

ORIGINAL



BUREAU OF BUDGET & MANAGEMENT RESEARCH

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LIEUTENANT GOVERNOR

CERTIFICATION

The Bureau of Budget and Management Research (BBMR) hereby certifies and approves the budget request herewith attached for the **DEPARTMENT OF LAND MANAGEMENT**.

BBMR further attests that all efforts were made in the review process to ensure the accuracy of the calculations and that the results indicated compliance with the budget ceiling established for this government entity from all fund sources.

The justification of this budget request is the responsibility of the government entity listed above and any submission outside of this certified submission is neither approved nor sanctioned by the Bureau of Budget and Management Research.

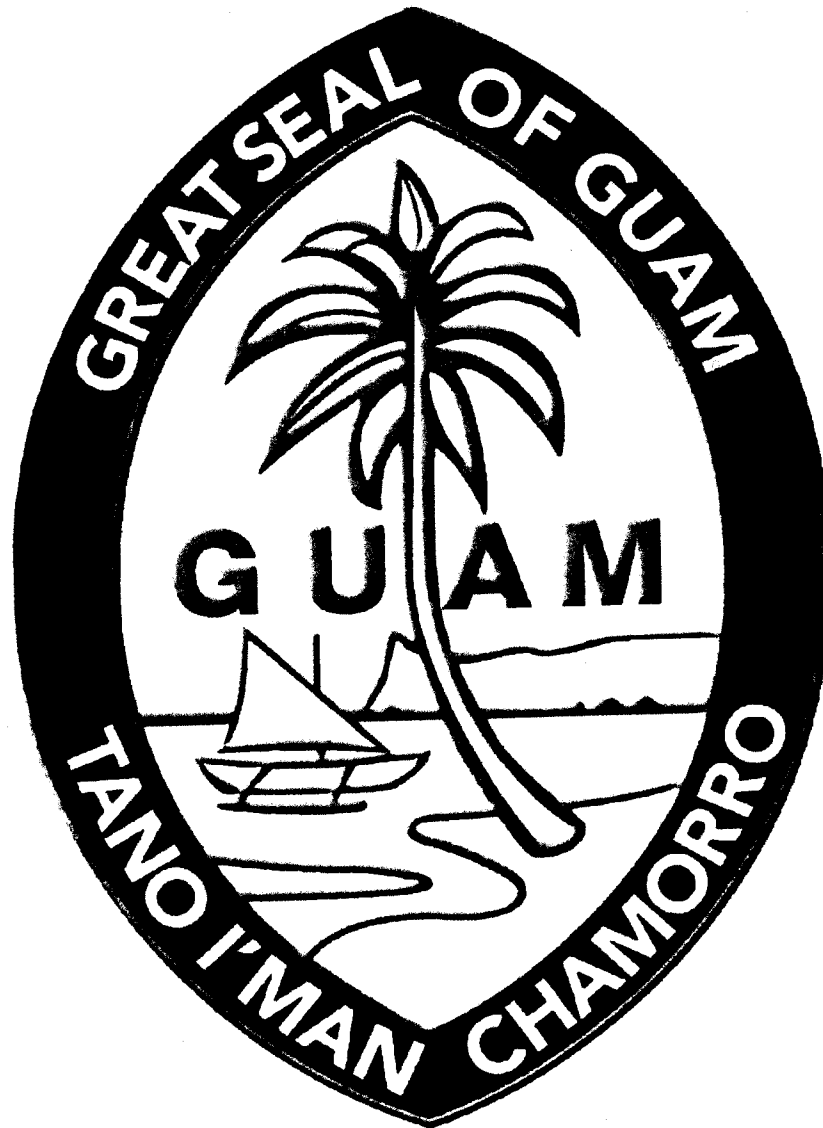
A handwritten signature in black ink, appearing to read "Bertha M. Duenas", written over a horizontal line.

BERTHA M. DUENAS

Date: MAR 13 2009

ORIGINAL

DEPARTMENT OF LAND MANAGEMENT



**FISCAL YEAR 2010
BUDGET SUBMISSION
FEBRUARY 2009**

Department of Land Management
Functional Organizational Chart

Director's Office

1. To maintain and effectively manage the destiny of all public lands considering the social and economic factors.
2. To ensure an effective management regulation and control the developments determined to be of public interest for its continued social economic welfare.
3. To operate with positive and dynamic philosophy of management vital to the effective and efficient operation of the Department.
4. Maintains several authorities: Executive Secretary (21 GCA, Chapter 60), Administrator, Territorial Seashore Protection Commission (21 GCA, Chapter 63); Recorder (21 GCA, Chapter 60); Cadastre (21 GCA, Chapter 60); Territorial Surveyor (21 GCA, Chapter 60).
5. To automate and secure geographic and land information system within the Department.
6. To maintain copies of documents from the U.S. Naval Government RE: Government land usage.

Administrative Support Unit

1. To evaluate management services' effectiveness and recommend or initiate changes in policies, programs, and requirements to improve Department effectiveness.
2. To provide technical guidance and assist the program administrators in the fulfillment of the commitment to their respective programs, such as planning, developing, and implementing regulations.
3. To provide accountability of Funds, Control of the Financial Budget, and Expenditures. Prepares financial reports, status and obligations.
4. Maintain all DLM's fixed assets and property control.
5. Oversees Personnel, Payroll, Training, and Safety management
6. Submits annual Departmental Budget.

Land Planning Division

1. Use Commission, Territorial Seashore Protection Commission, Guam Natural Resource Board and the Development Review Committee entrusted with the regulatory responsibility administering the legislative and executive intent of 21 GCA, Chapter 60 (Land Management Planning); 21 GCA, Chapter 60 (Land Management - Street Naming Plan); 21 GCA, Chapter 60 (Land Management Natural Resource Utilization) 21 GCA, Chapter 61 (Zoning Law); 21 GCA, Chapter 62 (Subdivision Law); 21 GCA, Chapter 63 (Guam Territorial Seashore Protection Act of 1974); 21 GCA, Chapter 45 (Horizontal Property Act); 21 GCA, Chapter 47 (Time Share Ownership Act); Executive Order 78 - 20 (Flood Hazard Area of Particular Concern); Executive Order 96 - 26 (Application of Wetlands); Executive Order 90 - 13 (Protection of Wetlands); and Public Law 12 - 126 and 20 - 151 and Executive Order 89 - 09 (Historical Preservation); and P.L. 21-82:4 as amended by P.L. 21-144:8 (Summary Zone Change Program and P.L. 25-131, (Split Zone Change Program, Public Law 21-14 Section 11 (LUPRA)).

2. To support and provide for the channeling past, present and future developments into meaningful and integrated direction for the protection and enhancement of the quality of life on Guam.

Land Administration Division

1. To promote and sustain through effective Public Land Management and Administration Techniques the development of productivity of Public Lands.

2. To uniformly dispose the returned surplus Public Lands and to acquire at a fair price by negotiated purchase Private Land for public purposes.

3. To provide staff services program and enforcement; Administer Constructive Land Use Program, Land Acquisition Proposals; and Administered Land Disposition Program.

Land Survey Division

1. Maintain and supplement a Land Square Grid System (Guam Map Grid 1993) and Land Cadastre System. (Section 60501, Chapter 60, Article 6, Title 21, Guam Code Annotated).

2. Establish a uniform system of primary, secondary, and tertiary geodetic network controls known as the Guam Geodetic Network (GGN) in accordance with the Federal Geodetic Control Committee's Geometric Specifications using Global Positioning System Relative Positioning Techniques (Section 60515, Chapter 60, Article 5, Title 21, Guam Code Annotated).

3. Survey and map all real properties belonging to the government of Guam for which certificates of title have not been issued in order to accomplish the registration of such properties (Section 60503, Chapter 60, Article 5, Title 21, Guam Code Annotated).

4. Maintain and preserve current records of surveys and maps of the island for both the government and private sector in accordance with the Subdivision Law and the Land Survey Manual.

5. Survey, locate, mark and map land boundaries; preparation of metes and bounds descriptions of all land owned, controlled or in possession of the government of Guam, or which may hereafter be acquired by the government through purchase or condemnation.

Land Records Division

1. To initiate Land Registration on Government Land pursuant to the Land Registration Act section 1157, Civil Code of Guam.

2. To receive and record documents after ensuring that all legal requirements are complied pursuant to section 13100, Government Code of Guam and section 1157, Civil Code of Guam.

3. To process all Certificate of Title request such as the Issuance Request, Owner's Certified in Place of Lost One, Up-date and Certify of Title and Bail Bond Request for use as Evidence in Court.

4. Administer services to the General Public Private Research Companies, Real Estate Companies, etc., and other Government Agencies on the research of ownership, location of boundaries and certification of ownership pertaining to real property.

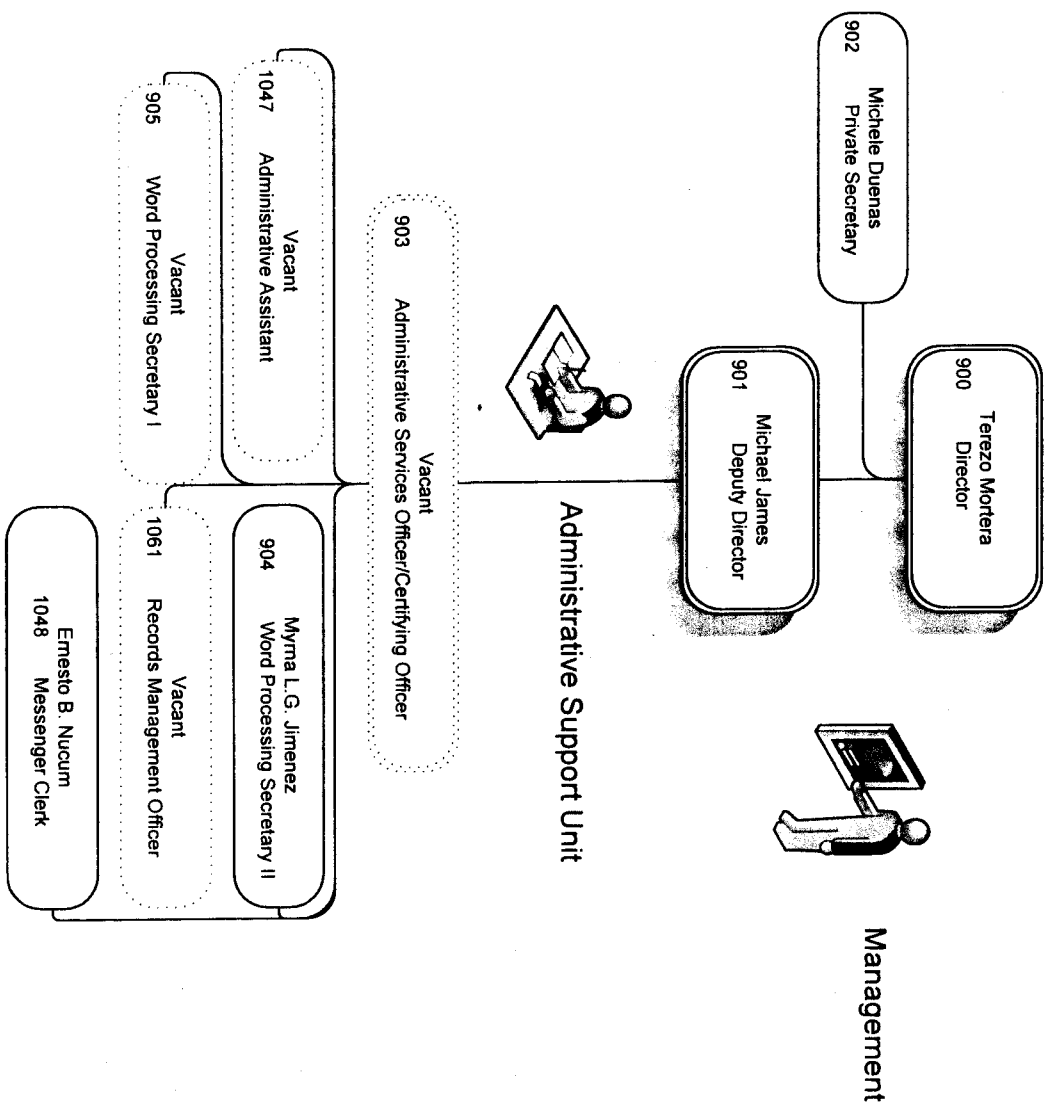
GIS/LIS Division

1. Passage of Public Law 20-221 in 1990 served as the catalyst for DLM's GIS / LIS program as it provided funds to initiate the automation of DLM's land records. In 1991, Public Law 21-42, created the GIS / LIS Division within DLM. Moreover, it provided the means to obtain additional hardware and software requirements in order to facilitate the automation of DLM's mandated tasks. These laws were bought about the Legislature out of the concern for DLM to gain confidence of the taxpayers in protecting all of Guam's land assets. DLM intends to fulfill this trust partly through office automation.

2. The GIS/LIS program is aimed at capturing all data elements (maps and land records) for the entire island of Guam. GIS/LIS is required to provide automation with various divisions within DLM.

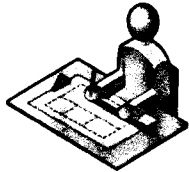
3. The GIS/LIS division has several computers of which must be maintained and served as needed. Moreover, personnel are required to conduct technical assistance and maintenance for the GIS / LIS division's mandates. The current software used will require continual updates as new technology is developed.

Department of Land Management
Director's Office



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Department of Land Management
Land Administration Division



Land Administration
Division

Terezo Mortera
900 Director

Michael James
901 Deputy Director

Vacant
1000 Land Management Administrator

Vacant
1017 Word Processing Secretary II

Vacant
1013 Word Processing Secretary I

Vacant
1058 Office Aide

Land Deposit Section

1005 Ernest V. Santos
Land Agent Supervisor

1008 Vacant
Land Agent III

1016 Vacant
Land Agent I

1050 Vacant
Land Agent III

Land Acquisition Section

1007 Vacant
Land Agent Supervisor

1006 Joffre Q. Aguon
Land Agent III

1014 Vacant
Land Agent II

1010 Vacant
Land Agent III

Land Registration Section

1011 Vacant
Land Agent I

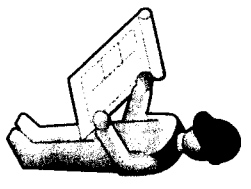
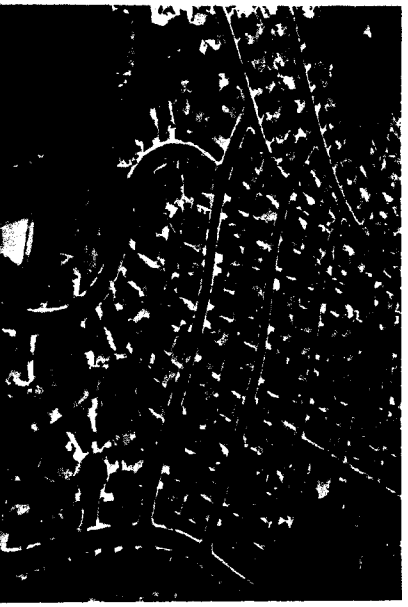
1015 Vacant
Land Agent I

Department of Land Management
Land Planning Division

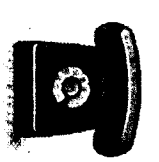
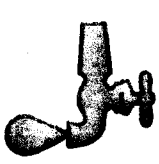
Terezo Morera
900 Director
Executive Secretary, Guam Land Use Commission
Administrator, Guam Seashore Protection Commission

Michael James
901 Deputy Director

931 Vacant
Chief Planner



Land Planning
Division



Subdivision Administration,
Improvement District and
Street Naming Mediation

934 Vacant
Planner IV

945 Carl R. Untalan
Planner III

949 Vacant
Planner II

Seashore Resource Manager
Administration, Wetlands and
Flood Plains Mediation

940 Frank P. Taitano
Planner IV

1060 Vacant
Planner II

935 Marvin Aguiar
Planner III



946 George B. Tydingco
Management Analyst IV

947 Vacant
Planner IV



1063 Margarita V. Borja
Land Agent Supervisor

1062 Matthew A. Leon Guerrero
Land Agent I
*Active Duty Military

1065 Vacant
Land Agent II

1064 Vacant
Land Agent III

1062 Lisa Manggur
Land Agent I
** (Limited Term)



937 Joseph I. Cruz
Planner IV

942 Penner Gulac
Planner III

948 Vacant
Planner II

939 Vacant
Planner I

Code Development,
Land Use Compliance &
Analysis Administration

941 Joseph C. Santos
Planner IV

933 Vacant
Planner II



936 Patricia A. Muna
Administrative Assistant

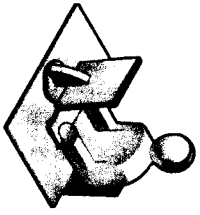
944 Vacant
Clerk Typist III

943 Vacant
Administrative Secretary II

932 Teresita A.C. Toyes
Word Processing Secretary II

950 Vacant
Customer Service Representative

Department of Land Management
Land Records Division



Land Records
Division

Terezo R. Mortera
900 Director
Registrar of Titles
Guam Chief Recorder

Michael C. James
901 Deputy Director

Vacant
906 Deputy Civil Registrar

Certificate of Title and
Land Registration Section

Andrew Santos
909 Land Abstractor III

Jane T. Yamasaki
912 Land Abstractor II

Vacant
926 Land Abstractor I
Joel D. Antenoracruz
1053 Land Abstractor I
MaryJane C. Palomo
1057 Cashier II

Vacant
911 Data Control Clerk I

Vacant
915 Data Control Clerk I

Vacant
924 Data Control Clerk I

Vacant
928 Data Control Clerk I

Vacant
923 Land Abstractor III
Vacant
920 Land Abstractor I

Norma C. Mangiona
1052 Customer Service Representative

Maria Ngata
914 Land Abstractor III

Amy T. Bautista
913 Land Abstractor II

Victoria C. Torres
927 Land Abstractor II

Vacant
929 Land Abstractor II

Vacant
922 Land Abstractor I

Vacant
1056 Word Processing Secretary II

Vacant
907 Word Processing Secretary I

**Government of Guam
Fiscal Year 2010 Budget
Agency Narrative**

FUNCTION: Land and Housing and Natural Resources
AGENCY: Department of Land Management – Director’s Office

MISSION STATEMENT: ACTIVITY DESCRIPTION

1. To maintain and effectively manage the destiny of all public lands considering the social and economic factors.
2. To ensure an effective management regulation and control of developments determined to be in the best public interest for its continued social and economic welfare.
3. To operate with positive and dynamic philosophy of management vital to the effective and efficient operation of the Department.
4. Maintains several authorities:
 - Executive Secretary, Guam Land Use Commission (21 GCA, Chapter 60);
 - Administrator, Territorial Seashore Protection Commission (21 GCA, Chapter 63);
 - Territorial Recorder (21 GCA, Chapter 60);
 - Territorial Cadastre (21 GCA, Chapter 60);
 - Territorial Surveyor (21 GCA, Chapter 60).
5. To automate and secure Geographic and Land Information Systems within the Department.
6. To evaluate management services, effectiveness and recommend or initiate changes in policies, procedures and program requirements for improved departmental effectiveness.
7. To re-vamp the Record Sections to adequately accommodate the public demand for Certificate of Titles and abstract research.
8. To complete the overhaul of Land Administration Division’s current programs with respect to Government Lands.
9. To supervise the operation of the Department’s legal mandates.

DIRECTOR'S OFFICE**AGENCY:** **Department of Land Management – Director's Office**

10. To develop an effective system of operation towards high performance standards in order to promote and provide better and satisfactory services to the general public.
11. To monitor and supervise the implementation and completion of programs established under various Public Laws affecting the Department.
12. To ensure security of record keeping systems and to implement the automation and digitalization of the Department.

GOALS AND OBJECTIVES:

1. Management and Leadership
2. General Administration and Operations

To provide management functions and leadership to department staff. To provide efficient engagement of department staff along with the department's financial facilities and physical resources to accomplish directed and authorized programs, projects and services. To approve, direct and oversee the department's operations, fiscal and property accountability.

1. Provide general administrative and operational function of the department's programs.
2. Provide the department's financial resources towards accomplishment of directed and authorized programs.
3. Provide for facilities maintenance support.
4. Provide personnel support.
5. Provide fiscal and property accountability of the department's assets.
6. Obtain capital funding for the construction of a modern land records vault and library.
7. Provide the resources to update and keep current the recording indices.
8. Pool personnel within and outside department for data entry of records.
9. Ensure that other fund sources are available for facility construction and upgrade.
10. Provide technological applications of systems that facilitates program efficiency.

DIRECTOR'S OFFICE

AGENCY: **Department of Land Management – Director's Office**

IMPACT STATEMENT:

1. Justify all budgetary requirements for each Department program, and service. Continual communication of departmental budgetary requirements.
2. Pool personnel within and outside the department for quality controlled data input of recorded documents for on-line, real time land transfer interest. Land indices updated to within three working days of date of document recording.
3. Develop in-house training programs and pursue funds for technical training. Conduct no less than one (1) training session per quarter and continually request for local funds. To provide at least one (1) professional and technical training course or special education program that allows on the job professional development per division.

DIVISION BUDGET PLAN:

1. Provide general administrative and operational function to the department's programs.
2. Provide financial resources to accomplish directed and authorized programs.
3. Provide for facilities maintenance support
4. Provide personnel support
5. Provide fiscal and property accountability of the department's assets.

**Government of Guam
Fiscal Year 2010 Budget
Agency Narrative**

FUNCTION: Land and Housing and Natural Resources

AGENCY: Department of Land Management – Land Administration Division

MISSION STATEMENT:

The Division of Land Administration is the backbone for public land information to administer and facilitate resources on public land status involves with acquisition, disposition, registration and land use development.

GOALS AND OBJECTIVES:

I. Public Land Status:

To ensure that abstract of title of government parcels is accessible to any Government agencies the legal status of public land affected by their development.

To service the general public in obtaining and securing fee-simple title or leasehold interest in order to satisfy the intent of the law and the welfare of the general public pursuant to enacted legislative provisions.

Process the finalization of public transactions with the Attorney General and submitted for to the Governor of Guam.

II. Public Land Registration:

To ensure that all government parcels are registered and titled under Government of Guam.

That all legal claimants bounded by the Government Parcel for Land Registration are served with the Notice of Declaration of Services.

That Land Registration of Government Land does not conflict with boundaries adjoining private landowners.

To ensure that all adjoining landowners on file and unknown claimants are notified of the up-coming Land Registration Cases.

III. Lease, Exchange, Sales and Permits of Public Land:

Monitor and maintain term and conditions of government parcels under the above categories.

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Administer and facilitate government land dispositions pursuant to public laws and authorized provisions.

Authorizations involves land appraisal and negotiation with qualified and eligible applicants such as private individuals, non-profit organizations and business and government institutes.

Update monthly reports on all revenue charged to the appropriate accounts with Department of Administration.

**Government of Guam
Fiscal Year 2010 Budget
Agency Narrative**

FUNCTION: Land and Housing and Natural Resources

AGENCY: Department of Land Management – Planning Division

MISSION STATEMENT:

1. The Division of Land Planning is the technical and administrative staff to the Guam Land Use Commission, Guam Seashore Protection Commission, Guam Natural Resource Board and the Application Review Committee, by regulating and administering eighteen (18) mandates inherent in Title 21, GCA (Real Property), and as issued through legislation. Currently, the eighteen (18) mandates are as follows:
 - ◆ **Chapter 60** (*Land Management Planning/Territorial now known as Guam Land Use Commission*)
 - ◆ **Chapter 60** (*Land Management, Street Naming*)
 - ◆ **Chapter 60** (*Natural Resource Utilization*)
 - ◆ **Chapter 61** (*Zoning Law of Guam*)
 - ◆ **Chapter 62** (*Subdivision Law of Guam*)
 - ◆ **Chapter 63** (*Guam Territorial (Now Guam Land) Use/Seashore Protection Act of 1974, Wetlands & Flood Plains Mediation*)
 - ◆ **Chapter 69** (*Improvement District Law*)
 - ◆ **Chapter 45** (*Horizontal Property Act*)
 - ◆ **Chapter 47** (*Time Share Ownership Act*)
 - ◆ **Executive Order 78-20** (*Flood Hazard Area of Particular Concern*)
 - ◆ **Executive Order 90-13** (*Protection of Wetlands*)
 - ◆ **Executive Order 96-26** (*Application Review Committee*) Twelve (12) member agency committee.
 - ◆ **Public Law 12-126 and 20-151 and Executive Order 89-09** (*Historical Preservation*)
 - ◆ **Public Law 21-82:4 as amended by Public Law 21-144:8** (*Summary Zone Change Program*)
 - ◆ **Public Law 25-131** (*Split Zone Change Program*)
 - ◆ **Public Law 21-14 Section 11** (*Land Use Property Research Administration*)
 - ◆ **Public Law 27-91** (*Minor Setback Variances*)
 - ◆ **Public Law 28-126** (*Map Certification Process*)

2. To review past and present land use developments, trends and implement those into meaningful and sustainable development for the community of Guam.

GOALS AND OBJECTIVES:

1. To support the Guam Land Use Commission in ensuring for the orderly growth of Guam by channeling past, present and future development into meaningful and integrated directions for the protection and enhancement of the quality of life on Guam.
2. To encourage the most appropriate use of land and to provide for the orderly growth and harmonious development of Guam.
3. To assure adequate provisions of community utilities and facilities such as water, schools, parks and other public requirements in accordance with the mandates to insure adequate traffic circulation through coordinated street, road and highway systems.
4. To permit the conveyance of land by accurate legal description.
5. To assist and provide methods of cooperation among landowners for the construction, reconstruction, financing, maintenance and operation of public facilities.
6. To ensure that the procedures for the sale or lease of condominium and time-sharing management are in accordance with Chapters 45 & 47, 21, GCA and to monitor and regulate the condominium and time-sharing management development regimes.
7. To protect the seashore reserve by studying the seashore to determine the ecological planning principles and assumptions needed to ensure conservation of its resources; to ensure that any development which occurs in the seashore reserve during the study and planning period will be consistent with the objectives of the Guam Seashore Protection Act, 21 GCA, Chapter 63.
8. To review and provide alternatives and recommendations on proposed legislation affecting land use, land administration and subdivision as an integral part of a primary member or as an ad-hoc member or on a legislative review committee (LRC) process.
9. To be active participants as committee, task force such as the Water Planning Committee, Tourist Attraction Fund, The Guam Aquarium Committee, etc.
10. To review and approve permit applications such Business, Building Construction Permits, Contractor's License, Liquor License, Clearing and Grading Permits, Temporary Workers Housing Permit, Child Care Facilities, Conditional Use Permits, and Wetland Permits.
11. To develop a land use development permit tracking system that collects information, data, and development permits (building permits, inspection reports, occupancy permits, business licenses, etc.) on all land parcels for the purpose of ensuring that such permits and licenses comply with the eighteen (18) legal mandates of the Division.

12. To chair and obtain the official position statements of the Application Review Committee's conditions, comments, and recommendations for final Guam Land Use/Seashore Protection Commission action and Guam Natural Resource Board . (Executive Order 96-26).
13. Public Law 27-91 serves as an Act to add subsection 61616(I) and section 61526 to Chapter 61 of Title 21 of the Guam Code Annotated, to establish guidelines allowing the Director of the Department of Land Management limited discretionary authority in approving minor setback variances for residential uses and to provide an exception for nonconforming buildings and nonconforming use of land.
14. Public Law 28-126 – Amendment to add to Title 21 GCA, Division 2, Chapter 62, the Guam Subdivision Law and to Implement Map Certification Procedures pursuant to the Standing Operating Procedures of March 6, 2007, DLM, Subdivision Section pursuant to The Land Use Commission passed Resolution No. 2007-02 responding to the requirements of P.L. 28-126, to provide recommendations relative to the Guam Subdivision Law; and Resolution No. 2007-003 relative to Map Certification Process.
15. Under the Land Use Property Administration Section comply with Public Law 21-14, Section 11, which states, in part, that the “Department of Land Management determine the names and addresses and properly serve or mail all required notices to all persons within hundred (500) feet radius of the proposed project who will be affected thereby.” In addition, “the Department shall charge the applicants with all costs incurred in carrying out the requirements

IMPACT STATEMENT:

The Land Planning Division is responsible for the administration, facilitation and regulation of the Zoning Law, inclusive of the Summary Zone Change and Split Zone Change, Minor Setback Variances, the Subdivision Law and Map Certification Process, Horizontal Property Regime, Time Share Ownership, the Guam Seashore Protection Act, Wetland and Flood Hazard Areas of Particular Concern, Code Development/Enforcement and Historic Preservation, and property and ownership research, hereinafter referred to as “MANDATES”, inclusive of any rules and codes development enforcement regulations adjudicated.

To implement the MANDATES through creating resource staffing and technology enhancement via professional desktop systems, existing geographical & land information system and government wide network and through professional and technical training process: conferences as well as through administrative professional training programs, conferences and workshops.

Assist in the development of the Official Zoning Map of Guam (Chapter 61, 21 GCA), in coordination with the Bureau of Statistics and Plans (BSP).

In coordination with DPW, Develop & implement a Commission approved Street Naming Plan (Section 60406, Chapter 60, 21 GCA). Plan has been drafted – follow up action is to provide copy of plan to Mayor's Council for comments, then present final plan to the GLUC for approval.

Assist in the development of a Guam Seashore Reserve Plan (Chapter 63, 21 GCA), in coordination with BSP.

Provide technical and administrative support pursuant to Article 4, Chapter 60, 21 GCA, (Planning).

Assist BSP in providing public awareness of land use and development through an education program on an on going basis.

To automate ARC, GLUC/GSPC and other land use and land development working files and applications.

Develop and implement a Permit Tracking System program for project applications/developments that will incorporate the Building Permit Process and the land development review process.

To monitor and ensure that developers comply with all conditions imposed by ARC, GLUC/GSPC, when applicable.

To ensure that all Horizontal Property Regime/Timeshare Ownership Programs are in accordance with Chapters 45 & 47, 21, GCA; and to develop an HPR/TSO guidelines and procedures document.

To implement the guidelines as published on March 6, 2007 relative to the Map Certification Process, pursuant to P.L. 28-126, Section 1(a).

To follow up on the status of the draft a "Land Subdivision Act" submitted to the Guam Legislature; and, if necessary, provide updates until enactment of said act into legislation by the Guam Legislature.

RECRUITMENT OF QUALIFIED PERSONNEL. The primary goal of the Department is to protect, maintain, manage, make available or deliver all land related products or services. Within the Department, the Division of Land Planning exists and is charged with overseeing eighteen (18) legal mandates with additional responsibility in providing technical and administrative support to the GLUC/GSPC, ARC and Director, DLM, as well as to the general public and performance at 1-Stop Building Permit, DPW.

The current manning strength of the Division is (10) ten personnel. Of these, six are planners; three are administrative staffs and two land agents. Of the six planners, one is detailed to the Director's Office under special programs which leaves only five planners with the responsibility of overseeing the nineteen legal mandates and other land use related tasks of the Division. Of the two assigned personnel in the LUPRA Section, one is on active military duty which leaves only the Land Agent Supervisor to manage all of the research and property ownership requirements.

From FY08 to present, one hundred seventy-three (173) land use applications had been received for a preliminary review. However, only one hundred sixty (160) land use applications were accepted as meeting all administrative requirements for completeness; zoning compliance and certification about four hundred eighty-four (484); reviewed and processed six hundred four (604) land survey maps (both private and Government (DOE, CLTC, etc)); and on a weekly basis reviews and process numerous building permits, clearing and grading permits, business licenses and other permits as applicable (Temporary Workers Housing both new and renewals, conditional use permits, wetland permits, Army Corps of Engineer (ACOE) permit application, etc.); and conducts property ownership research within 500' radius for notification on public hearings.

At its peak and ideal manning strength in the mid 1990's, the Division was authorized and funded for twenty-four (24) positions and which all positions were filled. From the mid 1990's to December 2009, while the number of positions remained the same, the assigned manning strength of the Division only increased by one full-time employee. The following table shows the comparative % breakdown of the Division's manpower strength and operating percentages:

PLANNER POSITIONS			
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING
Mid 1990	15	15	100
FY2006	15	6	40%
		4 (see Note 1)	26%
FY2007	15	6	40%
		4 (see Note 1)	26%
FY2008	15	6	42%
		4 (see Note 1)	28%
FY2009	14	6	42%
		5 (See Note 1)	35%

ADMINISTRATIVE POSITIONS			
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING
Mid 1990	5	5	100%
FY2006	5	2	40%
FY2007	5	2	40%
FY2008	5	2 (see Note 2)	40%
FY2009	5	3	60%
		2 (see Note 2)	40%

LAND AGENT POSITIONS			
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING
Mid 1990	4	4	100%
FY2006	4	0	0%
FY2007	4	1	25%
FY2008	4	2	50%
FY2009	4	2	50%
		1 (See Note 3)	25%

OVERALL PLANNING DIVISION STAFF			
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING
Mid 1990	24	24	100%
FY2006	24	9	37%
		7 (see Note 1)	29%
FY2007	24	9	37%
		7 (see Note 1)	29%
FY2008	24	10	41%
		7 (see Note 4)	29%
FY2009	24	11	45%
		9	37%

Note 1 = (for FY's 2006 thru 2009) Indicates planners not performing duties since 1-planner IV is on detailed to the Director's Office for special projects; and 1-planner IV on active military duty till Feb 2009

Note 2 = 1-Management Analyst IV is detailed to Director's Office

Note 3 = One Land Agent on Active Military Duty

Note 4 = 1-planner IV on detail to Director's Office; 1-planner IV on active military duty till Feb 2009; 1-Management Analyst IV is on detail to Director's Office.

Obviously, the Division has a need to recruit key personnel to effectively and efficiently carry out its mandates; and as such, I have identified the critical positions and ask that such positions be authorized and funded at best; or authorized and unfunded, at the least, (positions funded as monies become available). Required critical positions listed, however, those in bold are priority:

- ◆ **Planner IV (934 – Subdivision Supervisor), vacant since December 1999**
- ◆ **Planner IV (947 – HPR Section)**
- ◆ Planner II (933 – Code Development Section), vacant since July 1988
- ◆ Planner II (949 – Subdivision Section)
- ◆ Planner II (1060 – Seashore Section)

- ◆ **Planner II (948 – Zoning Section), vacant since April 2001**
- ◆ **Planner I (939 – Zoning Section), vacant since November 1997**
- ◆ Land Agent III (1069 – LUPRA), since December 1998
- ◆ Land Agent II (1065 – LURPA), since December 1998

Of these, the bold and underline positions are prioritized for recruitment for FY 2010 and are shown in the Division's PBB Form.

AGENCY BUDGET PLAN:

Administer the Zoning Law in coordination with the Building Official through the planning, permitting, & post-construction phases of land use development process.

Assist BSP in updating the Zoning Map.

Provide for the orderly growth and harmonious development of the island through compliance with the Subdivision Law.

Develop and ensure approval of Site Development; Landscaping; Map Review Process rules and regulations complementing the Subdivision Law; and process maps efficiently and effectively according to Subdivision Law & Subdivision Rules & Regulations as well as the Map Certification Process Guidelines.

Review and provide recommendation as part of the Legislative Review Committee; and when requested, provide statistical analysis on land use development to technical end-users for policy guidance.

Provide effective and efficient technical and administrative support to Commission the GLUC/GSPC; Ensure that the statutory requirements are met for all land use applications; provide a continuing education/professional development program for Commission members, such as yearly American Planning Association (APA) Conferences, and other land use seminars/symposiums.

Protect designated or unsurveyed wetlands areas of particular concern; ensure compliance with or monitor activities within the flood area of particular concern; and delineate within the Department's GIS, land use activities that are within or require compliance, especially, to the National Flood Insurance Program.

Research and verify the legal lot description within 500' radius of proposed development; prepare notifications; and serve such notification to landowners within the 500' radius boundary.

Facilitate developments subjected under Chapter 45, the Horizontal Property Act; and maintain and monitor the Horizontal Property Regime to include Time-Share Ownership as specified in Chapter 47, 21 GCA.

ORIGINAL

Provide a method of cooperation among landowners in obtaining construction or reconstruction of public facilities; provide a method of financing such construction, reconstruction, maintenance, and operation; and cooperate and work with the Department of Public Works to facilitate improvement districts.

Provide an approved Street Naming Plan.

Implement the Map Certification Process as per P.L. 28-126.

Implement the Minor Setback Variance application process as per P.L. 27-91.

GOVERNOR'S RECOMMENDATION:

**Government of Guam
Fiscal Year 2010 Budget
Agency Narrative**

FUNCTION: Land and Housing and Natural Resources

AGENCY: Department of Land Management – Land Records Division

MISSION STATEMENT:

Recording of Real Property:

1. Record by legible handwriting or by photographic process authorized document or documents.
2. Recorder shall immediately endorse upon it the proper filing number in the order in which it is deposited, the year, month, day, hour and minute of its reception and the amount of fees for its recording together with the acknowledgements, proofs, and certificates written upon or annexed to it, and any plats, surveys, schedules and other papers thereto annexed.
3. The recorder, notwithstanding any other provisions of law and exclusive of any document tax, is authorized and directed to collect fees.
4. The recorder shall have custody of all documents, records, books, maps, and other material deposited in his office.

Document Indices:

1. Indices affecting title or right of possession, labeled: General Index of Grantors Land.
2. To convert existing general indices into an electronic system and provide current data based on all land transaction, pursuant to Chapter 60, Article 3, Section 60306.
3. A tract or numerical index of each parcel of land by municipality.
4. Image recorded documents.

GOALS AND OBJECTIVES:

Recording of Real Property: To record any instrument or document within a five minute time frame, in accordance with established recording requirements and policy and collect the appropriate associated fees in a timely, efficient and quality control manner for effective customer service.

Document Indices: To accurately index recorded documents; have available to identified customer through the department's database.

Repository of Recorded Documents: To post information of documents recorded affecting land records; to provide access to documents for land researchers; to provide copies of recorded documents and to provide certified copies of documents by the recorder and shall be considered duplicate originals.

IMPACT STATEMENT:

The department is need of more personnel to increase effectiveness and efficiency in responding to requests for both government and private land matters.

Recording of Real Property:

1. To optimize the department's records database deliver and provide cost efficient and quality customer service.
2. To recruit qualified personnel for the existing vacant positions.
3. To protect the interest of private ownership to lands by providing an accurate recording system of documents affecting real property and other miscellaneous transaction files with the department.

Document Indices:

1. To index recorded documents within two days from recordation.
2. To provide an updated index listing for both hard and soft copy on a periodic basis, quarterly, monthly and weekly.

Repository of Recorded Documents:

1. To provide access to documents filed for land researchers through the department's database.
2. To scan and data entry of recorded documents into the database to be available to the general public.
3. To provide certified copies as duplicate originals.

ORIGINAL

Final Title Report:

1. Issue certificate of title to current registered owner within one month of request.
2. To secure the government's interest relative to private registration and maintain liaison between Superior Court of Guam and the Attorney General on a regular monthly basis.

LAND RECORDS DIVISION'S BUDGET PLAN:

To fulfill implement all the required mandates and request from government and private citizens and to hire more personnel to alleviate the heavy workload that is being experienced by the employees of this division.

GOVERNOR'S RECOMMENDATION:

FISCAL SUMMARY PAGE:

**Government of Guam
Fiscal Year 2010 Budget
Agency Narrative**

FUNCTION: Land and Housing and Natural Resources

AGENCY: Department of Land Management – Survey Division

MISSION STATEMENT:

The purpose of the Division of Survey is to pursue the survey of public lands, to acquire certificates of title through the land registration process, to establish and maintain an island-wide horizontal and vertical control network, and an accurate land cadastre program, and to continue administering the map review process to ensure that all surveys conducted on island meet the standards set forth by regulations.

GOALS AND OBJECTIVES:

1. **CADASTRATION:** To maintain and supplement a Land Square Grid System (Guam Map Grid 1993) and land cadastre system.

Establishment of an accurate land cadastre system through the use of Geographic Information System (GIS) and Computer Aided Design and Drafting (CADD) Technology. This computer-driven land cadastre program will be necessary to keep up to date with constantly changing information that affect the cadastre.

Using GIS/CADD, map, in digital form, land boundaries of all lands owned, controlled or in possession of the Government of Guam, or which may hereafter be acquired, controlled or in possession of the Government of Guam, or of private lands which are to be acquired by the Government of Guam through purchase or condemnation.

Map all real properties belonging to the Government of Guam for which certificates of title have not been issued, in order to accomplish the registration of such properties.

Place all parcels of lands on a cadastral map clearly illustrating Government and private lands.

2. **GUAM GEODETIC NETWORK (GGN):** To maintain and densify an island-wide horizontal and vertical control network.

The Guam Chief of Cadastre is responsible for the administration of the GGN and the uniform procedures for the survey of real property within the island.

Establish a uniform system of primary, secondary, and tertiary geodetic network controls known as the Guam Geodetic Network (GGN) in accordance with the Federal Geodetic Control Committee's Geometric Geodetic Accuracy Standards and Specifications for using GPS Relative Positioning Techniques.

Establish uniform procedures for the survey of public and private lands within the island in conformity with the provisions of the Guam Geodetic Network.

Maintain and preserve the geodetic control stations.

Complete the calculations and field traverse necessary to ensure complete establishment of the GGN, including the referencing of all markers, the integration of such system with those previously established on Guam, and the restoration and/or replacement of all monuments destroyed since the initiation of said system.

3. **PUBLIC LANDS REGISTRATION:** To survey and map all real properties belonging to the Government of Guam for which certificates of title have not been issued in order to accomplish the registration of such properties.

Select from the remaining parcels of Government land those parcels of highest land values and proceeding to survey them in order of value, on a parcel basis, until all government lands are surveyed.

Conduct a study of the patterns of land ownership and of public land use on Guam in order to identify those areas where the public may be able to establish a legally sufficient claim for ownership for use thereof in a land registration proceeding referred to as *Monte Sin Dueño*. Testify in private land registration court proceedings to ensure that privately claimed lands do not overlap with or adversely affect government land.

4. **GEODESY RECORDS/MAP REPRODUCTION:** Maintain and preserve current records of surveys and maps of the island in accordance with the Subdivision Law and the Land Survey Manual.

Reproduction of graphical illustrations as requested by customers and the general public.

Participate in the Document Imaging Management System (DIMS) by imaging maps, records of surveys, and other graphical illustrations.

Implementation of a fee schedule for the following:

- a. reproduction of survey maps and of other required documents;
- b. Update, revise, and publish the "1966 *Manual of Instructions for the Survey of Lands in the Territory of Guam*";
- c. Update and publish the "1993 *Guam Geodetic Network (GGN) Horizontal and Vertical Control Book*".

Implement a fee schedule for the processing, review, and approval of survey maps that require recordation.

5. **PROPERTY SURVEYS/MAP REVIEW:** The application of an established uniform procedure for the survey of public and private lands within the island in conformity with the provisions of the Subdivision Law and the Land Survey Manual and sound surveying practices.

Develop uniform specifications of survey data to be included on maps, plats, sketches or other plane pictorial representation of land.

6. **OPERATIONAL FIELD SURVEY:** Provide for an area re-plat survey, to mark and reserve legal and adequate access right-of-way to the lots within an area, adjust property lines to give each lot a shape that is conducive to its maximum utilization with the least disturbance of existing uses, describe individual lots by metes and bounds description to create a basis for clear title, and provide traffic circulation pattern that will give the residents ease of movement within the area as well as suitable connections with other areas.

Survey, locate, mark and map land boundaries, preparation of metes and bounds descriptions and all other work related thereto, of all land owned, controlled or in possession of the Government of Guam, or which may hereafter be acquired, controlled or in possession of the Government of Guam or of private lands which are to be acquired by the Government of Guam through purchase or condemnation.

Verify questionable boundaries of proposed survey plans.

7. **FEDERAL EXCESS LANDS/ANCESTRAL LANDS:** Identify Federal excess lands by location, acreage and ownership.

Identify original land owners as specified by U.S. District Court Land Claims Cases 77-0072 and 81-0012; area re-plat through surveying, mapping, and land use planning of the Federal Excess Lands; initiate land registration actions of considered government real properties pursuant to Section 60105, Chapter 60,

Title 21, Guam Code Annotated; and upon receipt of land to Government of Guam, transfer by certificate of title to original land owner.

IMPACT STATEMENT:

The Department of Land Management was first established by Executive Order 15-59, Section 5107 of the Government Code of Guam, with the Executive Branch of the Government of Guam on October 6, 1959. Pursuant to Executive Order 15-59, Section 5107 (Paragraph "e") of the Government Code of Guam, wherein the Division of Survey was created and shall be charged with the duties and responsibilities relating to the maintenance and supplementing of a Land Square Grid System, a Triangulation Network and an Island-Wide Vertical Control.

The Land Survey Division is responsible for the administration of the following legal mandates as assigned to the Department of Land Management. They are:

- **Public Land Survey:** (Section 60601, Chapter 60, Article 6, Title 21 Guam Code annotated). ~~Title XIV, Chapter XII, Section 13970, Government Code of Guam~~. All real property belonging to the Government of Guam for which certificates of title have not been issued, shall be surveyed and mapped in order to accomplish the registration of such property. The Guam Chief Surveyor shall carry out a program, on a continuing basis, to so survey and register government-owned land.
- **Cadastral Mapping:** (Section 60601, Chapter 60, Article 6, Title 21 Guam Code Annotated) ~~(Title XIV, Chapter XI, Section 13970, Government Code)~~ – The placing of all parcels of Government land on the cadastral maps of the Government.
- **Instrument-Testing Facilities (Calibration):** (Section 60513, Chapter 60, Article 5, Title 21, Guam Code annotated) ~~(Section 13810, Government Code)~~ – For the purpose of ensuring accuracy of survey measurements, the Director is authorized to install, in appropriate locations, facilities for the testing and calibration of surveying instrument devices in order to ensure the attainment of the degree of accuracy in surveying required under this Chapter. The Director is authorized to use the facilities established for the purpose of testing and calibration of survey measurement devices used by other than the Government of Guam or its agencies.
- **Regulations Governing Land Survey (Executive Order 15-66):** – These regulations were approved through the above Executive Order on August 7, 1966 and are prescribed in compliance with Section 60503, Chapter 60, Article 5, Title 21, Guam Code Annotated, ~~(Section 13802, Chapter 9 of Title XIV, Government Code of Guam)~~ and supplement the provisions of that chapter.
- **Maintenance of Files Relating to Guam Land Matters and Map Processing:** – Land Survey Division is charged with the duties and responsibilities of maintaining all files relating to land survey, i.e., complete technical descriptions and other information on all properties on Guam including Military, Government of Guam, Federal Government and Private, and the preparation and maintenance of a set of cadastral maps for the territory

and other related survey matters such as reconnaissance information, as-built, topographic and contour maps of all scales, etc.

- **1993 Guam Geodetic Network:** – Section 60515, Chapter 60, Article 5, Title 21 Guam Code Annotated. The Director shall progressively replace the 1963 Guam Geodetic Triangulation Network with the 1993 Guam Geodetic Network. For this purpose, appropriate monumentation that is intended for the establishment of the 1993 Guam Geodetic Network shall be erected by the Director, or may be designated by him, as primary, secondary, and tertiary network marks and shall be referred to as the 1993 Guam Geodetic Network for use in locating and describing land within the territory.

The chief official of the Division of Survey shall be the Chief of Cadastre/Guam Chief Surveyor, who shall have the overall supervision of the personnel and functions of the Division. One of the major duties and responsibilities of the Chief of Cadastre/Guam Chief Surveyor is complying with Section 60503 and Section 60505, Chapter 60, Article 5, Title 21, Guam Code Annotated, (~~Section 13802, and Section 13804, Chapter 9 of Title XIV and Section 13804, Chapter 9, Title XIV, Government Code of Guam~~), and supplement the provisions of that chapter. In addition to the above, the Chief of Cadastre/Guam Chief Surveyor shall approve or disapprove, for accuracy and form, map plats or surveys of private lands which are filed for recording with the Registrar of Titles, and must further recommend for approval or disapproval, on the basis of accuracy and form, all final subdivision maps filed with the Guam Land Use Commission.

Twelve (12) employees currently staff the Survey Division of this Department with an authorized twenty-two (22) FTE's. Since the resignation and retirement of technical positions, i.e., (Cartographic Supervisor, and Engineering Technician II's) and the deletion of four (4) permanent positions by P.L. 22-140, the division is hard-pressed to perform its jobs effectively, and more so, if one or two are on leave thereby disrupting the daily operations of the division of its assigned tasks.

In order to effectively and legally carry out the division's administrative and technical duties and responsibilities, I solicit your assistance in re-establishing the Surveyor Series positions to assure professional development and upward mobility for the engineering technicians and establishing the Deputy Chief Surveyor positions as mandated by Public Law 25-92.

Additionally, I solicit your favorable consideration in starting the recruitment processes in filling the vacant positions within Land Survey Division. The vacant positions are: (1) Cartographic Supervisor; (1) Surveyor Supervisor; (2) Engineering Technician II; (1) Engineering Technician I; (1) Engineering Aide III; and (1) GIS/LIS Mapping Technician I.

The vacant positions are direly needed, more so, since the transfer of excess federal lands is in the process. Surveyors, planners and technicians would be tasked to tackle the first stages of the development before such can occur.