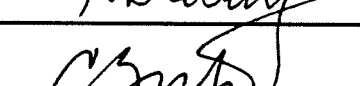
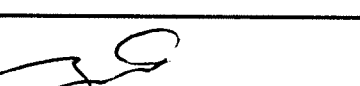
Enclosures

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS**

VOTE SHEET ON BILL NO. 275

**(AN ACT TO ESTABLISH THE GUAM PARKING AUTHORITY
WITHIN THE GUAM MASS TRANSIT AUTHORITY)**

RECOMMENDATION TO DO PASS AS AMENDED

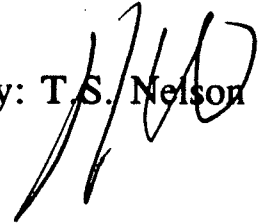
Committee Members	Signature	To Do Pass	Not To Pass	Place in the Inactive File	Abstain
Senator Ted S. Nelson Chairman		✓			
Senator Edward D. Reyes Vice-Chairman					
Speaker Joe T. San Agustin Ex-Officio Member		✓			
Senator Thomas C. Ada Member		✓			
Senator J. George Bamba Member		✓			
Senator Anthony C. Blaz Member					
Senator Herminia D. Dierking Member		-			
Senator Carl T.C. Gutierrez Member		✓			
Senator Marilyn D.A. Manibusan Member					
Senator Vicente C. Pangelinan Member		✓			
Senator Thomas V.C. Tanaka Member					

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 275

As Amended by the Committee on
Government Governmental Operations
and Micronesian Affairs

Introduced by: T.S. Nelson



AN ACT TO ESTABLISH THE GUAM PARKING
AUTHORITY WITHIN THE GUAM MASS
TRANSIT AUTHORITY.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3 Section 1. The Compiler of Laws is authorized to insert the
4 appropriate section numbers in the Government Code of Guam.

5 Section 2. This Act shall be known as the *Parking Meter Act of*
6 *1993.*

7 "GUAM PARKING AUTHORITY

8 Section _____. Guam Parking Authority, creation of.

9 There is hereby established within the Government of Guam a
10 Guam Parking Authority. The Authority shall be a division of
11 the Guam Mass Authority and the General Manager of the Guam

1 Mass Transit Authority shall be the Chief Executive Officer of
2 the Parking Authority.

3 Section _____. Guam Parking Authority, duty of. The
4 Authority shall be responsible for the establishment, development,
5 promotion, acquisition, construction, purchase, extension,
6 improvement, operation and maintenance of self-supporting public
7 parking facilities for motor vehicles within the Territory. In
8 carrying out its duties the Authority is authorized to:

9 (a) make and enter into contracts, leases, concession
10 agreements and permits and to execute all instruments necessary
11 or convenient in the exercise of its powers, including without
12 limitation, the purchase of liability and casualty insurance for the
13 Authority's purposes;

14 (b) Adopt such rules and regulations pursuant to the
15 Administrative Adjudication Act as may be necessary for the
16 exercise of the powers and performance of the duties conferred
17 or imposed upon the Authority or the Board by this Section;

18 (c) Acquire, subject to the laws of the Territory of

1 Guam, by grant, purchase, gift, devise or lease, permit, right of
2 entry or by the exercise of the right of eminent domain in
3 accordance with the provisions and subject to the limitations of
4 laws of Guam including Title V, Chapter 5 of the Government
5 Code Annotated, and hold and use any real or personal property
6 necessary or convenient or useful for the carrying on of any of
7 its powers pursuant to the provisions of this Article;

8 (d) Establish its internal organization and management;

9 (e) Sell, rent, exchange or otherwise dispose of,
10 encumber, improve or remove any property of the Authority or
11 any interest therein, and to provide for any services in connection
12 with any property, real or personal, of the Authority subject to
13 the laws of Guam;

14 (f) Acquire, construct, reconstruct, purchase, barter,
15 extend, improve, operate and maintain mass transit and public
16 parking and related facilities owned or used by Guam for mass
17 transit and public parking purposes;

18 (g) Establish, impose, prescribe, revise, and collect fees,

1 rates, rentals, and charges for the use and services of, and the
2 facilities and commodities furnished by the Authority and to
3 collect any fees, rentals, and charges for any of its services,
4 where it deems appropriate and to otherwise provide for a means
5 of raising funds and revenue, and to determine the character of
6 and necessity for its obligations and expenditures and the manner
7 in which they shall be incurred, allowed and paid;

8 (h) To install parking meters or otherwise implement
9 similar such measures designed to regulate public parking on
10 public rights-of-way and government properties reserved for
11 parking and to construct parking facilities on such government
12 properties, including but not limited to single and multilevel
13 parking garages;

14 (i) To be responsible for the enforcement of parking
15 regulations and the issuance of citations and to exact such fines
16 as it may deem appropriate, subject to the Administrative
17 Adjudication Law, for deposit to the Guam Parking Authority
18 Fund;

1 (j) To apply for, receive and use, all according to the
2 terms thereof, grants-in-aid, or grants-in-kind from the United
3 States for use by the Authority for its purposes;

4 (k) To employ agents and retain or contract for the
5 services of qualified consultants, specialists or experts, as
6 individuals or organizations, to advise and assist the Authority
7 and its employees, all of which may be accomplished without
8 regard to the portion of the Personnel Laws relative to
9 compensation;

10 (l) Do any and all things necessary or appropriate to
11 carry out and further purposes of this Section.

12 Section _____. Guam Parking Authority, Board of Directors.
13 The board of directors of the Guam Mass Transit Authority shall
14 also serve as the board of directors for the Guam Parking
15 Authority. The board is authorized to establish rules and
16 regulations for the exercise of its powers as defined herein.

17 Section _____. Guam Parking Authority, Miscellaneous.
18 The General Manager may employ, subject to the approval of the

1 Board, a Deputy Manager and secretary. The duties and
2 compensation of such personnel shall be determined by the
3 General Manager with the advice and approval of the Board.
4 Additionally, the board may employ or retain an attorney, or firm
5 of attorneys, who shall be admitted to practice before the courts
6 of Guam, who shall advise the Board and the General Manager
7 on all legal matters to which the Authority is a party to or in
8 which the Authority is legally interested, and may represent the
9 Board in connection with legal matters before the Legislature,
10 other Boards and other agencies of the Territory. The Attorney
11 General shall represent the Authority in litigation in which the
12 Authority is interested, provided that the Attorney General may
13 deputize or designate the attorney for the Authority as a Special
14 Assistant Attorney General for this purpose. The terms,
15 conditions and compensation of employment of any such attorney
16 shall be determined by the Board, and the attorney shall serve at
17 the pleasure of the Board.

18 Section ____ . Guam Parking Authority Fund. There is

1 hereby established a Guam Parking Authority Fund which shall
2 be administered and maintained by the Authority and into which
3 all revenues derived from the activities of the Authority shall be
4 deposited and utilized for purposes of the Authority. This Fund
5 shall be maintained separate and apart from the other funds
6 administered by the Guam Mass Transit Authority.

7 Section 3. There is hereby authorized to be appropriated from
8 the Exxon Overcharge Account the sum of Five Hundred Thousand
9 Dollars (\$500,000.00) to the Guam Parking Authority Fund created by
10 this Act. Such sum shall be transferred to the Automotive Surcharge
11 Fund immediately after the establishment of an account therefor by the
12 Guam Parking Authority.

13 Section 4. This Act shall take effect upon its enactment into law.

21/7/93
TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No.

275

Introduced by:  F.S. Nelson

66014 A

AN ACT TO ESTABLISH THE GUAM PARKING
AUTHORITY WITHIN THE GUAM MASS TRANSIT
AUTHORITY TO PROVIDE FOR THE INSTALLATION
OF PARKING METERS.

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

2 Section 1. The Compiler of Laws is authorized to insert the appropriate
3 section numbers in the Government Code of Guam.

4 Section 2. This Act shall be known as the *Parking Meter Act of 1993*.

5 "GUAM PARKING AUTHORITY

6 Section _____. Guam Parking Authority, creation of. There is
7 hereby established within the Government of Guam a Guam Parking
8 Authority. The Authority shall be a division of the Guam Mass Authority
9 and the Director of the Guam Mass Transit Authority shall be the chief of
10 authority.

11 Section _____. Guam Parking Authority, duty of. The authority shall
12 be responsible for the development, operation and maintenance of self-
13 supporting public parking facilities for automotive vehicles within the
14 Territory. In carrying out its duties the authority is authorized to install

1 parking meters on public rights-of-way and lands and to construct improved
2 parking lots and plazas for the convenience of the public.

3 Section ____ . Guam Parking Authority, Advisory Commission. The
4 directors of the Department of Public Works, Department of Commerce,
5 Department of Land Management, Bureau of Budget and Management
6 Research, Department of Revenue and Taxation and the Guam Mass Transit
7 Authority shall constitute an advisory commission to the Guam Parking
8 Authority and make recommendations on the need for installation and
9 construction of facilities authorized by this Act. The advisory commission
10 is authorized to establish rules and regulations pursuant to Administrative
11 Adjudication Law for the conduct of the business of the authority.

12 Section ____ . Guam Parking Authority Fund. There is hereby
13 established a Guam Parking Authority Fund and all revenues derived from
14 the activities of the authority shall be deposited into the fund and utilized
15 for purposes of the authority. The fund shall be maintained separate and
16 apart form the other funds administered by the Government of Guam."

17 Section 3. There is hereby authorized to be appropriated from the Exxon
18 Overcharge Account the sum of Five Hundred Thousand Dollars (\$500,000.00)
19 to the Guam Parking Authority Fund created by this Act.

20 Section 4. This Act shall take effect October 1, 1993.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
TWENTY-SECOND GUAM LEGISLATURE
155 Hessler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

BILL NO. 275

***(AN ACT TO ESTABLISH THE GUAM PARKING AUTHORITY
WITHIN THE GUAM MASS TRANSIT AUTHORITY).***

COMMITTEE MEMBERS:

**Chairman: Ted S. Nelson
Vice-Chairman: Edward D. Reyes
Ex-Officio Member: Speaker Joe T. San Agustin**

**Thomas C. Ada
Herminia D. Dierking
Carl T.C. Gutierrez
Vicente C. Pangelinan**

**J. George Bamba
Anthony C. Blaz
Marilyn D.A. Manibusan
Thomas V.C. Tanaka**

PUBLIC HEARING ON BILL NO. 275

The Committee on General Governmental Operations and Micronesian Affairs conducted a public hearing on Friday, March 26, 1993, in the Legislative Public Hearing Room. Senator Ted S. Nelson, Chairman of the Committee, called the hearing to order at 9:00 a.m.

Other Senators present were: Ben C. Pangelinan, Anthony C. Blaz, Thomas C. Ada, Marilyn D.A. Manibusan, and Doris F. Brooks.

TESTIMONIES ON BILL 275:

MR. WILLIS S. CANNON, General Manager of Pacific Orient Company, appeared before the Committee and testified in support of Bill 275. Reading from his written testimony (*Attachment #1*), he indicated that the proposed legislation "would provide parking relief for the island by charging a fee to park in preferred locations, and it would provide a substantial revenue to the Government of Guam." Mr. Cannon suggested that the Parking Authority be an adjunct of the Department of Revenue and Taxation, or some other department, rather than with the Mass Transit Authority, due to a possible conflict of interest where the Mass Transit would encourage people to take the bus rather than drive and pay parking fees.

MR. VICENTE PEREZ appeared before the Committee as a private citizen, and voiced his support of Bill 275. He stated that due to the difficulty in locating parking spaces, it was high time for a parking meter program to be established. He added that the policy should be that the general public, rather than employees, have priority to parking spaces.

MR. BILL FLAHERTY of the OK Corral Parking Lot Company appeared before the Committee as a private citizen and voiced his approval of the intent of the Bill. He stated that the Guam Police Department should enforce laws relative to parking violations that are already on the books. He added that government agencies need to have more control when issuing business

licenses or building permits and enforce zoning laws relative to the required number of parking spaces for specific establishments. He gave as examples the Superior Court House which was built without the required parking spaces, and the Legislative Building, which should have 70 to 280 parking spaces but only has 35. He stressed that more control is needed over the types of businesses allowed in the establishment.

MR. FRED CARL SANTOS, General Manager of the Guam Mass Transit Authority, appeared before the Committee and voiced his support of the intent of Bill 275, Reading from written testimony (*Attachment #2*), "... the time has come for the implementation of strong measures to cope with the problem of every-increasing traffic and parking congestion." He stated that Bill No. 275 addresses a short-term solution which is seen as an important phase of longer-term solutions such as the construction of improved parking lots and parking garages. The Guam Mass Transit Authority recommends that language be included in the bill that would designate GMTA as the centralized parking authority responsible for the overall administration of needed parking spaces; that would grant GMTA the authority to set rates and collect fees; and that would allow for the Guam Parking Authority to issue citations and exact fines which would be deposited to the Guam Authority Fund. GMTA recommends that the administration of the Guam Parking Authority Fund be with the Guam Mass Transit Authority. It is further recommended that the Board of Directors of GMTA be designated to fulfill the functions of the proposed advisory commission. GMTA has submitted a substitute bill addressing issues they are concerned about.

Discussion, questions and comments followed the presentation of the various testimonies.

SENATOR TED NELSON, Committee Chairman, commented that he had introduced a similar bill three years ago but was strongly criticized. He is reintroducing it because of the obvious need to control and regulate parking; he cited tow-away situations and the "boot" problems. After listening to Mr. Fred C. Santos' testimony, he congratulated him and his agency for providing the Mass Transit to our citizens.

SENATOR DORIS BROOKS congratulated Mr. Santos and the Guam Mass Transit Authority for wanting to be the lead agency to oversee the parking meter program. She questioned how Mr. Santos envisioned carrying out the responsibilities such a program would entail. In regards to the substitute bill submitted by GMTA, she questioned the role of the proposed Guam Parking Authority in the matter of issuing citations and exacting fines as this would be more of a police responsibility. She also indicated that she would like to see a preliminary plan brought to the Legislature before full implementation to see whether the legislators agree with the concept.

MR. FRED SANTOS stressed that the public needs to be aware that charging fees for parking should not be construed as a revenue source; rather, it should be construed as a means of controlling the usage of parking spaces in an orderly fashion. He also commented that in regards to building permits brought up by Mr. Flaherty, the issue of long-term parking had been addressed; if GMTA were to have built a high rise parking garage on the Land Management parking facility, it would meet the demands for parking spaces as well as allow for existing facilities to be expanded. The key issue, he stressed, is long-term parking, especially for the employees who can not afford the \$5-\$8 a day for parking. This is also why GMTA is encouraging the use of the park and ride services. He would like to see a study done of traffic circulation flow in order to know the impact of a parking garage during peak hours.

He stated that 2-3 meter maids would control and monitor the usage of parking areas; police officers would not have to be burdened with performing these tasks.

In regards to the matter of a preliminary study, Mr. Santos stated that a task force, which included representatives from the Bureau of Planning, Department of Land Management, Department of Public Works, GEDA, and the Department of Commerce, had already conducted a study, and came up with a scope of work which covered the issues of parking, pedestrians, and cyclists. The study was submitted to the Chairman of the Committee on Transportation. Senator Dierking had introduced a bill relevant to these issues but the Governor vetoed the bill because it was part of a lot of riders.

He suggested that the bill previously introduced and Bill 275 be integrated into a bill that would be the vehicle to move the concept forward.

SENATOR TOM ADA questioned the feasibility of the October 1, 1993 date of implementation. He commented that the Court recognized their parking problem and established a Park and Ride Services for its employees. He asked if anyone had looked at the impact the parking meter program would have on the traffic court system. He also asked whether studies had been made regarding vandalism on parking meters.

MR. SANTOS felt that the October 1, 1993 date would be appropriate to start the program.

The GMTA is in the process of negotiating with the Court regarding the Park and Ride Program for its employees; GMTA is ready to implement the program but is waiting for a legal decision. The Court is also seeking funding to pay for approximately 300 employees' parking. This program would enable the general public to use space now being occupied by employees.

Mr. Santos indicated that in his experience with the parking meter program in Hawaii, vandalism did not occur to a large extent; five people are in charge of repairing 100,000 meters.

SENATOR BEN PANGELINAN wanted clarification on whether violators are required to go through the court system or whether they pay fines through another administrative arm or through the Mass Transit Authority.

MR. SANTOS responded that it would be up to the Senators.

SENATOR NELSON gave an example of a personal parking violation experience in Hawaii and said he was able to take care of his ticket by mailing his fine in the envelope provided. He suggested that fines could be paid through the mail.

SENATOR BROOKS disagreed and stated that courts have the proper mechanisms to handle regulatory and due processes.

SENATOR NELSON commented that if guilty, pay through the mail; if you want to contest, go to Superior Court.

COMMITTEE RECOMMENDATION

The Committee on General Governmental Operations and Micronesian wishes to report out **Bill No. 275** to the full Legislature with the recommendation to **do pass as amended**.

PACIFIC ORIENT COMPANY
P.O. Box 6247
Tamuning, Guam, 96911
646-1400, 646-3891. Fax 649-3800

March 26, 1993

Senator Ted S. Nelson
Chairman, Committee on Governmental Operations and Micronesian
Affairs
Twenty Second Guam Legislature

Mr Chairman, and Members of this Committee;

I am pleased today to be able to testify in support of Bill 275,
An Act to establish the Guam Parking Authority within the Guam
Mass transit Authority and to provide for the installation of
parking meters.

This law would provide parking relief for the island by charging a fee
to park in preferred locations, and it would provide a substantial
revenue to the Government of Guam.

Based on past calculations done by my company we have estimated that
a very durable parking meter completely installed would cost about
\$587.75. Based on a fee of 50¢ per hour, only charging from 6am
to 6pm and only on workdays this one meter would take in about
\$1400.00 per year. If we had 2000 meters in Agana at the above
rate the annual revenues would be about \$2,808,000 per year.

I have some reservations about placing the Parking Authority within the
Mass Transit Authority. There is a possible conflict of interest
where the Mass Transit would be trying to get people to leave their
cars at home and take to bus rather than drive and pay the parking
fee.

I feel that the Parking Authority would operate better as an adjunct
of the Department of Revenue and Taxation, or some other department.



Willis S. Cannon
General Manager

Guam Mass Transit Authority

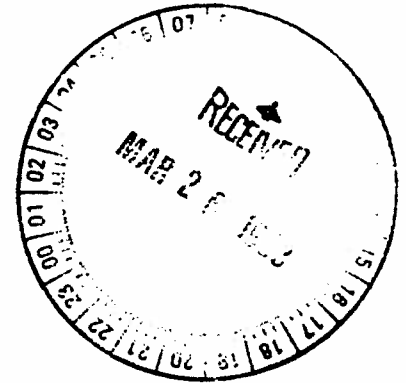
236 E. O'Brien Drive • Phone 475-4682 • Fax 475-4600 • TDD 475-4601



26 March 1993

Senator Ted S. Nelson
Chairman, Committee on General Governmental Operations
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Re: Bill No. 275, Testimony Therefor



Dear Senator Nelson:

My name is Fred Carl Santos and I am the General Manager of The Guam Mass Transit Authority (GMTA). I am here today to support the intent of Bill No. 275, an Act to establish the Guam Parking Authority within the Guam Mass Transit Authority.

We believe the time has come for the implementation of strong measures to cope with the problem of ever-increasing traffic and parking congestion. We have long recognized the need for a short-term solution to the immediate problems we now face, as well as the need for longer term solutions. However, we were hesitant to aggressively advocate such measures - parking meters, for one - until we could be certain the proper enforcement mechanisms were in place to back such measures. We also felt that the implementation of deterrent measures ought to be accompanied by positive alternatives, such as park & ride programs and nearby parking facilities for long term parking.

But the time has indeed arrived when we are forced to come to terms with traffic levels in excess of what we anticipated a mere short years ago. Fortunately, we are now in a position where the proper mechanisms are either already in place or else can be quickly set into motion. Therefore, we are encouraged that others, as evidenced by the introduction of this bill, have also seen the need for measures that must surely be met with a fair degree of unpopularity. After all, no one enjoys having to pay for parking privileges. We, therefore, applaud your courage in facing what some of us have long suspected, i.e., that the public must now accept as a fact of life on Guam a charge for parking their vehicles in areas that are small of mass and heavy on use.

Bill No. 275 addresses the near term solution which we view as a critical phase in the development of longer term solutions. It also addresses a part of what we regard as part of the longer term solution: the construction of improved parking lots and the construction of parking garages. We'd like the bill to go further and allow GMTA the

authority to designate the location and the specific characteristics of those parking facilities. We think this can best be accomplished by language in the bill which would specifically designate GMTA as the centralized parking authority responsible for the planning, coordination, development, implementation, monitoring, and evaluation of needed parking spaces. We envision amplification of Bill No. 275 to additionally grant GMTA the authority the right to set rates and collect fees for its exclusive use as one other means for achieving self-sufficiency. Language to that effect can be incorporated under the current section of the bill which would establish the Guam Parking Authority Fund. Language should also be incorporated which provides the authority for citations to be issued and fines to be exacted which would then be deposited to the Guam Parking Authority Fund. We think the bill should specify that the administration of the Guam Parking Authority Fund be with the Guam Mass Transit Authority.

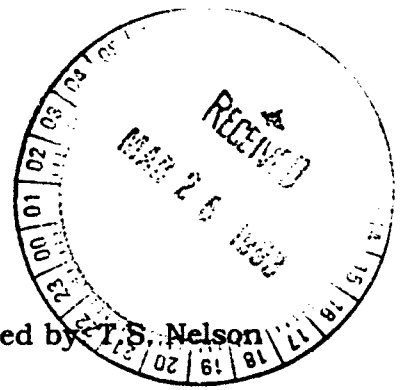
We ask the Committee to reconsider the creation of an advisory commission and instead designate the proposed functions of that commission to the Board of Directors of GMTA. This board is composed of knowledgeable and responsible individuals and I am confident that the board will solicit the expert input of others as needed for its deliberations.

Finally, we have taken the liberty of submitting for your consideration the attached substitute bill which addresses the issues previously set forth. Thank you for the opportunity to present testimony on this bill.


FRED CARL SANTOS
General Manager

Attachment: as stated

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session



Bill No. 275

Introduced by T. S. Nelson

AN ACT TO ESTABLISH THE GUAM PARKING AUTHORITY
WITHIN THE GUAM MASS TRANSIT AUTHORITY.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
GUAM:

Section 1. The Compiler of Laws is authorized to insert the appropriate section numbers in the Government Code of Guam.

Section 2. This Act shall be known as the Guam Parking Authority Act of 1993.

GUAM PARKING AUTHORITY

Section _____. Guam Parking Authority, creation of. There is hereby established within the Government of Guam a Guam Parking Authority. The Authority shall be a division of the Guam Mass Transit Authority and the General Manager of the Guam Mass Transit Authority shall also be the General Manager of the Parking Authority.

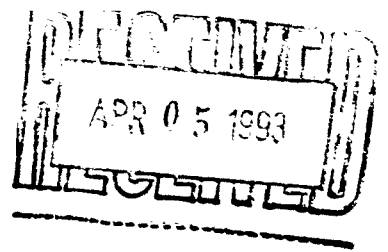
Section _____. Guam Parking Authority, duty of. The Authority shall be responsible for the development, operation and maintenance of self-supporting public parking facilities for motor vehicles within the Territory. In carrying out its duties the Authority is authorized to install parking meters or otherwise implement similar such measures designed to regulate public parking on public rights-of-way and government properties reserved for parking and to construct parking facilities on such government properties, including but not limited to single and multilevel parking garages. The Authority shall also be responsible for the enforcement of parking regulations and is empowered to issue citations and exact such fines as it may deem appropriate, subject to the Administrative Adjudication Law, for deposit to the Guam Parking Authority Fund. The Authority may define the personnel needs necessary to carry out its duties and may advertise position vacancies, interview, rank, select, promote, and terminate employees in accordance with personnel rules and regulations which it must first adopt or develop.

Section _____. Guam Parking Authority Fund. There is hereby established a Guam Parking Authority Fund which shall be administered by the Guam Mass Transit Authority and into which all revenues derived from the activities of the Authority shall be deposited and utilized for the purposes of the Authority. This Fund shall be maintained separate and apart from the other funds administered by the Guam Mass Transit Authority.

Section 3. There is hereby authorized to be appropriated from the Exxon Overcharge Account the sum of Five Hundred Thousand Dollars (\$500,000.00) to the Guam Parking Authority Fund created by this Act. Such sum shall be transferred to the Guam Parking Authority Fund immediately after the establishment of an account therefor by the Guam Mass Transit Authority.

Section 4. This Act shall take effect October 1, 1993.

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session



Bill No. 275

Introduced by: T.S. Nelson

**AN ACT TO ESTABLISH THE GUAM PARKING AUTHORITY
WITHIN THE GUAM MASS TRANSIT AUTHORITY.**

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

Section 1. The Compiler of Laws is authorized to insert the appropriate section numbers in the Government Code of Guam.

Section 2. This Act shall be known as the Guam Parking Authority Act of 1993.

GUAM PARKING AUTHORITY

Section _____. Guam Parking Authority, creation of. There is hereby established within the Government of Guam a Guam Parking Authority. The Authority shall be a division of the Guam Mass Transit Authority and the General Manager of the Guam Mass Transit Authority shall also be the Chief Executive Officer of the Parking Authority.

Section _____. Guam Parking Authority, duty of. The Authority shall be responsible for the establishment, development, promotion, acquisition, construction, purchase, extension, improvement, operation and maintenance of self-supporting public parking facilities for motor vehicles within the Territory. In carrying out its duties the Authority is authorized to:

(a) To make and enter into contracts, leases, concession agreements and permits and to execute all instruments necessary or convenient in the exercise of its powers, including without limitation, the purchase of liability and casualty insurance for the Authority's purposes;

(b) Adopt such rules and regulations pursuant to the Administrative Adjudication Act as may be necessary for the exercise of the powers and performance of the duties conferred or imposed upon the Authority or the Board by this Section;

(c) Acquire, subject to the laws of the Territory of Guam, by grant, purchase, gift, devise or lease, permit, right of entry or by the exercise of the right of eminent domain in accordance with the provisions and subject to the limitations of laws of Guam including Title V, Chapter 5 of the Government Code Annotated, and hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this Article;

- (d) Establish its internal organization and management;
- (e) Sell, rent, exchange or otherwise dispose of, encumber, improve or remove any property of the Authority or any interest therein, and to provide for any services in connection with any property, real or personal, of the Authority subject to the laws of Guam;
- (f) Acquire, construct, reconstruct, purchase, better, extend, improve, operate and maintain mass transit and public parking and related facilities owned or used by Guam for mass transit and public parking purposes;
- (g) Establish, impose, prescribe, revise, and collect fees, rates, rentals, and charges for the use and services of, and the facilities and commodities furnished by the Authority and to collect any fees, rentals, and charges for any of its services, where it deems appropriate and to otherwise provide for a means of raising funds and revenue, and to determine the character of and necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid;
- (h) To install parking meters or otherwise implement similar such measures designed to regulate public parking on public rights-of-way and government properties reserved for parking and to construct parking facilities on such government properties, including but not limited to single and multilevel parking garages;
- (i) To be responsible for the enforcement of parking regulations and the issuance of citations and to exact such fines as it may deem appropriate, subject to the Administrative Adjudication Law, for deposit to the Guam Parking Authority Fund;
- (j) To apply for, receive and use, all according to the terms thereof, grants-in-aid, or grants-in-kind from the United States for use by the Authority for its purposes;
- (k) To employ agents and retain or contract for the services of qualified consultants, specialists or experts, as individuals or organizations, to advise and assist the Authority and its employees, all of which may be accomplished without regard to the portion of the Personnel Laws relative to compensation.
- (l) Do any and all things necessary or appropriate to carry out and further purposes of this Section.

Section _____. Guam Parking Authority, Board of Directors. The board of directors of the Guam Mass Transit Authority shall also serve as the board of directors for the Guam Parking Authority. The board is authorized to establish rules and regulations for the exercise of its powers as defined herein.

Section _____. Guam Parking Authority, Miscellaneous. The General Manager may employ, subject to the approval of the Board, a Deputy Manager and secretary. The duties and compensation of such personnel shall be determined by the General Manager with the advice and approval of the Board. Additionally, the Board may employ or retain an attorney, or firm of attorney's, who shall be admitted to practice before the courts of Guam, who shall advise the Board and the General Manager on all legal matters to which the Authority is a party to or in which the Authority is legally interested, and may represent the Board in connection with legal matters before the

Legislature, other Boards and other agencies of the Territory. The Attorney General shall represent the Authority in litigation in which the Authority is interested, provided that the Attorney General may deputize or designate the attorney for the Authority as a Special Assistant Attorney General for this purpose. The terms, conditions and compensation of employment of any such attorney shall be determined by the Board, and the attorney shall serve at the pleasure of the Board

Section _____. Guam Parking Authority Fund. There is hereby established a Guam Parking Authority Fund which shall be administered and maintained by the Authority and into which all revenues derived from the activities of the Authority shall be deposited and utilized for the purposes of the Authority. This Fund shall be maintained separate and apart from the other funds administered by the Guam Mass Transit Authority.

Section _____. There is hereby authorized to be appropriated from the Public Transit Fund the sum of Five Hundred Thousand Dollars (\$500,000.00) to the Guam Parking Authority Fund created by this Act. Such sum shall be transferred to the ~~Guam Parking Authority~~ Fund immediately after the establishment of an account therefor by the Guam Parking Authority.

Automotive Surcharge
Section 4. This Act shall take effect upon its enactment into law.

FEB 26 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 215 (LS)

Introduced by:  T.S. Nelson

AN ACT TO ESTABLISH THE GUAM PARKING
AUTHORITY WITHIN THE GUAM MASS TRANSIT
AUTHORITY TO PROVIDE FOR THE INSTALLATION
OF PARKING METERS.

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

2 Section 1. The Compiler of Laws is authorized to insert the appropriate
3 section numbers in the Government Code of Guam.

4 Section 2. This Act shall be known as the *Parking Meter Act of 1993*.

5 "GUAM PARKING AUTHORITY

6 Section _____. Guam Parking Authority, creation of. There is
7 hereby established within the Government of Guam a Guam Parking
8 Authority. The Authority shall be a division of the Guam Mass Authority
9 and the Director of the Guam Mass Transit Authority shall be the chief of
10 authority.

11 Section _____. Guam Parking Authority, duty of. The authority shall
12 be responsible for the development, operation and maintenance of self-
13 supporting public parking facilities for automotive vehicles within the
14 Territory. In carrying out its duties the authority is authorized to install

1 parking meters on public rights-of-way and lands and to construct improved
2 parking lots and plazas for the convenience of the public.

3 Section ____ . Guam Parking Authority, Advisory Commission. The
4 directors of the Department of Public Works, Department of Commerce,
5 Department of Land Management, Bureau of Budget and Management
6 Research, Department of Revenue and Taxation and the Guam Mass Transit
7 Authority shall constitute an advisory commission to the Guam Parking
8 Authority and make recommendations on the need for installation and
9 construction of facilities authorized by this Act. The advisory commission
10 is authorized to establish rules and regulations pursuant to Administrative
11 Adjudication Law for the conduct of the business of the authority.

12 Section ____ . Guam Parking Authority Fund. There is hereby
13 established a Guam Parking Authority Fund and all revenues derived from
14 the activities of the authority shall be deposited into the fund and utilized
15 for purposes of the authority. The fund shall be maintained separate and
16 apart from the other funds administered by the Government of Guam."

17 Section 3. There is hereby authorized to be appropriated from the Exxon
18 Overcharge Account the sum of Five Hundred Thousand Dollars (\$500,000.00)
19 to the Guam Parking Authority Fund created by this Act.

20 Section 4. This Act shall take effect October 1, 1993.