



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the Governor
Vicente C. Pangelinan

DEC 31 2004

31 DEC 2004

TIME: 4:37 PM
RECEIVED BY: [Signature]

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 397 (COR), "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL ZONE (c)," now designated as **Public Law 27-157**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Bill No. 397 (COR), "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL ZONE (C)," was on the 20th day of December, 2004, duly and regularly passed.

Attested:

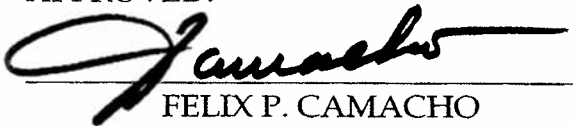

Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: December 30, 2004

Public Law No. 27-157

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 397 (COR)

As amended.

Introduced by:

v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY
OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO
COMMERCIAL ZONE (C).

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Statement. The owner of Lot No. 141-1-2-1,
3 located in the Municipality of Agat, containing an area of 683.46 square
4 meters, has requested the assistance of *I Liheslaturan Guåhan* to rezone the lot
5 from Multiple Dwelling Zone ("R-2") to Commercial Zone ("C"), to utilize the
6 property for commercial purposes.

1 The property fronts Route 4, the main highway for travel between the
2 southern villages and *Hagåtña*. It is surrounded by commercial development
3 and the change of zone will *not* be inconsistent with the present uses allowed
4 in the surrounding area. A commercial use would allow the property owner
5 to maximize the utilization of the property, thus yielding the government of
6 Guam additional revenues from gross receipt taxes.

7 In addition, the establishment of a new business on Guam will further
8 revamp the economy by creating jobs as well as providing more competition
9 in the business arena, which will benefit consumers.

10 **Section 2.** Lot No. 141-1-2-1, Municipality of Agat, containing an area
11 of 683.46 square meters, as shown on Land Management Drawing No. 040-
12 FY83, is hereby rezoned from Multiple Dwelling Zone ("R-2") to Commercial
13 Zone ("C").

14 **Section 3. Severability.** *If* any provision of this Law or its application
15 to any person or circumstances is found to be invalid or contrary to law, such
16 invalidity shall *not* affect other provisions or applications of this Law which
17 can be given effect without the invalid provisions or applications, and to this
18 end the provisions of this Law are severable.

I MINA' BENTE SIETE NA LIHESLATURAN GUAHAN

2004 (SECOND) Regular Session

Date: 12/20/04

VOTING SHEET

Bill No. 397(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.					EA
CUNLIFFE, F. Randall		✓			
FERNANDEZ, Dr. Carmen	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert		✓			
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
MUÑA BARNES, Tina Rose	✓				
pangelinan, vicente "ben" C.	✓				
QUINATA, John "JQ" M.	✓				
RESPICIO, Rory J.	✓				
SANFORD, Antoinette "Toni" D.	✓				
TENORIO, Ray	✓				

TOTAL

12 2 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

PL-27-157

6
12/20/04

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 397 (COR)

As amended.

*

Introduced by:

- v. c. pangelinan
- F. B. Aguon, Jr.
- J. M.S. Brown
- F. R. Cunliffe
- Carmen Fernandez
- Mark Forbes
- L. F. Kasperbauer
- R. Klitzkie
- L. A. Leon Guerrero
- J. A. Lujan
- T. R. Muña Barnes
- J. M. Quinata
- R. J. Respicio
- Toni Sanford
- Ray Tenorio

AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL ZONE (C).

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

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 4 meters, has requested the assistance of *I Liheslaturan Guåhan* to rezone the lot
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4 in the surrounding area. A commercial use would allow the property owner
5 to maximize the utilization of the property, thus yielding the government of
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9 in the business arena, which will benefit consumers.

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15 to any person or circumstances is found to be invalid or contrary to law, such
16 invalidity shall *not* affect other provisions or applications of this Law which
17 can be given effect without the invalid provisions or applications, and to this
18 end the provisions of this Law are severable.



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

DEC 15 2004

The 27th Guam Legislature
I MINA 'BENTE SIETE NA LIHESTURAN GUAHAN
155 Hesler Street
Hagåtña, GU 96910

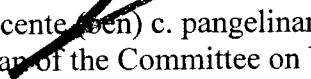
The Committee on Utilities and Land, to which was referred **Bill No. 397 (COR) "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE,"** has had the same under consideration, and wishes to report back the same with the **recommendation to**
do pass.

The Committee votes are as follows:

<u>7</u>	To Do Pass
<u>1</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

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

Sincerely,



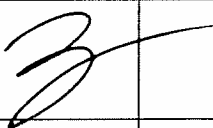





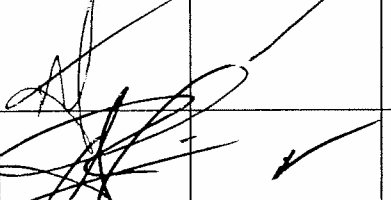

vicente (ben) c. pangelinan
Speaker & Chairman of the Committee on Utilities and Land

enclosure

Committee on Utilities and Land
I Mina'Bente Siete Na Libeslaturan Guahan

VOTING SHEET ON

**Bill 397 (COR) "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT,
 FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE."**

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Vice Chairperson					
Frank Aguon, Jr. Member					
Randy Cunliffe Member			✓		
Lou Leon Guerrero Member		✓			
Rory Respicio Member					
Toni Sanford Member		✓			
Joanne Brown Member					
Mark Forbes Member					
Ray Tenorio Member		✓			



Senator Lou Leon Guerrero RN, MPH

MEMORANDUM

NOV 26 2004

- Democrat Majority Leader
- Committee on Rules & Health
Chairwoman
- Committee on Utilities & Land
Member
- Committee on Appropriation
& Budgeting, General
Government Operations
Reorganization & Reform
Member
- Committee on Community,
Culture, Recreation &
Public Broadcasting
Member
- Committee on Economic
Development, Retirement,
Investments, Public Works,
& Regulatory Functions
Member
- Committee on Education
& Housing
Member
- Committee on Judiciary
& Transportation
Member
- Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member

To: Speaker vicente c. pangelinan
Chairman, Committee on Utilities and Land

From: *Resubmitted to*
Senator Lou Leon Guerrero, Chairwoman
Committee on Rules and Health

Subject: Principal Referral – Bill No. 397 (COR)

In accordance with Section 6.04.04.01 of the Standing Rules of the Mina' Bente Siete na Liheslaturan Guahan,

Bill No. 397 (COR) AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

is referred to your Committee on Utilities and Land as the principal committee.

A copy of this bill may be obtained from the office of the Clerk of the Legislature.

Also in accordance with Section 7.01 of the Standing Rules, it shall be the duty of the Chairperson of each standing committee, or the designated hearing officer, to notify the Speaker, the Chairwoman of the Committee on Rules and the Executive Director, the date, time, subject matter, number and title of the bill or resolution for which a public hearing will be held.

Thank you.

Office of the People's Speaker
vicente (sen) c. pangelinan

NOV 29 2004

TIME: 9:21 (AM) PM
RECEIVED BY: *[Signature]*

Cc: Clerk of the Legislature

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Introduce

NOV 26 2004

Bill No. 397 (COR)

Introduced by:

v.c. pangelinan

AN ACT TO REZONE LOT NO. 141-1-2-1,
MUNICIPALITY OF AGAT, FROM MULTIPLE
DWELLING ZONE (R2) TO COMMERCIAL (C)
ZONE.

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

2 **Section 1. Legislative Statement.** The owner of Lot No. 141-1-2-1,
3 located in the Municipality of Agat, containing an area of 683.46 square
4 meters, has requested the assistance of *I Liheslaturan Guåhan* to rezone the lot
5 from zone R2 (multiple dwelling) to zone C (commercial), to utilize the
6 property for commercial purposes.

7 The property fronts Route 4, the main highway for travel between the
8 southern villages and Hagatna. It is surrounded by commercial development
9 and the change of zone will not be inconsistent with the present uses allowed
10 in the surrounding area. A commercial use would allow the property owner
11 to maximize the utilization of the property, thus yielding the government of
12 Guam addition revenues from gross receipt taxes.

13 In addition, the establishment of a new business on Guam will further
14 revamp the economy by creating jobs as well as provide more competition in
15 the business arena, which will benefit consumers.

1 **Section 2.** Lot No. 141-1-2-1, Municipality of Agat, containing an area
2 of 683.46 square meters as shown on Land Management Drawing No. 040-
3 FY83, is hereby rezoned from Multiple Dwelling Zone (R2) to Commercial
4 Zone (C).

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

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

Bill 397 (COR)

AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT,
FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

The Committee on Utilities and Land, to which was referred Bill 397 (COR), "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE," conducted a public hearing on Tuesday, December 7, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance was Senator Robert Klitzkie.

Summary

Mr. Fred Castro, representing the Guam Environmental Protection Agency, registered the agency's objection to this bill, which is to spot rezone a single property. Mr. Fred Castro explained that the government already has a working process to rezone property. By legislatively rezoning a single lot, it decreases the quality of life for the surrounding community. Examples of problems caused by spot rezoning includes decrease in public water pressure, contamination of water well, traffic safety risks, inadequate parking, devaluation of neighboring properties, among others. He said that the process of spot rezoning would lead to increased deficiencies in infrastructure and public services, damage to natural resources, degradation of the environment and overall lowering the quality of life and loss of potential economic development.

Mr. Fred Castro also explained that the particular lot being rezoned by this bill, although Guam EPA is not provided the information needed to advise the owner, which would be provided through the Guam Land Use Commission process, may be able to use the lot for certain rezoned commercial uses, although limited by the size of the lot and by flood zone restrictions.

Mr. Cel Babauta, owner of the property being rezoned, testified in favor of the bill. He believes that by getting the property rezoned to Commercial, to be used as a "Mom & Pop" store, it will help pay for his children's college education expenses, including their loans. In addition, he is also committing a portion of the store's income to donate to the youth of Agat. Mr. Cel Babauta and his family plan to provide financial contribution that will help procure baseballs, bats, uniforms and many other sports necessities for the

youths of Agat. By getting the property rezoned to Commercial, he said that his family would contribute to the tax base of the government of Guam.

Chairman and Speaker ben pangelinan asked if there is already a structure in the property. Mr. Cel Babauta informed him that there is.

Sen. Bob Klitzkie asked Mr. Cel Babauta what happened when he went to the Land Use Commission process. Mr. Cel Babauta informed him that his neighbors are not opposed to the rezoning request. When he went to the Department of Land Management, he was told that because of his eagerness to rezone, he should go to the Legislature for a faster result. He approached DLM again, this time, he spoke with employees in-charge more on the details of rezoning, and he was told to see consultants. Mr. Cel Babauta does not have the money to pay for such consulting services. It is not his intent to circumvent the regular process, but because he was advised to seek the Legislature's assistance, that's what he did.

Findings and Recommendations

The Committee on Utilities and Land, to which was referred Bill 397 (COR), "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE," recommends that the legislation be _____.

I agree with Mr. Cel Babautia's request to re-zone his property from R2 to Commercial. The property is Lot 141-1-2-1 and it is located along Marine Corps Drive in the municipality of Agat.

Print Name	Signature	Address	Date	Phone No.	Remarks
John M. Reyes	<i>[Signature]</i>	176 N. Starano St. Agat	12/11/04	565-5743	Agat Mayor
Jesús B. Chacón	<i>[Signature]</i>	115 L. C. RAS	12/11/04	565-5864	VICE-MAYOR
Agat	<i>[Signature]</i>	RIVERA ST.	12/11/04	565-2570	REPORT
ARIELA LIZAMA	<i>[Signature]</i>	572 Poval 2 Agat	12/11/04	565-2759	NEGOTIATION
JAMES LIZAMA	<i>[Signature]</i>	569 Salinas Rd Agat	12/11/04	565-2759	"
ANTONIO C. BABAUTIA	<i>[Signature]</i>	769 S. P. RAS	12/11/04	565-2758	"
JESUS M. CHARFAVES	<i>[Signature]</i>	P.O. BOX 7388 AGAT, GUAM 96928	12/11/04	565-2168	NEIGHBOR
Patricia A. Hill	<i>[Signature]</i>	P.O. BOX 7591 Agat, Gu 96928	12/11/04	565-8417	"
Adam J. Hill	<i>[Signature]</i>	P.O. Box 7609 Agat, Gu 96928	12/12/04	565-8417	"
ANTONIO JESUS	<i>[Signature]</i>	P.O. Box 7695 Agat, Gu 96928	12/13/04	565-5015	"
	<i>[Signature]</i>	P.O. Box 96921 Agat, Gu 96921			Neighbors

Notes: Property is located along Marine Corps Drive. On the rear and to the left of the property is a commercial zoned lot. Approximately 50 yards to the north and 100 yards to the south bordering Marine Corps Drive are properties that have been zoned commercial.

Office of the People's Speaker
vicente (ben) c. pangolinan

DEC 13 2004

TIME: 1:40 PM (MAM) | PM
RECEIVED BY: *[Signature]*



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

DEC 06 2004

Honorable ben c. pangelinan
Speaker, Guam Legislature
Chairman, Committee on Utilities and Land
155 Hesler St.
Hagatna, GU 96910

Dear Mr. Speaker:

Buenas Yan Saluda.

Please find enclosed my testimonies for the Guam Environmental Protection Agency on Bills 338, 393, and 397.

Thank you and the Committee on Utilities and Land for this opportunity to present our comments on these bills related to individual lot zoning.

Dangkulo na Si Yu'os Ma'ase

FRED M. CASTRO
Administrator

Enclosures

Testimony of Mr. Fred M. Castro, Administrator

Guam Environmental Protection Agency

Before

The Committee on Utilities and Land

HEARING ON **BILL 397**: AN ACT TO REZONE LOT NO 141-1-2-1,
MUNICIPALITY OF AGAT FROM MULTIPLE DWELLING ZONE (R2) TO
COMMERCIAL (C)

December 7, 2004

Buenas yan Saluda, Mr. Chairman and Committee Members. I am pleased to have the opportunity this morning to provide for you some critical information in response to your invitation to testify on Bill 397.

Bill 397 proposes to spot zone a single property in Agat from R-2, currently allowing Multiple Family Dwellings, to C, which allows commercial developments.

The existing land zoning system on Guam was instituted in 1966, by Guam's first Land Use Plan. This legal control on uses of land was a valuable innovation to improve the quality of our life, support development and protect our environment . But, as development, population and infrastructure grew since that time, the old zoning maps have become inappropriate and obsolete in most areas. Over the last thirty-eight years, various attempts have been made to update Guam's Land Use Plan and associated Zoning Code. The greatest effort, spurred by the Guam Comprehensive Planning Law, Public Law 20-147, resulted in the I Tano'-ta Land Use Plan and Zoning Code. This Island-wide comprehensive revision became Public Law 24-171 in 1998, but was only implemented for a month in 1999, when it was withdrawn by the Legislature for amendments, which were never made. Therefore, by the unfortunate continuation of the old zoning, developers and land owners remain disadvantaged and need to seek changes to their old zoning designations.

Mr. Chairman, you and I were active members of the Guam Planning Council which was responsible for the drafting and approval of I Tano'-ta. We learned and strongly supported the value of comprehensive land use planning as we adopted a plan and zoning code based on meeting the needs expressed by the public at the

over one hundred public hearings we held on I Tano'-ta. We even designated and had approved a specific zone for this lot and adjacent properties that was compatible with infrastructure, with surrounding use potentials and with the environment, while allowing gainful economic development.

Guam Planning Council also prioritized the need for water infrastructure master planning. The Guam Waterworks Authority is currently developing a Master Plan for water and sewer facilities that will address current problems and comprehensively meet needs for Guam's future. This Plan, costing over five million dollars, will be eroded and lose its value if spot zoning of properties occurs.

In lieu of a revised zoning code, a mechanism exists for owners to change zones of their properties. This involves applying for a zone change to the Guam Land Use Commission. Staff of the Department of Land Management assist applicants in obtaining requested zone changes and offer professional advice on best procedures to take. This zone change process allows for review and comments by technical staff of the Government as well as notification in writing to neighboring property owners who will be impacted by the zone change and public hearings in the village where the property is located, as well as review by the Mayor and Planning Council

of the village. Adequacy of infrastructure to support the uses allowed in the new zone, conformity with neighboring uses and with sectoral master plans, and concerns of impacted neighbors are all addressed. Many of the safeguards of this process are absent when properties are spot zoned through the legislative process, actually leading to more problems for the owner and decrease in the quality of life for the surrounding community.

If one individual zone change is passed through this proposed spot zoning law, thousands of other owners should also expect to be able to change their zoning through this poorly controlled process. This would lead to increased deficiencies in infrastructure and public services, damage to natural resources, degradation of the environment and overall lowering of the quality of life and loss of potential economic development.

Therefore, we generally oppose the provision of zone changes for individual properties through this legislative process and recommend that this property be directed to the Guam Land Use Commission for rezoning.

We further recommend that the Guam Legislature support new efforts to develop an

updated and revised Land Use Plan and Zoning Code for the Island.

In the case of this particular lot, although we are not provided the information needed to advise the owner, which would be provided through the Guam Land Use Commission process, we believe the owner of the property may be able to use the lot for certain rezoned commercial uses, although limited by the size of the lot and by flood zone restrictions.

Thank you for the opportunity to provide this testimony, which we hope will help you reach the best decision in acting on this bill.

A handwritten signature in black ink, appearing to read "Fred M. Castro", with a stylized flourish at the end.

FRED M. CASTRO

December 7, 2004

Good-morning Mr. Speaker, Honorable Members of the Committee, and the 27th Guam Legislature,

My family and I would like to express our sincere gratitude for allowing me the opportunity to testify in support of Bill 3A7 which would re-zone Lot 141-1-2-1, located in the municipality of Agat. Although the lot is only 683 square meters, re-zoning the property would contribute to the island and the community. It is the hope of my wife, Virginia, and I that one day we would maximize the usage of the property to pay for the education and training of our four children.

Initially, we believe that by having the property zoned commercial, it would benefit the island. Because it is located along Marine Corps Drive, our plan is to open a family business that is focused on serving the people of Merizo, Umatac, Agat, Santa Rita, and certainly others who journey to the southern part of Guam. At Mangilao, there is the Taro Hut and in Agana, there is the Agana Liquor Store. These two business entities afford customers mainly with local food for those on their way to work, school, family gatherings, and for family members abroad. Our goal is to open a store that is similar to the Taro Hut and the Agana Liquor Store. Creating a store of this nature would serve hundreds of workers, students, and residents of the south who are in need of something to eat for breakfast, lunch, and of course for snacks, and parties. Moreover, we would employ, hope to profit, and in the end, contribute to the tax base of the government of Guam.

How will this business help the village of Agat? Upon my retirement from the United States Air Force and at the time recently coached a team from Germany at the Little

League World Series at Kissimmee, Florida in 1991, I returned to Guam to live and support the community. One of the first volunteer work I did was coached the Babe Ruth 16-18 year old youngsters who play for the village of Agat. The players I had at the time were Tommy Morrison, Derek Santos, Rico Castro, Dominic Cruz, Steve Aguon, and other fine youngsters. A tremendous challenge I encountered was financial support to purchase baseballs, bats, uniforms, etc. Though Mayor Tony Babauta and other local leaders assisted financially, it was rather taxing to solicit and obtain all the resources that we need for the players. Mr. Speaker and members of this legislature, I can assure you that the business that surfaces at this property will contribute to the youth of Agat. We will provide financial contribution that will help procure baseballs, bats, uniforms, etc. for the players.

When Virginia and I bought the property in 1988, our wish was to use whatever financial income that we make on the property to pay for the education of our children - Mona, Chris, Marie, and John. The eldest being Mona, followed by Chris, then Marie, and finally John. Mona completed an undergraduate degree from University of Notre Dame at South Bend, Indiana and later graduated from Syracuse University at New York with a Masters Degree in Public Policy. Chris completed a telecommunications program at Santa Clara University in California, and Marie graduated with a Bachelor of Science degree in Psychology from University of Maryland. John is currently a high school student at Father Duenas. Being that Virginia stayed home and took care of the kids, I am the only one who provides for the family. As a result, we still owe thousands of dollars in college loans that we are presently paying in order for our children to have a decent education. With the assistance of this legislature in rezoning our property to

commercial, we will open the business and utilize part of the income to help pay for the college bills that we are obligated to meet.

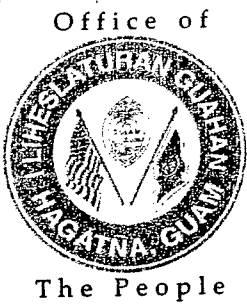
Mr. Speaker, Committee Members, and the legislature as a whole, Virginia, our kids, and I humbly seek your support in the passage of this bill. We are not a well to do family but rather a family that belief in serving our nation, our island, and our village community.

Give us your support in rezoning our property and this noble government entity can be assured that a portion of the profit we earn will be dedicated towards helping our youths – the most valuable resources of this territory. We will contribute to the health, education, and public safety in the form of tax contributions. Si yo'us ma'ase and thanks so much for the opportunity to come before all of you.

Respectfully,



Cel, Virginia, and family



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 09 2004

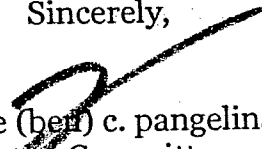
The Honorable Johnny B. Reyes
Mayor, Municipality of Agat
c/o Mayors Council of Guam
P.O. Box 786
Hagatna, GU 96932

Dear Mayor Reyes:

The Committee on Utilities and Land recently had a public hearing on **Bill 397, "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE."**

I requested input from your office regarding this matter, but I have yet to receive a response. As the Legislature plans to act on this rezoning bill next week, I hope to receive input from your office very soon. Si Yu'os ma'ase'.

Sincerely,



vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 09 2004

Cel Babauta
P.O. Box 416
Pale Ferdinand Ct.
Santa Rita, GU 96915

Dear Mr. Babauta:

As the landowner requesting for a rezone from Multiple Dwelling Zone to Commercial Zone of Property Lot Number 141-1-2-1, I am requesting from you that your mayor and the surrounding neighbors be informed of the proposed rezoning and that they be surveyed for comments.

The Legislature plans to act on Bill 397 next week, and it is therefore important that my office receive such information from you very soon.

Si Yu'os ma'ase'.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 10 2004

Joseph Borja
Director, Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Dear Mr. Borja:

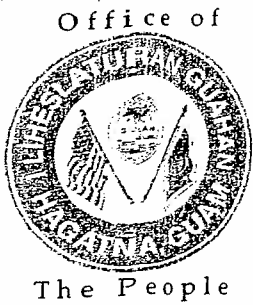
This week, the Committee on Utilities and Land had a public hearing on the following bills:

- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.
- **Bill 401:** AN ACT TO REZONE LOT NO. 7030 NEW-1, MUNICIPALITY OF YIGO, FROM AGRICULTURE (A) TO HEAVY INDUSTRIAL (M2).
- **Bill 403:** AN ACT TO REZONE LOT NUMBERS 5290-3-R8 AND 5292-3-2-2-1, MUNICIPALITY OF BARRIGADA, FROM AGRICULTURAL (A) TO INDUSTRIAL (M1).

I requested input from your agency regarding these matters, but have not received any response. Accordingly, I am again soliciting your agency's input on these rezoning bills. It is important that the Legislature receive your input; otherwise, we may presume that you have no major concerns. Please note that these re-zoning will only allow uses permitted in the zone designation and will still require the landowner to secure your agency's approval on any development plans. *Si Yu'us ma'ase'.*

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 10 2004

John Benavente
General Manager, Guam Power Authority
P.O. Box 2977
Hagatna, GU 96932

Dear Mr. Benavente:

This week, the Committee on Utilities and Land had a public hearing on the following bills:

- **Bill 393:** AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING.
- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.
- **Bill 401:** AN ACT TO REZONE LOT NO. 7030 NEW-1, MUNICIPALITY OF YIGO, FROM AGRICULTURE (A) TO HEAVY INDUSTRIAL (M2).
- **Bill 403:** AN ACT TO REZONE LOT NUMBERS 5290-3-R8 AND 5292-3-2-2-1, MUNICIPALITY OF BARRIGADA, FROM AGRICULTURAL (A) TO INDUSTRIAL (M1).

I requested input from your agency regarding these matters, but have not received any response. Accordingly, I am again soliciting your agency's input on these rezoning bills. It is important that the Legislature receive your input; otherwise, we may presume that you have no major concerns. Please note that these re-zoning will only allow uses permitted in the zone designation and will still require the landowner to secure your agency's approval on any development plans. *Si Yu'us ma'ase'.*

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 10 2004

David Craddick
General Manager, Guam Waterworks Authority
578 North Marine Drive
Upper Tumon
P.O. Box 3010
Hagatna 96932

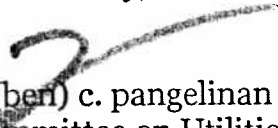
Dear Mr. Craddick:

This week, the Committee on Utilities and Land had a public hearing on the following bills:

- **Bill 393:** AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING.
- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.
- **Bill 401:** AN ACT TO REZONE LOT NO. 7030 NEW-1, MUNICIPALITY OF YIGO, FROM AGRICULTURE (A) TO HEAVY INDUSTRIAL (M2).
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I requested input from your agency regarding these matters, but have not received any response. Accordingly, I am again soliciting your agency's input on these rezoning bills. It is important that the Legislature receive your input; otherwise, we may presume that you have no major concerns. Please note that these re-zoning will only allow uses permitted in the zone designation and will still require the landowner to secure your agency's approval on any development plans. *Si Yu'us ma'ase'.*

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 10 2004

Ed Ching
Chairman, Guam Land Use Commission
c/o Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

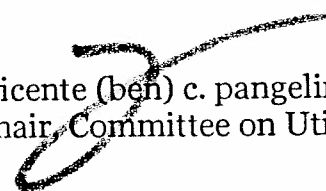
Dear Mr. Ching:

This week, the Committee on Utilities and Land had a public hearing on the following bills:

- **Bill 393:** AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING.
- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.
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I requested input from the Commission regarding these matters, but have not received any response. Accordingly, I am again soliciting the Commission's input on these rezoning bills. It is important that the Legislature receive your input; otherwise, we may presume that you have no major concerns. Please note that these re-zoning will only allow uses permitted in the zone designation and will still require the landowner to secure the appropriate agencies' approval on any development plans. *Si Yu'us ma'ase'.*

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



The People

Mina' Bente Siete Na Lineslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

DEC 10 2004

Joseph Duenas
Director, Department of Public Works
542 N. Marine Drive
Tamuning, GU 96913

Dear Mr. Duenas:

This week, the Committee on Utilities and Land had a public hearing on the following bills:

- **Bill 393:** AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING.
- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.
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I requested input from your agency regarding these matters, but have not received any response. Accordingly, I am again soliciting your agency's input on these rezoning bills. It is important that the Legislature receive your input; otherwise, we may presume that you have no major concerns. Please note that these re-zoning will only allow uses permitted in the zone designation and will still require the landowner to secure your agency's approval on any development plans. *Si Yu'us ma'ase'.*

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chair, Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

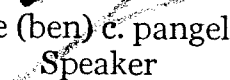
Cel Babauta
P.O. Box 416
Pale Ferdinan Ct.
Santa Rita, GU 96915

Dear Mr. Babauta:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

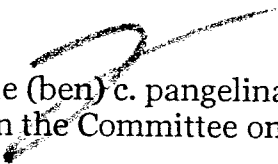
The Honorable Johnny B. Reyes
Mayor, Municipality of Agat
c/o Mayors Council of Guam
P.O. Box 786
Hagatna, GU 96932

Dear Mayor Reyes:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,



vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

John Benavente
General Manager, Guam Power Authority
P.O. Box 2977
Hagatna, GU 96932

Dear Mr. Benavente:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

Joseph Duenas
Director, Department of Public Works
542 N. Marine Drive
Tamuning, GU 96913

Dear Mr. Duenas:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

Fred Castro
Administrator
Guam Environmental Protection Agency
P.O. Box 22439
Barrigada, GU 96921

Dear Mr. Castro:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R₂) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 25 2004

David Craddick
General Manager, Guam Waterworks Authority
578 North Marine Drive
Upper Tumon
P.O. Box 3010
Hagatna 96932

Dear Mr. Craddick:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

Ed Chin
Chairman, Guam Land Use Commission
c/o Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Dear Mr. Chin:

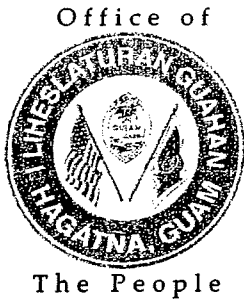
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Sincerely,

vicente (ben) c. pangelinan
Speaker



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

Joseph Borja
Director, Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Dear Mr. Borja:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

The Honorable Scott D. Duenas
President, Mayors Council of Guam
P.O. Box 786
Hagatna, GU 96932

Dear Mayor Duenas:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397:** AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities & Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

NOV 26 2004

Anthony Godwin
President, Guam Board of Realtors
P.O. Box 12158
Tamuning, GU 96931


Dear Mr. Godwin:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

NOV 26 2004

Simon Sanchez
Executive Director
Committee to Get Guam Working
P.O. Box 21929 GMF
Barrigada, GU 96921

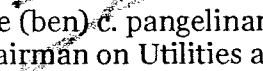
Dear Mr. Sanchez:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,



vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

NOV 26 2004

Eloise Baza
President, Guam Chamber of Commerce
P.O. Box 283
Hagatna, GU 96910

Dear Ms. Baza:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities & Land



Office of

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

The People

NOV 26 2004

The Honorable Douglas Moylan
Attorney General
Department of Law
120 W O'Brien Drive
Suite 2-200E
Hagatna, GU 96910

Dear General Moylan:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

You may obtain a copy of this bill through the Guam Legislature's website at www.guamlegislature.com or call my office at the numbers below. Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities & Land



The People

Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

The Honorable Felix P. Camacho
I Maga Lahen Guahan
Office of the Governor
P.O. Box 2950
Hagatna, GU 96932

Dear Governor Camacho:

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

The appropriate government agencies are invited to testify on this bill.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities & Land

cc: Lt. Governor



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

MEMORANDUM

TO: All Senators

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 12/07/04

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

Thank you for your attention to this matter.



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 26 2004

MEMORANDUM

TO: All Committee Members

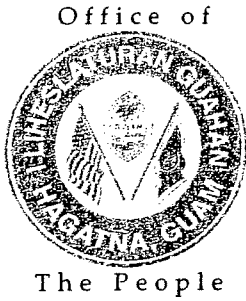
FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 12/07/04

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

- **Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.**

Thank you for your attention to this matter.



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

NOV 23 2004

MEMORANDUM

TO: Chairwoman, Committee on Rules
Executive Director, Guam Legislature

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 12/07/04

Please be advised that the following has been added to the Public Hearing agenda of the Committee on Utilities and Land, to be held on Tuesday, December 7, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building:

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Thank you for your attention to this matter.

Twenty-Seventh Guam Legislature
MINA 'BENTE SIETE NA LIHESLATURAN GUÁHAN
Speaker vicente (ben) c. pangelinan
Chairman, Committee on Utilities and Land

Public Hearing 9:00 a.m., Tuesday, December 7, 2004

A G E N D A

- I. Call to Order:
- II. Announcement & Introduction of Members:
- III. Executive Appointments:

IV. Legislative Measures:

◦ *Bill No. 334 (COR):* "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE."

◦ *Bill No. 338 (COR):* "AN ACT TO REZONE LOT NUMBER 3409-2, (SUBDIVISION OF LOT 3409-R1), MUNICIPALITY OF CHALAN PAGO-ORDOT FROM R1 TO R2, MULTI-FAMILY RESIDENTIAL."

◦ *Bill No. 390 (COR):* "AN ACT TO REQUIRE THE GUAM POWER AUTHORITY TO BILL CONDOMINIUM RESIDENTS AT RESIDENTIAL RATES, BY ADDING A NEW SECTION 8123 TO ARTICLE 1 OF CHAPTER 8 OF TITLE 12, GUAM CODE ANNOTATED."

◦ *Bill No. 393 (LS):* "AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING."

◦ *Bill No. 394 (LS):* "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION."

◦ *Bill No. 397 (COR):* "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE."

- V. Remarks:
- VI. Adjournment:

Body of Ebersol's son recovered in wreckage

MONTROSE, Colo. (AP) — Moments after surviving a horrific plane crash, Charles Ebersol frantically begged bystanders for help in rescuing his kid brother from the wreckage: "Can you please help get him out?" the 21-year-old was quoted as saying.

Nearby, his father, NBC Sports chairman Dick Ebersol, sat on the snowy ground amid the billowing smoke and chunks of wreckage, numbly rocking back and forth, according to a witness.

"You could tell he was in shock. Both of them had been ripped out of their shoes," said Doug Percival, a driver at a towing service who was one of the first to arrive.

The account came a day after a jet carrying the Ebersols crashed during a snowstorm while taking off from the airport outside this small town 185 miles southwest of Denver. Authorities said Monday they had removed a body from the wreckage matching that of 14-year-old Edward "Teddy" Ebersol, a freshman at a Connecticut boarding school.

Two crewmen also died and another was injured along with the two Ebersols. NBC said in a statement Monday that Dick and Charlie Ebersol are in stable condition and expected to make a full recovery.

Authorities had no immediate word on the cause of the crash.

With light snow falling, crews began picking through the charred pile of twisted metal and a 6-foot-high shard of the fuselage with three gaping, round windows. The two engines lay on the ground nearby near the tail section where they had been mounted.

A backhoe was brought in to help dig through the wreckage, found near a cattle pen in a snow-covered field dotted with knee-high weeds. A gray tarp was draped across part of the site as crews wrapped up work for the day.



The Associated Press

Plane crash: The airplane that carried NBC Sports chairman Dick Ebersol burns after crashing on takeoff at Montrose Regional Airport, Sunday morning in Montrose, Colo. Ebersol and one of his sons survived the charter plane crash but a body matching the description of another son, Teddy, was found Monday.

"It's going to be a while because unfortunately a lot of the wreckage is still covered with snow," said Arnold Scott, the lead investigator for the National Transportation Safety Board.

Coroner Mark Young said the body thought to be that of the youngest Ebersol was found underneath the wreckage. Heavy equipment was used to recover the body. Dick Ebersol has been head of NBC Sports for nearly 15 years, and is perhaps best known for his love of the Olympics, which are broadcast on the network.

He and his two sons were flying home from California, where the older son's school, Notre Dame, played a football game Saturday against Southern California. Another Ebersol son, 18-year-old Willie, is a freshman at USC.

The family flew to Colorado, where they have a home, to drop

off Ebersol's wife, Susan Saint James, an actress who starred in the 1980s television series "Kate and Allie." Then, Ebersol and the two sons were headed to drop off Charles at school in South Bend, Ind.

A heavy snowstorm had eased up before the plane prepared to take off, but there was no immediate word if weather was a factor. Steve McLaughlin of MTJ Air Services, which de-ices private planes at the airport, said his company did not de-ice Ebersol's plane before it took off. Airport Manager Scott Brownlee said he did not know whether the plane had been de-iced.

Witnesses said it appeared the plane, a CL-601 Challenger, never got off the ground. It ran off the runway and skidded across a two-lane road, punching through fences on either side before bursting into flames.

Brewers finish deal with catcher Miller

NEW YORK (AP) — Damian Miller's \$8.75 million, three-year contract was finalized by the Milwaukee Brewers and Doug Mirabelli became the first of Boston's 16 free agents to re-sign, agreeing to a \$3 million, two-year deal Monday.

As the free-agent market resumed following the Thanksgiving week-

end break, Gary Bennett was the third catcher to sign off on a deal, agreeing to a \$750,000, one-year contract with the soon-to-be Washington Nationals.



Miller

And the New York Yankees neared agreement on a contract with backup catcher John Flaherty.

Left-handed pitcher Denny Reyes agreed to a \$550,000, one-year contract with the San Diego Padres, who last week reached an agreement with right-hander Rudy Seanez for the same amount.

While the top and middle of the market awaits the Dec. 7 deadline for teams to offer salary arbitration to their former players who became free agents, players with lower profiles are signing.

Miller's deal was agreed to last Tuesday, and he took a physical the following day. But the Brewers put off completing the agreement because they couldn't find any of their team physicians to read the MRI exam results ahead of the holiday weekend.

"We were getting all the information together to a level we felt comfortable with and we feel fine about it now," general manager Doug Melvin said. "It was just due

diligence. We had to get a second opinion on some things."

Miller gets \$3.25 million in each of the next two seasons, and Milwaukee has a \$3.75 million option for 2007. If the Brewers decline it, Miller would get a \$2.25 million player option and the chance, if he exercises it, to earn \$750,000 more in performance bonuses.

Miller, 35, grew up in La Crosse. He hit .272 with nine homers and a career-high 58 RBIs in 110 games for Oakland last season, including 324 with runners in scoring position and 412 with the bases loaded.

Mirabelli will earn a \$200,000 signing bonus and \$1.4 million in each of the next two seasons under his contract with the World Series champions. Mirabelli made \$825,000 last season, when he batted .281 with nine homers and 32 RBIs in 160 at-bats as Jason Varitek's backup and the regular catcher for knuckleballer Tim Lincecum.

Bennett, 32, fulfills the need for a backup to Brian Schneider on the Expos, who will become the Nationals once baseball owners approve the proposed move. Bennett hit .224 with three home runs and 20 RBIs in 75 games for Milwaukee last year. He's a career .247 hitter in nine seasons with Philadelphia, the New York Mets, Colorado, San Diego and Milwaukee.

Bennett's best season came with San Diego in 2003, when he had 42 RBIs in 96 games.

Reyes was 4-8 with a 4.75 ERA in 40 games with Kansas City last season, including 12 starts.

Flaherty hit .252 in 127 at-bats but was the key to several New York wins, hitting six homers and driving in 16 runs. He made \$775,000 and his new deal was likely to be for a salary between that and \$1 million.

Second baseman Miguel Cairo, like Flaherty represented by agent Alan Nero, also hopes to re-sign with the Yankees.

Spurrier hires son as assistant

Gannett News Service

COLUMBIA, S.C. — University of South Carolina coach Steve Spurrier is continuing to work on filling out his staff, saying Monday he'd talked to about 20 potential candidates and had hired a fourth assistant — his son.

Steve Spurrier Jr., who has just completed his first year as the tight ends coach at Arizona, will coach wide receivers. While only 33, the younger Spurrier already owns a pair of national championship rings earned as an assistant at Oklahoma in 2000 and Florida in 1996.

With the hiring of his son, Spurrier has filled four assistant slots, with the other three coaches holdovers from Lou Holtz's staff. Also, Spurrier said he had hired Jamie Speronias as his director of football operations and Mark Smith as his strength coach.

Speronias did the same job for Spurrier at Florida, where, along with assisting Spurrier with the day-to-day opera-

tions of the program, he oversaw the walk-on program and worked with NFL scouts.

Smith was with Spurrier at Florida and the NFL's Washington Redskins. He was with the New Orleans Saints this past season.

"He's ready to go," Spurrier said. "He's one of the best. He believes like I do that speed

goes with strength. Strength is only 50 percent of the game, and speed is the other 50 percent as far as conditioning."

Spurrier said he was "fairly close" to filling several other spots on his nine-man staff, saying he would likely hire his defensive coordinator next and "let him have some input" on the rest of the defensive staff.



Mina 'Bente Siete Na Libeslaturau Gushán
vicie (ben) c. pangelinan Office of the People
Speaker Chairman, Committee on Utilities and Land

Public Hearing
Tuesday, December 7, 2004, 9:00 a.m.

Bill 397: AN ACT TO REZONE LOT NO. 141-1-2-1,
MUNICIPALITY OF AGAT, FROM MULTIPLE
DWELLING ZONE (R2) TO COMMERCIAL(C)
ZONE.

The hearing will take place at the Guam Legislature Public Hearing Room located in Hagatna. Individuals requiring special accommodations, auxiliary aid or services are asked to contact the Office of Speaker vicie (ben) c. pangelinan @ 472-3555/42. Written testimonies may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3556 or electronically sent to agencen@legislat.guam.net or a form may be filled out at www.guam.net/guam/scn/397.

Ad paid for by PDN due to its failure to timely publish it on 11/30/04.

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Lvg Island Sale Furn, Baby items, hsehold, misc. Jonestown near Oka Tower Sat Only 7am-2pm

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Multi Fam Yd Sale Sat&Sun 0630-1230 Across New Toto Mart Look 4 Signs XMAS is here All Cheap

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Multi Family Yard Sale Sat 12/4 6am-11am, Hsehold 195 Gloria Circle Santa Barbara St. Dededo, Computers, Toys, Clothes, etc...

Multi-Fam Yrd Sale! 7am Sat 12/4 1200 Calle Angel Flores St. Sinajana, Hsehold Itms, Clths, Toys, Etc...

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Mina 'Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan *Office of the People*
Speaker Chairman, Committee on Utilities and Land

Public Hearing
Tuesday, December 7, 2004
9:00 a.m.

- **Bill 334:** AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE.
- **Bill 338:** AN ACT TO REZONE LOT NUMBER 3409-2, (SUBDIVISION OF LOT 3409-R-1), MUNICIPALITY OF CHALAN PAGO ORDOT FROM R1 TO R2, MULTI-FAMILY RESIDENTIAL.
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Committee on Utilities and Land

Tuesday, December 07, 2004

Public Hearing for

Bill No. 397 (COR): "AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE."

	Present	Absent	Off-Island	Excused
vicente (ben) c. pangelinan	✓	_____	_____	_____
Carmen Fernandez	_____	_____	_____	_____
Frank B. Aguon, Jr.	_____	_____	_____	_____
Lou Leon Guerrero	_____	_____	_____	_____
Rory Respicio	_____	_____	_____	_____
Toni Sanford	_____	_____	_____	_____
Joanne Brown	_____	_____	_____	_____
Mark Forbes	_____	_____	_____	_____
Randall Cunliffe	_____	_____	_____	_____
Ray Tenorio	_____	_____	_____	_____
<hr/>				
Larry Kasperbauer	_____	_____	_____	_____
Robert Klitzkie	✓	_____	_____	_____
Jesse Lujan	_____	_____	_____	_____
Tina Muna-Barnes	_____	_____	_____	_____
John Quinata	_____	_____	_____	_____

Attending Staff

Karen Quitlong ✓

Frances Flores _____

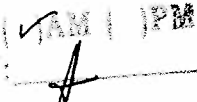
Ed Pocaigue ✓

Dan Ybarra ✓



Office of the People's Speaker
vicente (ben) c. pangelinan

DEC 14 2004

TIME: 11:30 AM 1 PM
RECEIVED BY: 



GOVERNOR
Felix P. Camacho
LT GOVERNOR
Kaleo S. Moylan

DIRECTOR
Joseph W. Duñas
DEPUTY DIRECTOR
Michael C. James

December 14, 2004

MEMORANDUM

TO: Marc Gagarin, Chief of Engineering

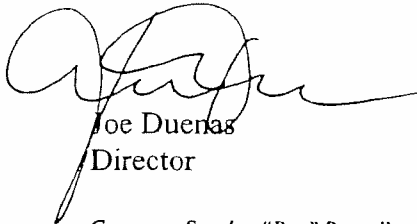
FROM: Joe Duenas, Director

SUBJECT: *Speaker Ben Pangelinan: Request for Written Agency Input:
Bill #393, 397, 401, & 403*

Please review the attached memorandum from Speaker Pangelinan requesting our agency's input on the attached rezoning bills.

I am requesting via this memorandum, that you direct your appropriate staff to thoroughly review each bill and provide a written input on each. Please provide me with a copy of your staff's written input on or before Friday December 17, so that I may review and submit the documents to the Speaker.

Sincerely,


Joe Duenas
Director

Cc: *Speaker "Ben" Pangelinan (fax 462-3556)*

Xx: *Director's Project Log*



**I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY – SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910**

December 3, 2004

THIS IS A CALENDAR OF PUBLIC/OVERSIGHT HEARINGS AND SESSIONS SCHEDULED BY I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN.

ALL HEARINGS ARE HELD IN THE PUBLIC HEARING ROOM UNLESS OTHERWISE NOTED OR YOU CAN CALL THE PROTOCOL OFFICE AT 472-3483/3499/3540 FOR MORE INFORMATION.

COPIES OF BILLS ARE AVAILABLE TO THE GENERAL PUBLIC AND CAN BE OBTAINED AT THE ARCHIVES SECTION BY CALLING 472-3464/3474.

OR YOU CAN CHECK THE WEBSITE AT: www.guamlegislature.com

Calendar Week December 5, 2004 through December 11, 2004

Tuesday, December 7, 2004 at 9:00 a.m.

PUBLIC HEARING

Committee on Utilities & Land

Speaker vicente (ben) pangelinan – Chairman

BILL NO. 334 – AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE.

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BILL NO. 390 – AN ACT TO REQUIRE THE GUAM POWER AUTHORITY TO BILL CONDOMINIUM RESIDENTS AT RESIDENTIAL RATES, BY ADDING A NEW SECTION 8123 TO ARTICLE 1 OF CHAPTER 8 OF TITLE 12, GUAM CODE ANNOTATED.

BILL NO. 393 – AN ACT TO ZONE LOT NO. 5049-2-R1, MUNICIPALITY OF TAMUNING.

BILL NO. 394 – AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION.

BILL NO. 397 – AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY IOF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

(To be held in the Public Hearing Room, Guam Legislature Building, Hagåtña)

Thursday, December 9, 2004 at 9:00 a.m.

PUBLIC HEARING

Committee on Economic Development, Retirement, Investments,

Public Works & Regulatory Functions

Senator Antoinette (Toni) Sanford – Chairwoman

BILL NO. 386 – AN ACT TO ADD A NEW TITLE 23 TO THE GUAM CODE ANNOTATED TO AMEND §§ 1101, 1103, AND 1104 OF TITLE 18 OF THE GUAM CODE ANNOTATED, TO AMEND



Senator Lou Leon Guerrero RN, MPH

MEMORANDUM

NOV 26 2004

To: Speaker vicente c. pangelinan
Chairman, Committee on Utilities and Land

From: *Rep. Lou* Senator Lou Leon Guerrero, Chairwoman
Committee on Rules and Health

Subject: Principal Referral – Bill No. 397 (COR)

In accordance with Section 6.04.04.01 of the Standing Rules of the Mina' Bente Siete na Liheslaturan Guahan,

Bill No. 397 (COR) AN ACT TO REZONE LOT NO. 141-1-2-1, MUNICIPALITY OF AGAT, FROM MULTIPLE DWELLING ZONE (R2) TO COMMERCIAL (C) ZONE.

is referred to your Committee on Utilities and Land as the principal committee

A copy of this bill may be obtained from the office of the Clerk of the Legislature.

Also in accordance with Section 7.01 of the Standing Rules, it shall be the duty of the Chairperson of each standing committee, or the designated hearing officer, to notify the Speaker, the Chairwoman of the Committee on Rules and the Executive Director, the date, time, subject matter, number and title of the bill or resolution for which a public hearing will be held.

Thank you.

Cc: Clerk of the Legislature

- Democrat Majority Leader
- Committee on Rules & Health
Chairwoman
- Committee on Utilities & Land
Member
- Committee on Appropriation
& Budgeting, General
Government Operations
Reorganization & Reform
Member
- Committee on Community,
Culture, Recreation &
Public Broadcasting
Member
- Committee on Economic
Development, Retirement,
Investments, Public Works,
& Regulatory Functions
Member
- Committee on Education
& Housing
Member
- Committee on Judiciary
& Transportation
Member
- Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member

2004 NOV 26 MS

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 397 (COR)

Introduced by:

v.c. pangelinan 

AN ACT TO REZONE LOT NO. 141-1-2-1,
MUNICIPALITY OF AGAT, FROM MULTIPLE
DWELLING ZONE (R2) TO COMMERCIAL (C)
ZONE.

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

2 **Section 1. Legislative Statement.** The owner of Lot No. 141-1-2-1,
3 located in the Municipality of Agat, containing an area of 683.46 square
4 meters, has requested the assistance of *I Liheslaturan Guåhan* to rezone the lot
5 from zone R2 (multiple dwelling) to zone C (commercial), to utilize the
6 property for commercial purposes.

7 The property fronts Route 4, the main highway for travel between the
8 southern villages and Hagatna. It is surrounded by commercial development
9 and the change of zone will not be inconsistent with the present uses allowed
10 in the surrounding area. A commercial use would allow the property owner
11 to maximize the utilization of the property, thus yielding the government of
12 Guam addition revenues from gross receipt taxes.

13 In addition, the establishment of a new business on Guam will further
14 revamp the economy by creating jobs as well as provide more competition in
15 the business arena, which will benefit consumers.

1 **Section 2.** Lot No. 141-1-2-1, Municipality of Agat, containing an area
2 of 683.46 square meters as shown on Land Management Drawing No. 040-
3 FY83, is hereby rezoned from Multiple Dwelling Zone (R2) to Commercial
4 Zone (C).

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