

CHAPTER 2
LAND TRANSFER BOARD

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NOTE: Rule-making authority cited for formulation of regulations for the Land Transfer Board, 21 GCA §§75104, 75115, 75116 and 75117.

Public Law 12-226 repealed Chapter VI, Leases and Sales of Title XIV of the Government Code, consisting of §§13500-13528. In its place, it established the Chamorro Land Trust Commission. The powers and responsibilities of the Land Transfer Board shall be transferred to the Chamorro Land Trust Commission on the date of its first meeting.

§2101. General Provisions. (a) **Authority.** These Rules are prepared by the Land Transfer Board pursuant to authority vested in such Board by the provisions of 21 GCA §75104.

(b) **Purpose.** The purpose of these Rules is to provide proper procedure governing the meetings and proceedings of the Land Transfer Board.

§2102. Definitions. The following definitions shall govern the construction of these Rules:

(a) *Board* means the Land Transfer Board, government of Guam.

(b) *Department* means the Department of Land Management.

(c) *Director* means the Director, Department of Land Management.

(d) *Secretary* means the Executive Secretary of the Land Transfer Board.

(e) *Dependent* means a person who derives fifty percent (50%) or more of his support from another, or a person

who is least fifty percent (50%) physically incapacitated from work.

§2103. Meetings. (a) **Chairman: Vice-Chairman.** The Chairman of the Board shall be that member designated as such by the Governor. He shall preside at all meetings, hearings or proceedings of the Board. The Vice-Chairman of the Board shall be appointed by the Chairman at the first meeting of each calendar year, and shall be that member of the Board having the least period of service as a member remaining to be served. If two (2) or more members have the same period of service remaining, the Chairman shall appoint one (1) of such members as the Vice-Chairman. Upon the Chairman's absence or inability to serve, the Vice-Chairman shall assume the duties of the Chairman during the period of such absence or inability of the Chairman.

(b) **Meetings: Regular.** Regular meetings of the Board shall be held once each month, on the third Thursday of each month, at 7:00 P.M., at the place to be designated by the Chairman. Such meetings shall be opened to the public except that the Board's findings and decisions shall be made in closed sessions.

(c) **Same: Special.** The Chairman may call a special meeting to discuss special matters. Such meetings shall be confined to the purpose for which the meeting was called.

(d) **Same: Notice.** Notice of all regular meetings shall be given in writing by the Secretary to each member of the Board at least three (3) days prior to the meeting, and shall specify the time, date and place of the meeting. All special meetings may be called by the Secretary. Such notice of special meetings shall include the purpose or purposes for which the meeting is called.

(e) **Same: Quorum.** The presence of at least three (3) members at a meeting shall be necessary to constitute a quorum for the transaction of business. If fewer than three (3) are present, the Board shall meet, take the roll and adjourn until the next regular meeting.

(f) **Votes.** In all matters requiring the votes of the members, the affirmative votes of a majority of those present at a meeting shall be required to carry the vote. In the event of a tie vote, the Chairman shall cast the deciding vote.

(g) **Removal of Members.** Absence without cause by a member from three (3) consecutive regular meetings or from four (4) regular meetings during any calendar year shall constitute sufficient ground for removal from the Board. In this connection, it shall be the duty of the Board to inform the Governor of such absence for whatever action he deems necessary.

(h) **Recorder.** The Department shall furnish the services of a recorder for all meetings of the Board. Such recorder shall record all proceedings and prepare the minutes of all the meetings.

§2104. Procedure for Leases and Sales: Applications - Forms. All applications for lease, purchase or quitclaim of government real property shall be made in forms substantially as follows: (See Appendices A, B and C.)

NOTE: Although reference is made to Appendices A, B and C as containing application forms for lease, purchase or quitclaim, the above cited appendices were not included within these Regulations at the time of the original publication. However, these forms are available from the Land Transfer Board.

§2105. Same: Consideration of Applications - Notice of Hearing. All applications found to be complete and in proper form as a result of preliminary consideration or special investigation in accordance with 21 GCA §75108 shall be considered at the next regular meeting following such preliminary consideration or special investigation. Notice of such hearing on consideration of applications shall be given to the general public, the applicants, the Governor and the heads of departments and agencies of the government of Guam at least thirty (30) days prior to the date of such hearing. The notice shall be substantially in form as follows:

(a) To the public:

NOTICE

There has been filed with the Land Transfer Board, government of Guam, the following applications to (purchase or lease) government of Guam real property:

| Applicant | Address | Property Applied For |
|-----------|---------|----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

These applications will be considered by the Land Transfer Board at the regular meeting to be held on Thursday, _____, at 7:00 P.M., at _____ . All persons having any interest in the matter may appear and be heard at the time and place aforesaid.

Title 21 Guam Code Annotated Chapter 75 provides certain priority rights to lease or purchase government property.

For further information, contact the Department of Land Management, government of Guam.

LAND TRANSFER BOARD
GOVERNMENT OF GUAM

By _____
Executive Secretary

(b) To the applicants:

(Name)
(Address)

NOTICE

The Land Transfer Board, government of Guam, will meet on Thursday, _____, at 7:00 P.M., at _____ . Your application to (purchase, lease or quitclaim) _____, will be considered at such meeting. You are hereby advised that you may appear if you so desire.

LAND TRANSFER BOARD
GOVERNMENT OF GUAM
By _____
Executive Secretary

(c) To heads of departments or agencies:

MEMORANDUM

To: (Director of Department or Head of Agency)
From: Land Transfer Board
Subject: Notice of Applications Filed to (Purchase, Lease or Quitclaim) Government Real Property

The following applications have been filed with the Land Transfer Board for the (purchase, lease or quitclaim) of government real property:

| Applicant For | Address | Property Applied For |
|---------------|---------|----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

A public hearing on these applications will be held on Thursday, _____, at 7:00 P.M., at _____.

Any objection to the granting of the aforesaid applications or any information pertinent to the matter should be submitted to the Board before the public hearing date. In the absence of such objection or information, the Board will presume that the properties for are not essential for the use of your department or agency.

(d) To the Governor:

MEMORANDUM

To: The Governor

From: Land Transfer Board

Subject: Applications to (Purchase, Lease or Quitclaim) Government Real Property

The following applications have been filed with the Land Transfer Board for (purchase, lease or quitclaim) of government real property:

| Applicant | Address | Property Applied For |
|-----------|---------|----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Secretary

E x e c u t i v e

§2106. Same: Action by the Board: Findings.
Immediately following the public hearing of an application, the Board shall ascertain the following:

- (a) That, with reference to the transaction, the applicant is a responsible person;
- (b) That the land applied for is not in use by any department or agency of the Government, and is not essential for any public use or purpose;
- (c) That the lease or sale to the applicant is in the public interest; and
- (d) The fair value of the land, with improvements, if any.

If any of the above items cannot be decided upon, the Chairman may assign any member or members of the Board to undertake investigation of the matter. The member or members so assigned shall report the result of such investigation to the Board at the next regular meeting following such investigation.

§2107. Same: Same: Approval or Disapproval.
Following the findings of the Board, the Board shall then decide to approve or disapprove the application. All final decisions on applications by the Board shall be reported to the Governor together with all findings and any recommendation thereon.

§2108. Same: Priorities: Residential or Agricultural Purposes. In the consideration of all applications, the Board shall apply and observe the priorities set forth in 21 GCA §75110.

In the event the applicants of a piece of government real property have equal priority or none of such applicants have any priorities, the Board must decide by vote which applicant shall be awarded the property. All members shall be required to cast their votes. Under such situation, the Board shall take into consideration the following factors:

- (a) Status of dependents;
- (b) Economic status of applicants;
- (c) Applicant's personal background;
- (d) Date application was filed;
- (e) Status of property holding of applicant.

If the area of the property for which applications have been made is adequate for division into parcels of such size as can satisfy the purposes of the use for which the application was made, the Board shall so consider such division.

§2109. Same: Same: Commercial or Industrial. If more than one person or organization having equal priority right under 21 GCA §75111, apply to lease or purchase government real property for commercial or industrial use, the Board by vote shall decide which applicant shall be awarded the property. All members are required to cast their votes. Under such situation, the Board shall take into consideration the following factors:

- (a) Type of industry - basic or luxury goods;
- (b) Whether manufacturing or merchant;
- (c) Extent of capital investment;
- (d) Whether home office or branch office;

- (e) Whether goods or for local market or export;
- (f) Whether local labor market will be used;
- (g) Date of application.

Determination shall be made by the Board in favor of the applicant who will, in the opinion of the Board, considering the various factors mentioned above, contribute most to the economy of Guam.

§2110. Same: Board's Recommendation to the Governor. If the Board deems it desirable and in the public interest, it may make recommendations for specific terms and conditions to be included in a lease, deed or purchase contract. In the interest of the public, the Board may also recommend to the Governor that any property being applied for should be subdivided and disposed of as such.

§2111. Same: Notice of Approval to Applicant and Director. Immediately upon receipt of notice that the Governor has approved or disapproved an application previously acted upon by the Board, the Secretary shall give written notice of such decision to the applicant and the Director. The notice of approval must state that the applicant has ninety (90) days after receipt of such written notice in which to make or tender payment of the price fixed by the Board or to enter into a purchase contract with the Government, and that failure or refusal on the part of the applicant to make or tender such price or to enter into such a purchase contract within the allotted period will be deemed to be a disapproval of the application without prejudice.

§2112. Same: Fair Value. When an application is made to purchase or lease government real property, the Board shall establish what in its opinion is the fair value of the property. It may base its decision on any evidence which may be available as to the value of such property, but shall, in every case, request from the Department a written appraisal of the property.

§2113. Effective Date. These Rules shall become effective on the date of approval by the Governor. These Rules supersede all prior rules and amendments thereto

and shall apply to all matters pending before the Board on the effective date.

NOTE: The rules and regulations of the Land Transfer Board were adopted by the Governor on August 4, 1972.