Senator Kelly Marsh (Taitano), PhD.

Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products, Hagatna Revitalization, Self-Determination, and Regional Affairs
Assistant Majority Leader
I Mina' Trentai Singko Na Liheslaturan Guåhan

Committee Membership

Overall Vice-Chair:
Speaker Tina Muña Barnes

Heritage and the Arts Vice-Chair:
Senator Amanda L. Shelton

Self-Determination Vice-Chair:
Senator Jose "Pedo" Terlaje

Regional Affairs Vice-Chair:
Senator Clynt E. Ridgell

Senator Régine Biscoe Lee

Senator Joe S. San Agustin

Senator Therese M. Terlaje

Contact Details

989-5681/3

office.senatorkelly@guamlegislature.org

Guam Congress Building
163 Chalan Santo Papa
Hagåtña, GU 96910

0746

July 11, 2019

Transmitted via hand-delivery

35GL-19-0746
Speaker Tina Rose Muña Barnes

JUL 12 2019
Time 4:35 ( )AM (X)PM
Received By: Matt

Ms. Maria Eugenia Leon Guerrero, Chair
Board of Commissioners
Hagåtña Redevelopment and Restoration Authority
590 S. Marine Corps Drive
ITC Building, Suite 511
Tamuning, Guam 96932

Re: *I Liheslaturan Guåhan's* Nomination Consent as a Commissioners on the Hagåtña Redevelopment and Restoration Authority, Board of Commissioners

2019 JUL 15 AM 9:15

Buenas Yan Håfa Adai:

Congratulations on your empanelment and working towards your first official meeting. I will continue to work with the administration on getting the last of your board members in place.

As you may have heard, at the last HRRA informational hearing held on July 18, 2019, it was announced that *I Maga'håga* identified some $190,000 in funding for the HRRA. I have sent a letter to the HRRA Executive Director offering support if any legislative action is needed to move that funding into HRRA operations so that the office may have a budget with which to work.

Further, to ensure that the work of the HRRA Board is able to move forward on a sound legal basis, you are no doubt, aware that there are several outstanding issues that need to be resolved. One of these is the record of Board meetings required by statute. More specifically, there are outstanding issues related to Board minutes and audio recordings:

- The Open Government Law requires that audio recordings of all Board meetings, even informational ones, are to be submitted to the Office of the Public Auditor (OPA) within seven days. These audio recordings are then posted on the OPA website.
  - The Board recently held two informational meetings for which the submittal of the audio recordings are still pending.
  - Although Planner IV Joe Santos testified at a recent public hearing that such audio recordings of HRRA meetings had been submitted until early 2017, OPA has since informed my office that HRRA has never submitted audio recordings (see attachment).

- Guam law[1] requires that the minutes of Board meetings be submitted to the Legislature and *I Maga'håga*. According to records[2] received by the Speaker and transmitted to the Legislative Secretary, no record of any such minutes or deliverables have ever been submitted and recorded.
- All phases deemed completed by the Authority's planning consultant must be accepted and approved by the Board and a copy of the deliverable filed with the minutes. Again, there is no record of any such minutes that have been submitted and recorded affirming the completion of a contractual phase that authorizes the release of public funds.

As brought forward in the HRRA informational hearing held on June 20, 2019, it appears that a draft zoning code has been developed for Hagåtña that has not yet received the approval by the Board. As you may be aware the enabling legislation for HRRA mandates that part of the process for consideration of any new zoning code is the requirement to hold public hearings. I am sure you will agree that if any new zoning code is to be considered, its review and disposition is a necessary step before taking up any reasonable assessment of the Master Plan. As you know, zoning codes set the stage in determining the type of building and activities that may or may not occur and has legal implications as the codes may affect current and future property owners. In this regard, my office is here to provide support for your efforts. Please let us know if we can assist in this process in any way.

Again, congratulations on your empanelment. I look forward to supporting the HRRA and working with the Board of Commissioners so that together, we can accomplish great things for the community of Guam.

Si Yu'os Ma'åse,

***si Sinadora* Kelly Marsh (Taitano), PhD.**

Attachment

Cc: Commissioners, Hagåtña Redevelopment and Restoration Authority
I Maga'hågan Guåhan
Speaker
Senators

[1] Reporting Requirements for Boards and Commissions - §8113.1 of Chapter 8, Title 5 GCA

[2] Legislative Messages and Communications - http://guamlegislature.com/index/messages-and-communications/ and messages and communications of http://guamlegislature.com/index.htm# .