




I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

Bill No. 164 (FS)

Introduced by:

J. T. Won Pat, Ed.D.   
R.J. Respicio   
Mark Forbes 

AN ACT TO AMEND SECTIONS 43201, 43202, AND  
43203 OF TITLE 5 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO PERFORMANCE  
REVIEWS OF AGENCY HEADS.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §43201, Article 2 of Chapter 43 of Title 5 of the Guam Code  
3 Annotated is hereby amended to read as follows:

4 "§43201. Definitions. For purposes of this Article only: Agency,  
5 instrumentality, or entity shall mean the Guam Public School System, the  
6 Guam Power Authority, the Guam Waterworks Authority, ~~the Guam~~  
7 ~~Telephone Authority~~, the Guam Housing Corporation, the Guam Housing  
8 and Urban Renewal Authority, the Public Defender Service Corporation, the  
9 Jose D. Leon Guerrero Commercial Port, the A.B. Won Pat International  
10 Airport Authority, Guam, the Guam Economic Development and Commerce  
11 Authority, the Civil Service Commission, the Department of Chamorro  
12 Affairs, the Chamorro Land Trust Commission, the Ancestral Lands

1 Commission, the Guam Memorial Hospital Authority, the Guam Educational  
2 Telecommunications Corporation, the Guam Council on the Arts and  
3 Humanities, the Guam Visitors Bureau, the Guam Environmental Protection  
4 Agency, the Guam Election Commission, and the Government of Guam  
5 Retirement Fund.

6 Governing Board shall mean, the Education Policy Board, the  
7 Consolidated Commission on Utilities, Board of Directors, council,  
8 commission, or board with the statutory authority to select the chief executive  
9 of the agency, instrumentality, or entity for which it determines policy. Chief  
10 Executive shall mean the Senior Manager who heads an agency including, but  
11 not limited to, the Superintendent of Education, Director, Executive Director,  
12 General Manager, President, Hospital Administrator, or Administrator.”

13 **Section 2.** §43202, Article 2 of Chapter 43 of Title 5 of the Guam Code  
14 Annotated is hereby added to read as follows:

15 **§ 43202. Performance Reviews of Agency Heads.** The governing boards  
16 for all agencies, instrumentalities, or entities shall issue performance reviews  
17 of the chief executive selected for that agency, six (6) months after  
18 appointment of the said chief executive and every ~~six (6)~~ twelve (12) months  
19 thereafter that the Chief Executive is retained by the Governing Board. Each  
20 performance review shall document the Chief Executive’s performance,  
21 accomplishments, and the respective Governing Board’s reasons for retaining  
22 the said Chief Executive.

23 **Section 3.** §43203, Article 2 of Chapter 43 of Title 5 of the Guam Code  
24 Annotated is hereby amended to read as follows:

1           **§ 43203. Publication of Performance Reviews.** The performance reviews  
2 required under this Act shall be made public and the availability of these  
3 reviews shall be published by the respective governing boards issuing the  
4 aforementioned reviews by newspaper of general circulation or by radio or  
5 television which is reasonably calculated to provide notice of the facts it  
6 announces to the public at large and posted on the agency, instrumentality or  
7 entity's website.