



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Joni Amalante</u>
Time	<u>4:16 pm</u>
Date	<u>2-17-98</u>

FEB 16 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 351 (COR), "AN ACT TO REPEAL AND RE-ENACT §40113(b)(3) OF CHAPTER 40, DIVISION 4, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING LOT NO. 64-3, AGANA HEIGHTS, GUAM, AS A COMMUNITY PARK AND TRANSFERRING THE LOT TO THE CONTROL OF THE MAYOR OF AGANA HEIGHTS.", which I have signed into law today as **Public Law No. 24-133**.

This bill allows a park to be created in the area where the old U. S. Naval Hospital incinerator used to be located in Agana Heights. It also places the jurisdiction for the care of this new park and recreation area under the Mayor of Agana Heights.

The bill provides \$50,000 for the remediation and restoration of the area, including removal of chemicals or contaminants which may be present.

Very truly yours,


Carl T. C. Gutierrez

Attachment 00653

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

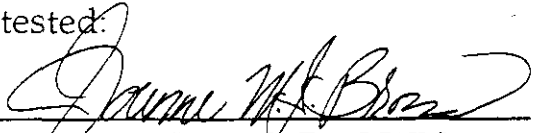
Office of the Speaker
ANTONIO R. UNPINGCO
Date: 2/17/98
Time: 1:45 pm
Rec'd by: [Signature]
Print Name: Tanice Meza

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

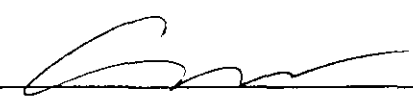
This is to certify that Substitute Bill No. 351 (COR), "AN ACT TO REPEAL AND RE-ENACT §40113(b)(3) OF CHAPTER 40, DIVISION 4, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING LOT NO. 64-3, AGANA HEIGHTS, GUAM, AS A COMMUNITY PARK AND TRANSFERRING THE LOT TO THE CONTROL OF THE MAYOR OF AGANA HEIGHTS," was on the 4th day of February, 1998, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by the Governor this 11th day of February, 1998, at
1:20 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:

CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-16-98
Public Law No. 24-133

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 351 (COR)

Substituted by the Committee on Agriculture,
Land, Housing, Community and Human
Resources Development and as amended on
the Floor.

Introduced by:

A. R. Unpingco
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
J. Won Pat-Borja

AN ACT TO REPEAL AND RE-ENACT §40113(b)(3)
OF CHAPTER 40, DIVISION 4, PART 1 OF TITLE 5
OF THE GUAM CODE ANNOTATED, RELATIVE
TO DESIGNATING LOT NO. 64-3, AGANA
HEIGHTS, GUAM, AS A COMMUNITY PARK

AND TRANSFERRING THE LOT TO THE
CONTROL OF THE MAYOR OF AGANA
HEIGHTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature
3 finds that the Agana Heights Municipal Planning Council and the Mayor of
4 Agana Heights have long desired to develop Lot Number 64-3, Agana
5 Heights, Guam, the site of the former U.S. Naval Hospital incinerator, into a
6 community park. The Guam Legislature further finds that the Department of
7 Parks and Recreation, the current custodian of said lot, with the consent of the
8 Governor, have agreed to transfer the property to the custody and care of the
9 Mayor of Agana Heights since 1995. To this date, the transfer has not taken
10 place. Thus, the Agana Heights Municipal Planning Council and the Mayor
11 of Agana Heights have sought the assistance of the Guam Legislature to
12 facilitate the transfer of said lot.

13 **Section 2.** Section 40113(b)(3) of Chapter 40, Division 4, Part 1 of Title 5
14 of the Guam Code Annotated is hereby repealed and re-enacted to read as
15 follows:

16 “Section 40113(b)(3). The Mayor of Agana Heights shall be
17 responsible for the Agana Heights Recreation Area and Lot Number 64-
18 3, Agana Heights, Guam, the former site of the U.S. Naval Hospital
19 incinerator, which is hereby designated as a community park;”

20 **Section 3. Remediation and Restoration.** The Guam Legislature
21 hereby appropriates Fifty Thousand Dollars (\$50,000.00) from the General
22 Fund to the Department of Public Works for the remediation and restoration

1 of Lot Number 64-3, Agana Heights, Guam, by the Department of Public
2 Works and the Guam Environmental Protection Agency. This shall include
3 the removal of all debris, including construction materials, and the removal of
4 any chemicals or contaminants on the lot or in the soil that may pose a safety
5 and health hazard to the general public.



24th GUAM
LEGISLATURE

COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

January 20, 1998

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

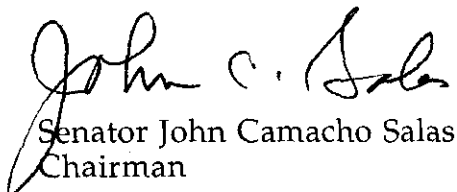
The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 351, has had the same under consideration and now wishes to report back the same, with the recommendation **TO DO PASS** as substituted by the Committee.

The Committee votes are as follows:

To Do Pass	6
Not To Pass	1
Abstain	0
Other (Off-Island)	2

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

Sincerely,


Senator John Camacho Salas
Chairman

Attachments



SE ATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

BILL NUMBER 351

TITLE An Act to repeal and reenact §40113(b)(3) of Chapter 40 of Title 5 of the Guam Code Annotated, relative to designating Lot No. 64-3, Agana Heights, Guam as a community park and transferring the lot to the control of the Mayor of Agana Heights.

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
<i>John C. Salas</i> John Camacho Salas, Chairman	✓			
Edwardo J. Cruz, M.D., Vice-Chairman				
<i>EPA</i> Elizabeth Barrett-Anderson, Member		✓		
<i>Larry F. Kasperbauer</i> Larry F. Kasperbauer, Member	x			
<i>Felix P. Camacho</i> Felix P. Camacho, Member	✓			
<i>Carlotta A. Leon Guerrero</i> Carlotta A. Leon Guerrero, Member	✓			
<i>Thomas C. Ada</i> Thomas C. Ada, Member	✓			
William B.S.M. Flores, Member				
Frank B. Aguon, Jr., Member				

Committee on Agriculture, Land, Housing,
Community & Human Resources Development
Committee Report on Bill 351
Publicly Heard Monday, October 20, 1997

Bill 351 - An act to repeal and re-enact §40113(b)(3) of Chapter 40 of Title 5 of the Guam Code Annotated, relative to designating Lot No. 64-3, Agana Heights, Guam as a community park and transferring the lot to the control of the Mayor of Agana Heights.

I. ATTENDANCE

- Senator John C. Salas, Chairman
- Senator Frank B. Aguon, Jr., Member
- Senator William B. S.M. Flores, Member
- Senator Lawrence F. Kasperbauer, Member
- Senator Francisco P. Camacho, Guest

II. MAIN SPONSORS

Speaker Antonio R. Unpingco

III. SYNOPSIS

The Agana Heights Municipal Planning Council and the Mayor of Agana Heights has long desired to develop Lot No. 64-3, Agana Heights into a community park. This property was formerly used as an incinerator by the U.S. Naval Hospital.

The current custodian of the land, Department of Parks & Recreation, had agreed since 1995, with the consent of the Governor, to transfer the property to the custody and care of the Mayor of Agana Heights. To date this transfer has not taken place. This bill will place the property in the care of the Mayor's office for the purpose of a community park.

IV. TESTIMONY

Mayor Paul McDonald, Mayor of Agana Heights, testified in support of the bill, noting that he has tried several times to secure the property without success. The property is now neglected and unmaintained and has become an illegal dumping site. At one time, Mayor McDonald testified that the Guam Environmental Protection Agency (GEPA) claimed it as a staging area for typhoon debris. The Department of Public Works had also utilized the lot for trash and debris. It is now clear that the property is in the Department of Parks & Recreation's inventory. Mayor McDonald also noted that he has tried to convince the Department of Public Works to remove the debris and trash on the property, to no avail.

Chairman Salas suggested that the bill be amended to mandate that GEPA, DPW and any other agencies that had utilized the lot pay for the clean-up and restoration of the lot to its original condition.

Mr. Pete Untalan, Member of the Agana Heights Municipal Planning Council, testified that the goal of the council is to use this property to develop into a community park to serve the youth and adults of Agana Heights and surrounding villages.

Mr. Joseph M. Borja, Administrative Director of the Chamorro Land Trust Commission, provided testimony confirming that the proposed property in Agana Heights is not part of the CLTC inventory.

V. COMMITTEE FINDINGS

The committee finds that the Mayor's and Agana Heights Municipal Planning Council's goal to develop the property into a community park for the benefit of the public is an example of how the government should serve its people. It is clear that the property in question is not being used in any meaningful manner under the responsibility of the Department of Parks & Recreation and that various agencies have used this property as a dumping site without any effort to maintain or restore the area. The committee agreed that some funding would be necessary to ensure clean-up the area by DPW and GEPA.

The committee feels that these agencies should pay for the clean-up of this property to restore it to a clean, original condition.

VI. COMMITTEE RECOMMENDATION

Therefore, the committee recommends **TO DO PASS** Bill 351, as substituted by committee, to mandate the clean-up of Lot No. 64-3, Agana Heights, by the Department of Public Works and the Guam Environmental Protection Agency, and to authorize the appropriation of \$50,000 for the clean-up.

FISCAL NOTE

BUREAU BUDGET AND MANAGEMENT RESEARCH

Bill No. 351 (COR) Date Received: 10/08/97
 Amendatory Bill: No Date Reviewed: 10/15/97

Department/Agency Affected: Agana Heights Municipal Planning Council
 Department/Agency Head: Mayor Paul M. McDonald
 Total FY Appropriation to Date: \$52,802.00 (Agana Heights MPC & CDF)

Bill Title (preamble): **AN ACT TO REPEAL AND RE-ENACT §40113(b)(3) OF CHAPTER 40 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING LOT NO. 84-3, AGANA HEIGHTS, GUAM AS A COMMUNITY PARK AND TRANSFERING THE LOT TO THE CONTROL OF THE MAYOR OF AGANA HEIGHTS.**

Change in Law: Section 40113(b)(3) of Chapter 40 of Title 5 GCA is repealed and re-enacted.

Bill's Impact on Present Program Funding:

Increase _____ Decrease _____ Reallocation _____ No Change X

Bill is for:

Operations: _____ Capital Improvement: _____ Other: X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
Program Category	General Fund	OTHER	TOTAL
Community Services	\$0	\$0	1/

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)							
FUND	1st	2nd	3rd	4th	5th	Total	
GENERAL FUND	\$0	\$0	\$0	\$0	\$0	1/	
OTHER	\$0	\$0	\$0	\$0	\$0		\$0
TOTAL	\$0	\$0	\$0	\$0	\$0	1/	

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? No funds appropriated.

IF NO, ADDITIONAL AMOUNT REQUIRED: 1/

AGENCY/PERSON/DATE CONTACTED: Agana Heights Mayors Office / Mayor Paul McDonald / 10-21-97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES (Per Bill)							
FUND	1st	2nd	3rd	4th	5th	Total	
GENERAL FUND	\$0	\$0	\$0	\$0	\$0		\$0
OTHER	\$0	\$0	\$0	\$0	\$0		\$0
TOTAL	\$0	\$0	\$0	\$0	\$0		\$0

ANALYST: William P. Takigforig DATE: 10/21/97

DIRECTOR: Joseph E. Rivera / Acting DATE: OCT 23 1997

FOOTNOTE: 1/ See attached comments.

10-20-87 10:00AM
DEPT
011 112 00017 07 0

Comments to Bill No. 351 (COR)

Bill No. 351 (COR) will transfer the property and custodial responsibility of Lot No. 64-3, Agana Heights, Guam, the site of the former U.S. Naval Hospital incinerator from the Department of Parks and Recreation to the Mayor of Agana Heights.

If enacted, Bill 351 will impact on the funds the Municipality of Agana Heights receives from General Fund appropriations for its MPC operations and community development. The Bill will add another area of maintenance responsibility for the Mayor of Agana Heights.

The Agana Heights Municipal Planning Council (MPC) and the Mayor of Agana Heights intends to develop the site into a community-based park. According to the Agana Heights Mayor, there will be a cost impact attributed to the environmental cleanup and removal of debris and garbage presently at the site.

The Agana Heights MPC is appropriated \$35,926 under its MPC budget and \$16,876 under its Community Development Fund (CDF) budget that can be used to provide for the minor maintenance of the site until the environmental cleanup and removal of debris and garbage is completed.



SENATOR JOHN CAMAC' O SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND
HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Bill Number **351**

Title *An Act to repeal and reenact §40113(b)(3) of Chapter 40 of Title 5 of the Guam Code Annotated, relative to designating Lot No. 64-3, Agana Heights, Guam as a community park and transferring the lot to the control of the Mavor of Agana Heights.*

Monday, October 20, 1997

Name	Organization	PH Testimony
<i>MAYOR PAUL McDONALD</i>	<i>AGANA HTS MAYORS' OFFICE</i>	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
<i>MCP Yeseo F. UNTALAN</i>	<i>Member</i>	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
<i>MAYOR JUAN SY PEREZ</i>	<i>Iwarajan</i>	<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR
<i>JOSEPH M. BORJA</i>	<i>CLTC</i>	<input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
<i>Natty Calvo</i>		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
<i>Ferry Mendiola</i>		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
<i>Jesus Naputi</i>		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR
		<input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST <input type="checkbox"/> ORAL <input type="checkbox"/> FOR



MUNICIPALITY OF AGANA HEIGHTS
Mayors' Council of Guam

Honorable Mahol Guahan

P.O. Box 786 Agana, Guam 96932

APR 18 1997

6

TO: Senator Tony Unpingco
Speaker, 24th Guam Legislature

FROM: Mayor Paul M. McDonald

SUBJ: TRANSFER OF INCINERATOR SITE PROPERTY (AGANA HEIGHTS)

The Agana Heights Municipal Planning Council & the Mayor's Office for almost two years have tried to acquire this property to develop it into a Community Park. The Agana Heights Municipal Planning Council and our Sister City Naval Hospital have agreed in working together to develop this site as a Community Project.

The existing site is not being maintained and is being used as an illegal dump site. Our office has recently been informed that the Legislation is required to transfer custody of this property. Mr. Speaker our office is seeking your assistance to introduce a Bill to transfer the Incinerator property from Parks & Recreation to the custody of the Agana Heights Mayor's Office. I am sure that our Community will be grateful and with the coordination and commitment of Naval Hospital and our community that this site will be developed into a site that we will all appreciate and benefit from.

Attached are documents supporting the transfer of the Incinerator Site property from Department of Parks & Recreation to our custody.

Paul M. McDonald
PAUL M. MCDONALD

Office of the Speaker
ANTONIO E. UNPINGCO

Date: 4/18/97
Time: 11:00
Rec'd by: A. Mesa
Print Name: Paul M. McDonald



Ancient Latta Stones

OFFICE OF THE MAYOR

Office: (671) 472-8285/8286/6393 Fax: (671) 472-8124



*Office of the Mayor
Municipality of Agana Heights
c/o Mayors' Council of Guam
P.O. Box 786, Agana, Guam 96910*



PAUL M. MCDONALD
Mayor

Telephone No.: 472-8286
472-6393
FAX No.: 472-6124

June 28, 1995

MEMORANDUM

TO: Director, Parks and Recreation
FROM: Mayor Paul M. McDonald
SUBJECT: Incinerator Site

We, the Agana Heights Municipal Planning Council had voted to task our office to try and acquire the property in your custody across from Naval Hospital, which is the Incinerator Site.

Our Council would like to transform this area into a beautiful Community Park. Several non-profit community groups have offered assistance to make this plan a reality. We would like for your agency to help our Community of Agana Heights acquire the property to be in the custody of the Agana Heights Mayor's Office so we can begin to develop this property to benefit the Community.

We already have a Contractor waiting for our word to demolish the old building and a non-profit group to construct a pavillion. We also have people donating fruit trees to be planted on the area.

As soon as we can get the custody of the property, we will immediately start work on it.

Please advice our office of what steps to take for the transfer of custody.


PAUL M. MCDONALD



Office of the Mayor
Municipality of Agana Heights
c/o Mayors' Council of Guam
P.O. Box 786, Agana, Guam 96910



PAUL M. MCDONALD
Mayor

Telephone No.: 472-8286
472-6393
FAX No.: 472-6124

July 31, 1995

HONORABLE CARL T.C. GUTIERREZ
Governor, Territory of Guam
Office of the Governor
P.O. Box 2950
Agana, Guam 96910

RE: FORMER INCINERATOR SITE IN AGANA HEIGHTS

Dear Governor:

On several occasions, I have inquired about the incinerator property located across Naval Hospital. We, the Agana Heights Municipal Planning Council have great interests in developing this property into an Agana Heights Community Park. Our Council Members are eager to start the development of this project, and await the actual transfer from Parks and Recreation's custody to the Agana Heights Municipal Planning Council.

Our office was informed by Parks and Recreation that they do not have any objections on the transfer of custody of the incinerator site property, in which they do not have any intentions of using. Once again, we, the Agana Heights MPC request your assistance in transferring custody of the old incinerator site in Agana Heights to eliminate the eye sore area and develop it into a beautiful park area.

Governor, please notify our office as to what procedures and/or initial actions we should take in regards to gaining the transfer we are requesting.

We look forward to your favorable response.

Sincerely yours,


PAUL M. MCDONALD



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

AUG 15 1995

Honorable Paul M. McDonald
Mayor of Agana Heights
Municipality of Agana Heights
c/o P.O. Box 786
Agana, Guam 96910


Dear Mayor McDonald:

Thank you for your letter of July 31, 1995 concerning the status of the former Navy incinerator site in Agana Heights. Please accept my commendation for your continued interest in improving this site for village recreation use and for your persistence in pursuing site transfer to the Agana Heights Municipality Planning Council.

I support the site transfer you seek and your plan to administer the site under the Planning Council. I am informed asbestos removal from the site is complete and that there are no deed restrictions or impediments to the transfer. The Department of Parks and Recreation (DPR) is currently drafting a Memorandum of Understanding to serve as the transfer instrument. Please contact Director Shelton or Mr. Peter Villagomez at DPR for further information.

I know you and the Council will do a good job developing this site and look forward to visiting the improvements soon. Please let me know if you need further assistance in expediting or completing this worthwhile project.

Sincerely,


CARL T.C. GUTIERREZ
Governor of Guam

cc: Director, DPR
Peter Villagomez, DPR



DEPARTMENT OF PARKS AND RECREATION

GOVERNMENT OF GUAM
BUILDING 13-S, TIYAN
Post Office Box 2950
Agana, Guam 96910
Telephone: (671) 475-6296/7
Facsimile: (671) 472-9626

COPY



Carl T.C. Gutierrez
Governor

A.J. Sonny Shelton
Director

Madeleine Z. Bordallo
Lt. Governor

Franklin J. Gutierrez
Deputy Director

OCT 30 1995

Honorable Paul M. McDonald
Mayor of Agana Heights
Municipality of Agana Heights
P. O. Box 786
Agana, Guam 96910

AUG 26 1996

Dear Mayor McDonald:

I just want to express the department's support to the Agana Heights community for the development of the Incinerator Site as a community Park. The department will be updating its current Parks Inventory Listing to reflect the Incinerator Site as a community Park and other required changes for submission to the Guam Legislature for approval.

In the meantime, this process should not delay your office's plans for the Incinerator Site.

Should you have any question regarding this matter, please contact Mr. Peter F. Villagomez at 475-6288/9.

Sincerely,

A.J. SONNY SHELTON
Director

477-3403



The Way Forward!

facsimile
TRANSMITTAL



to: Phil Roberto
fax #: 472-3400
re: INCINERATOR SITE - AGMA HTS.
date: 5-27-97
pages: 8 page(s) total, including this cover sheet

From the desk of...

Peter F. Villagomez

Department of Parks and
Recreation
Central Files, P.O. Box 2950
Agana Heights, Guam 96910

671-475-6290/1
Fac 671-477-2822

comments:

RECEIVED
AUG 1 7 1995
DIRECTOR'S OFFICE



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

Dove

REC'D
DIRECTOR
ORIGINAL

AUG 16 1995

Honorable Paul M. McDonald
Mayor of Agana Heights
Municipality of Agana Heights
c/o P.O. Box 786
Agana, Guam 96910

Dear Mayor McDonald:

Thank you for your letter of July 31, 1995 concerning the status of the former Navy incinerator site in Agana Heights. Please accept my commendation for your continued interest in improving this site for village recreation use and for your persistence in pursuing site transfer to the Agana Heights Municipality Planning Council.


I support the site transfer you seek and your plan to administer the site under the Planning Council. I am informed asbestos removal from the site is complete and that there are no deed restrictions or impediments to the transfer. The Department of Parks and Recreation (DPR) is currently drafting a Memorandum of Understanding to serve as the transfer instrument. Please contact Director Shelton or Mr. Peter Villagomez at DPR for further information.

I know you and the Council will do a good job developing this site and look forward to visiting the improvements soon. Please let me know if you need further assistance in expediting or completing this worthwhile project.

Sincerely,


CARL T.C. GUTIERREZ
Governor of Guam

cc: Director, DPR
Peter Villagomez, DPR

PETER, 8/17/95
PROCEED ASAP
w/ MOU +
TRANSFER


SEP 20 1995

MEMORANDUM

To: Attorney General
Attn: Ms. Dianne Corbett

From: Director, Department of Parks and Recreation

Subject: Memorandum of Understanding - Incinerator Site Park

The attached Memorandum of Understanding is being submitted for the Attorney General's approval as to form and subsequent submittal to the Governor for approval transferring responsibility of the Incinerator Site Park to the Mayor of Agana Heights.

If you have any question, please contact my staff, Mr. Peter F. Villagomez at 475-6288/9.

ORIGINAL SIGNED BY

A.J. SONNY SHELTON

Attachment

AJSS/PV:bt
September 19, 1995

Director's Chrono
Parks
Originator

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the DEPARTMENT OF PARKS AND RECREATION and the MAYOR OF AGANA HEIGHTS, concerning the day-to-day operation of the Incinerator Site Park, and to become effective upon the signature of all parties concerned.

PREFACE

The authority to maintain the Incinerator Site Park having been vested by a Quitclaim Deed filed for public record on August 4, 1983, bearing document number 340078, copy attached, between the United States of America, acting by and through the Secretary of the Interior, acting by and through the Director, National Park Service, under and pursuant to the power and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949.

TERMS

NOW THEREFORE, pursuant to 5 G.C.A. SS 40113(c) (1993) the Department of Parks and Recreation hereby relinquishes by contract

its responsibility for the Incinerator Site and all its rights thereto, including (but not necessarily limited to) the right to use, control, and schedule activities thereon, and contracts with the Mayor of Agana Heights to carry out in its stead all the responsibilities vested in the Department of Parks and Recreation by virtue of the aforesaid statute, which includes the use, control, management, development, and general minor maintenance of the Incinerator Site. The Mayor of Agana Heights will exclusively carry out all the general minor repair and maintenance work set out in the aforesaid statute, which includes, but is not necessarily limited to, "cleaning, painting, plumbing, trash collection, landscape maintenance, upkeep of drainage facilities, planting of trees, plants and flowers, maintenance of street lights and replacement of street lights." The Mayor of Agana Heights will also be exclusively responsible for all use of, control over, and scheduling of activities at the Incinerator Site. Furthermore, the Mayor of Agana Heights will carry out its own statutory responsibilities assigned under Guam Government Code SS 26010, as amended by P.L. 18-15:20, namely: "all necessary repairs, maintenance, renovation, and capital of improvements."

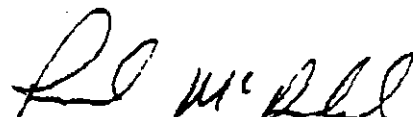
Furthermore, the Mayor of Agana Heights hereby assumes all those obligations of Grantee as stipulated in the Quitclaim Deed, filed for public record on August 4, 1983, bearing Instrument Number 340078.

The Mayor of Agana Heights, agrees and accepts voluntarily the above described entire responsibility and obligations of the Incinerator Site from the Department of Parks and Recreation.

SO AGREED THIS _____ DAY OF _____, 1995.



A.J. SENNY SHELTON, Director
Department of Parks and Recreation
Date: 9/14/95



PAUL McDONALD, Mayor
Municipality of Agana Heights
Date: 9/15/95

APPROVED AS FORM:

CALVIN E. HOLLOWAY, SR.
Attorney General

Date: _____

APPROVED:

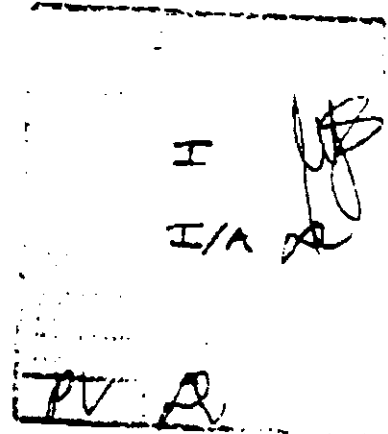
CARL T.C. GUTIERRES
Governor of Guam

Date: _____



GOVERNMENT OF GUAM
AGANA, GUAM 96910

October 3, 1995



Memorandum (Informational)

Ref: DPR 95-1171

To: Director, Department of Parks and Recreation

From: Attorney General *A*

Subject: Proposed Transfer of Agana Heights Incinerator Site from the Department of Parks and Recreation to the Agana Heights Mayor's Office

Hafa Adai!

This office is in receipt of your memorandum dated September 20, 1995, in which you requested approval of an Memorandum of Understanding between the Department of Parks and Recreation (DPR) and the Mayor of Agana Heights which would transfer the old Incinerator Site from the control of DPR and place it in the control of the Mayor of Agana Heights. It is not possible to accomplish this by MOU but the same result may be reached by other means.

In 1983 the property known as the U.S. Naval Hospital Incinerator was transferred to the government of Guam. In 1988, pursuant to the authority granted in 21 G.C.A. §77108, the Incinerator Site (among others) was forwarded to and approved by the Guam Legislature as an addition to the Territorial Park System. In that amendment the word "Park" was defined to be those areas under the control of the Department of Parks and Recreation and included, as a Territorial Recreational Facility, the Incinerator Site.

The procedure for the inclusion of government of Guam land within the Territorial Park System is defined at 21 G.C.A. 77108 et seq. In general, the department was to inventory government land, determine the land to be included in the Territorial Park System, forward the list to several places, including the Guam Legislature where, after public hearing the inclusion may be approved. The last sentence of that section provides that "[t]he list shall be added to or deleted from the aforementioned process as deemed necessary". This would imply that to delete land from the Territorial Park System it would be necessary to submit an amendment to the Guam Legislature for approval. This would, however, merely serve to transfer that land back into the general inventory of land owned by the government of Guam and would not accomplish the intent of the MOU which is to keep the land as Territorial Park System land but under the control of the Agana Heights Mayor.

There is, however, an alternative which would keep the Incinerator Site in the Territorial Park System but would allow it to be placed under the control of the Agana Heights Mayor. This would involve reclassifying the land from a Territorial Recreation Facility to a Community Recreation



Commonwealth Now!

Facility. This would be done by amending the list submitted to the Legislature in 1988 to change the classification of the Incinerator Site. The effect of this amendment would be to allow the site to fall under 21 G.C.A. §77112 which provides

The control, management, development and general minor maintenance of areas classified as community parks and community recreational facilities shall be vested in the Commissioner of the municipality or village in which such area is located, in accordance with the provisions of 5 G.C.A. Government Operations, §40113. (Emphasis added).

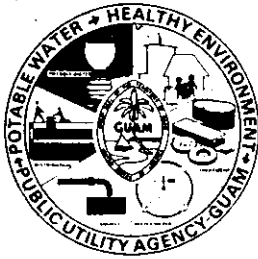
Section 40113 is the section which defines the responsibilities of the village mayors over the recreation areas located within their respective villages. This would accomplish the intent of the MOU without placing the recreational area into the general inventory of government lands which might conceivably result in it being lost as a recreational site.

This memorandum is informational only and is not issued as an opinion of the Attorney General. For a faster response to any inquiry about this memorandum, please use the reference number shown.

Dangkololo Na Agradesimienta - Thank You Very Much!

OFFICE OF THE ATTORNEY GENERAL

By: *Dianne Corbett*
DIANNE H. CORBETT
Assistant Attorney General



PUBLIC UTILITY AGENCY OF GUAM

Government of Guam
Post Office Box 3010, Agana, Guam 96910
Phone: (671) 646-8891-6 / 649-7824
Fax: (671) 649-0158

OCT 20 1997

Senator John Camacho Salas
Chairman, Committee on Agriculture, Land
Housing, Community & Human Resources Development
Twenty-fourth Guam Legislature
155 Hesler Street
Agana Guam 96910

Hafa Adai Senator Salas!

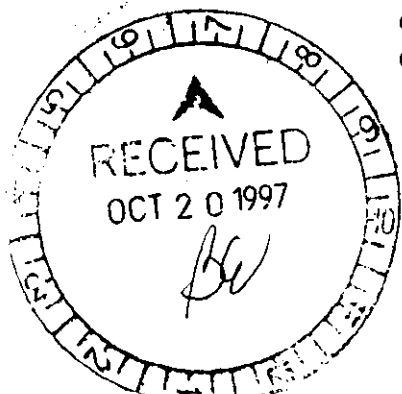
In response to your memo of October 15, 1997 regarding a public hearing for bills 313, 351 and 358, please note the following comments:

1. Bill 313:

Presently, GWA has a total of two (2) production deep wells (D-12 & D-13) situated on Chamoru Land Trust Commission lot No. 10120-R16. Each of these wells uses approximately 2500 square feet for the well head, the control room, the chlorination and fluoridation room, and the generator building. Additional space for the maneuvering of equipment and vehicles is presently available for both wells.

The lot is located directly above the Tumon water aquifer, Guam's largest aquifer and is included in the GEPA Guam Groundwater Management Zone. Consequently, property lots in this zone that are smaller than 20,000 square feet must be hooked up to a sewer collection system and are not allowed the use of on-site wastewater disposal systems (septic tanks with leaching fields). Lot 10120-R16 does not have a sewer collection system and will be subject to these restrictions.

GWA requests that these stated concerns are duly considered and included during the Department of Land Management's assessment of the portion of lot 10120-R16 that will be exchanged to satisfy Bill 313.



Commonwealth Now!

2. Bill 351:

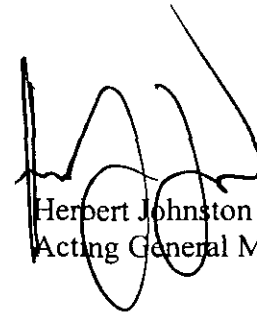
Presently, GWA has a total of one (1) production deep well (A-32) situated on lot No. 64-3. Approximately 2500 square feet for the well head, the control room, the chlorination and fluoridation room, and the generator building are needed to accommodate the existing well. Additional space for the maneuvering of equipment and vehicles is presently available for deep well A-32.

The lot is located directly above the Ordot water aquifer and is included in the GEPA Guam Groundwater Management Zone.

3. Bill 358:

GWA's supports the exchange and only requests that the concerns stated earlier are again given due consideration and included in the Department of Land Management's assessment and selection of the portion of lot 10120-R16 to be exchanged.

Thank you for the opportunity to comment on these proposed bills. If we can be of further assistance, please do not hesitate to call my office at 479-7805.



Herbert Johnston
Acting General Manager

file

Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 475-4251 Fax: 477-8082

Carol A. Ibanez, Chairperson
Rita C. Okada, Commissioner
John Q. Finona, Commissioner
Joseph T. Gumataotao, Commissioner
Tomas T. Aguon, Commissioner

Joseph M. Borja
Administrative Director

Lydia T. Cruz
Deputy Administrative Director

October 20, 1997

Testimony
on
Bill 313, Bill 351, Bill 358 and Bill 377

Bill 313

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 351

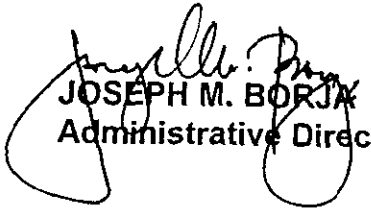
No objections to the bill. This lot is not in the Chamorro Land Trust Available Lands Inventory.

Bill 358

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 377

No comment.


JOSEPH M. BORJA
Administrative Director