

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2000-35

RELATIVE TO DECLARING A STATE OF EMERGENCY AT THE DEPARTMENT OF LAND MANAGEMENT RELATIVE TO THE CRITICAL NEED TO SAFEGUARD, PRESERVE, AND PROTECT LAND INSTRUMENTS, DOCUMENTS, AND SUNDRY LAND FILES BY EXPEDITING THE CONSTRUCTION OF A MODERN DOCUMENT VAULT AND COMPLETING THEIR DIGITIZED IMAGES FOR VARIOUS COMPUTER APPLICATIONS.

WHEREAS, §60301 of Title 21, Guam Code Annotated, established within the Department of Land Management the "Office of the Recorder" and the Director of Land Management as the ex officio "Recorder"; and

WHEREAS, the Recorder has custodial responsibility of all books of record, indices, maps, charts, surveys, instruments, or other papers, and microcopies of these items filed for public record in the Office of the Recorder; and

WHEREAS, pursuant to §60302 of Title 21, Guam Code Annotated, the Recorder is mandated to open for inspection by any person all books of records, indices, maps, charts, surveys, instruments, or other papers, and microcopies thereof, without charge during office hours; and

WHEREAS, all of these books of record, indices, maps, charts, surveys, instruments, or other papers, and microcopies in the Office of the Recorder are to be secured, preserved, and protected in perpetuity to preserve and safeguard Guam's land tenure system; and

WHEREAS, the first documents to be officially recorded are known as the Lejaho (Spanish documents) dating back to 1867, and since that time to the present a total of over 640,000 documents have been recorded and stored in the department consisting of over three million individual sheets; this includes about 116,000 Certificates of Title, 4,225 Guaranteed Claims, 24,000 Affidavits of True Consideration, and 14,000 survey maps; all of these documents are now squeezed into a vault measuring only 600 square feet and are stacked up to the ceiling and this situation poses a serious threat to the preservation, safety, and security of original documents; at the current rate of recordation, the Department needs to expand its facilities; and

WHEREAS, the Department of Land Management is the administrator of the Zoning and the Subdivision Laws of Guam, and maintains thousands of files on zoning and subdivision applications for zone changes, zone variances, conditional uses, horizontal property regimes (condominiums), property maps, tentative & final subdivisions, wetland permits, seashore clearances, summary zone changes, public land permits, licenses, leases, Guam geodetic network data, and topographic, geologic and orthographic maps; and



WHEREAS, these invaluable documents are now stored in a space that is grossly inadequate for their security, preservation, and protection and this condition will worsen as more books of record, indices, maps, charts, surveys, instruments, or other papers are accepted by the Office of the Recorder; and

WHEREAS, the tampering, misfiling, stealing, and mass destruction of these invaluable land records undermines land ownership and will lead to incalculable social and economic, legal repercussions; and

WHEREAS, the Zoning and Subdivision Law files and property maps, like those of the Office of the Recorder, are permanent records and are to be secured, preserved and protected in perpetuity, otherwise there will be tremendous social, economic and legal consequences as a result; and

WHEREAS, the Land Administration and Land Survey Divisions of the Department of Land Management also have custody of invaluable land records such as public land permits, licenses, leases, Guam geodetic network data, and topographic, geologic and orthographic maps; and

WHEREAS, these land-related documents are also permanent records and are to be secured, preserved, and protected in perpetuity otherwise their loss again results in social, economic, and legal consequences; and

WHEREAS, the Department of Land Management has begun a comprehensive program to digitize the voluminous land-related documents and has procured more than One Hundred Thousand Dollars of computer hardware and software to begin mass imaging; and

WHEREAS, the government of Guam has lost many of its computer technical employees due to the recent mass exodus brought about by the early retirement and buy out programs, adversely affecting the Department's imaging and other information technology (IT) projects; and

WHEREAS, information technology (IT) will alleviate the adverse impact of personnel shortages and boost productivity and provide overall public services at equal or less cost to the Department, as it has in other agencies; and

WHEREAS, it is the steadfast objective of the Department of Land Management to harness IT in its routine public record responsibilities and services in order to improve overall productivity and delivery; and

NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Declaration of state of emergency.** A state of emergency exists at the Department of Land Management, Land Records Division, and other divisions in the Department whose mandates entail working with sensitive and permanent land documents fundamental to Guam Land Tenure (Ownership) System. The tampering or destruction of these land documents can create incalculable legal, social, political, and economic chaos that threatens the general welfare of Guam and her visitors, and the people of Guam. The present facilities with which these records are kept



expose these "sacred" land records to daily threats of tampering, misfiling, theft, excessive wear and tear, and to perilous mass destruction by the forces of nature and man. I Maga'Lahen Guåhan recognizes the indispensable value of these documents and directs that their security, protection, preservation, and their accessibility and availability adopts state of the art information technology. Therefore, I Maga'Lahen Guåhan, directs the following:

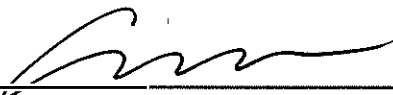
- a) **Deposit of documentary taxes into the Land Survey Revolving Fund.** The documentary tax collected pursuant to §§20101, 20103, and 20104 of Title 11, Guam Code Annotated, shall be deposited into the Land Survey Revolving Fund retroactive to the beginning of Fiscal Year 2000 and shall be made available for the purposes stated in the Fund's mandate contained in §60602 of Title 21, Guam Code Annotated.
- b) **Emergency procurement and emergency expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and pursuant to and §22402 of Title 5, Guam Code Annotated authorizing the Governor to utilize up to Two Hundred Fifty Thousand Dollars (\$250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies, the Director of the Bureau of Budget and Management Research is authorized to transfer to the Land Survey Revolving Fund for immediate procurement by the Department of Land Management of:
 - 1) Consultant services, equipment, contractual services, material and supplies to complete its comprehensive document-imaging project. The image documents shall be linked to the records text data base and make immediately accessible and available to all customers for viewing at the Land Records Library free of charge. The Director of Administration shall provide technical assistance on a continuous basis until its completion.
 - 2) Construction of a new vault within its present facility the size of which is sufficient to safely store all land documents of the Office of the Registrar and including sensitive land documents from other divisions as well. The Director of Public Works shall assign a staff engineer to provide technical expertise on a continuous basis to expedite construction until its completion.
 - 3) Appropriate technology to upgrade its imaging system to allow for access of document images via the work wide web and upgrade and develop an interactive web site that allows for the filing of sundry land permits, zone applications, and other services at no additional cost.

The Director of the Bureau of Budget and Management Research shall release and make available for expenditure from the Land Survey Revolving Fund to the Department of Land Management an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) for the purpose of completing the cadastral layer, both adjusted and unadjusted



layers of its Geographic and Land Information System (GLIS). The GLIS shall be local area networked and available for viewing to customers free of charge.

SIGNED AND PROMULGATED at Hagåtña, Guam this 12th day of October, 2000.



CARL T. C. GUTIERREZ
I Maga'Lahen Guåhan
Governor of Guam

