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**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session**

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 461-30 (LS), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 40, OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING A COMMUNITY PARTNERSHIP COUNCIL (CPC), FOR THE PURPOSES OF IDENTIFYING SITES AND FUNDING FOR THE CONSTRUCTION OF MULTIPURPOSE CENTERS FOR EVERY VILLAGE, WHICH SHALL BE KNOWN AS THE "COMMUNITY PARTNERSHIP ACT OF 2010"**, was on the 30th day of November 2010, duly and regularly passed.

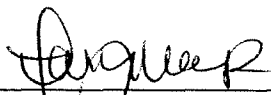


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at 1100 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 461-30 (LS)

As substituted by the Committee on Municipal Affairs,
Aviation, Housing and Recreation, and
amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA

T. R. Muña Barnes

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Adolpho B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40,
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO CREATING A *COMMUNITY PARTNERSHIP
COUNCIL* (CPC), FOR THE PURPOSES OF
IDENTIFYING SITES AND FUNDING FOR THE
CONSTRUCTION OF MULTIPURPOSE CENTERS FOR
EVERY VILLAGE, WHICH *SHALL* BE KNOWN AS
THE “COMMUNITY PARTNERSHIP ACT OF 2010.”**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that as the population of Guam increases, the spirit of the island community is

1 becoming increasingly introverted. As well, there is a new emphasis throughout
2 the island and around the world on living a healthy lifestyle.

3 Since time immemorial, schools in our communities have represented a
4 central point to showcase the talents and pride of the village residents. During
5 times of impending disasters, these same schools also serve as typhoon/emergency
6 shelters. Gyms, while serving as a primary center for sports and recreation, have
7 always been an alternate venue for large community gatherings.

8 Each municipality in Guam has been promised, either through well
9 intentioned legislation or initiatives, gymnasiums that would serve as sports and
10 recreation centers, and meeting spots for community functions. Due to limited
11 funding, these plans are often placed on the backburner. While some communities
12 are able to boast of a beautiful gymnasium, others are left wanting.

13 *I Liheslaturan Guåhan* finds that in order to address this disparity and ensure
14 that every municipality in Guam is outfitted with a gymnasium, community facility
15 and when necessary, a typhoon/emergency center; a Council *shall* be created to
16 develop viable and feasible funding sources and design plans.

17 The Council *shall* be comprised of representatives from the Mayors Council
18 of Guam (MCOG), the Department of Education (DOE), Guam Homeland
19 Security Office of Civil Defense (GHS/OCD), the Department of Parks and
20 Recreation (DPR), the Guam Housing and Urban Renewal Authority (GHURA),
21 the Guam Economic Development Authority (GEDA), the *Chamorro* Land Trust
22 Commission (CLTC), and two (2) members from the community-at-large
23 appointed by *I Maga'lahen Guåhan*.

24 The goal of the Council *shall* be to ensure that every village is outfitted with
25 a multipurpose center, by the year 2020, to serve as a central point for village
26 functions and other requested usage, and as the primary gymnasium of the village
27 and when necessary, a typhoon/emergency center.

1 In keeping with the evolution of our communities, *I Liheslaturan Guåhan*
2 finds that the Council *shall* consider a single cookie cutter design for a
3 multipurpose center which *shall* be developed for construction in each village. The
4 Council *shall* work with the respective village Mayors and the Department of
5 Education to identify sites within the confines or on the border of an elementary
6 school within the village boundaries.

7 It is the intent of *I Liheslaturan Guåhan* to commission the Council to
8 present a plan and funding option to *I Maga'lahaen Guåhan* and *I Liheslaturan*
9 *Guåhan* for the construction of a multipurpose center or retrofitting existing gyms
10 to serve as multipurpose centers in each village in Guam, beginning with the
11 municipalities of *Mangilao* and *Inarajan*.

12 **Section 2. Creation of “*The Community Partnership Council.*”** A new
13 Article 2 is hereby *added* to Chapter 40, Title 5, Guam Code Annotated, to read:

14 **“ARTICLE 2**

15 **The *Community Partnership Council* (CPC)**

- 16 **§40201. Creation of the *Community Partnership Council.***
17 **§40202. Membership of Council.**
18 **§40202.1 Municipal Subcommittees.**
19 **§40203. Eligibility; Terms of Service.**
20 **§40204. Convening and Meetings.**
21 **§40205. Goals and Purposes of the CPC.**
22 **§40206. Action Plan.**
23 **§40206.1. Design Recommendations and Financing**
24 **Options.**
25 **§40206.2. Maintenance, Staffing Projections and Review**
26 **of Existing Village Facilities.**

1 **§40207. Logistical Needs, Support Structure and**
2 **Coordination of the CPC**

3 **§40201. Creation of the *Community Partnership Council***
4 **(CPC).** There is hereby established a *Community Partnership Council* for
5 the purposes of identifying sites and funding for the construction of
6 multipurpose centers in respective municipalities.

7 **§40202. Membership of Council.** The *Community Partnership*
8 *Council (CPC) shall* consist of ten (10) members, who *shall* serve at the
9 pleasure of the appointing authority, as follows:

- 10 (a) a member of the Mayors Council of Guam (MCOG) or its
11 President, appointed by the Officers of the MCOG, *shall* serve
12 as the Chairperson;
- 13 (b) a representative from the Office of the Mayors Council of
14 Guam (MCOG), appointed by the Executive Director of the
15 MCOG, who may appoint himself, *shall* serve as the Executive
16 Secretary;
- 17 (c) a representative from the Department of Education (DOE),
18 appointed by the Superintendent of DOE, who may appoint
19 himself;
- 20 (d) a representative from the Guam Homeland Security Office of
21 Civil Defense (GHS/OCD), appointed by the Homeland
22 Security Advisor, who may appoint himself;
- 23 (e) a representative from the Department of Parks and Recreation
24 (DPR), appointed by the Director of DPR, who may appoint
25 himself;

- 1 (f) a representative from the Guam Housing and Urban Renewal
2 Authority (GHURA), appointed by the Director of GHURA,
3 who may appoint himself;
- 4 (g) a representative from the Guam Economic Development
5 Authority (GEDA), appointed by the Administrator of GEDA,
6 who may appoint himself;
- 7 (h) two (2) volunteer members of the general public, appointed by *I*
8 *Maga'lahaen Guåhan*, who *shall* serve at the pleasure of *I*
9 *Maga'lahi*; and
- 10 (i) a representative from the *Chamorro* Land Trust Commission
11 (CLTC), appointed by the Board.

12 **§40202.1 Municipal Subcommittees.** Individual municipalities
13 *shall* appoint a subcommittee from among its Municipal Planning Council
14 with one (1) representative serving as the Chairperson, who *shall* also serve
15 as a liaison between the community and the CPC.

16 **§40203. Eligibility; Terms of Service.** Members may be
17 employees of the government of Guam, appointed by their respective
18 organization head as directed in §40202 (a), (b), (c), (d), (e), (f), (g) and (i),
19 *unless* otherwise delineated. Upon acceptance, appointees, and their
20 appointing authority, *shall* consider the members' service on the Council as
21 a part of the prescribed duties relative to their regular position within the
22 government of Guam. Members *shall* serve so long as they retain the
23 position within the organization from which they were appointed.

24 **§40204. Convening and Meetings.** The President of the Mayors
25 Council *shall* convene the *Community Partnership Council* and *shall*
26 administer the oath of office of the chairperson, and members, *unless* the
27 President is also a member and chairperson of the Council. In such case, the

1 President *shall* make arrangements with the Office of *I Maga'lahen Guåhan*,
2 or *I Segundo Na Maga'lahen Guåhan* so that *I Maga'lahi* or *I Segundo Na*
3 *Maga'lahi* may administer the oath to members of the *Community*
4 *Partnership Council*. The governance of the Council *shall* be determined by
5 its membership.

6 Meetings *shall* be held during regular business hours of the
7 government of Guam, Mondays through Fridays, and *shall* be held *no less*
8 *than* once monthly. *No* stipends *shall* be paid if the members pursuant to
9 §40202 (a), (b), (c), (d), (e), (f), (g) and (i) are employed by the government
10 of Guam. Members pursuant to §40202(h) *shall* be volunteer members.

11 **§40205. Goals and Purposes of the CPC.** The Mayors Council
12 of Guam, together with the Department of Education, the Guam Homeland
13 Security Office of Civil Defense, the Department of Parks and Recreation,
14 the Guam Housing and Urban Renewal Authority, the Guam Economic
15 Development Authority, and the *Chamorro* Land Trust Commission *shall*
16 convene a Council as prescribed in §40202. The CPC *shall* develop a
17 feasibility study that will outline marked timelines and proposed funding
18 sources *or* financing proposals for the construction of a multipurpose center
19 in each village by the year 2020, to serve as a central point for village
20 functions, and other requested usage; and as the primary gymnasium of the
21 village.

22 **§40206. Action Plan.** The CPC *shall* create an action plan with
23 the sequence of the order for consideration and construction of multipurpose
24 centers in the respective municipalities and *shall* rotate the proposed
25 construction schedule as follows:

26 (a) The CPC, in coordination with the respective village
27 Mayors, *shall*, when available, identify within the confines or along

1 the border of an existing public elementary school under the operation
2 of the Department of Education, adequate property for the
3 construction of a multipurpose center in every village.

4 (1) For the purposes of the location of a multipurpose center,
5 when property is identified the Mayor of each respective village
6 *shall* have the right of first refusal for said property, provided,
7 that it is in the inventory of the government of Guam or listed
8 as a parcel/s in the inventory of the *Chamorro* Land Trust
9 Commission.

10 (b) Villages considered for construction of a multipurpose
11 center *shall* be the most populous village without a gymnasium and
12 rotate to villages without a gymnasium that have populations with *less*
13 *than* five thousand five hundred (5500) residents recorded based on
14 the most recent statistics (Year 2000) of the United States Census
15 Bureau; and when available, data from the 2010 U.S. Census *shall* be
16 used. Villages that currently have gymnasiums *shall*, by default, be
17 moved to the second rotation for retrofitting, if necessary, to meet the
18 purposes of a multipurpose center.

19 (1) According to the 2000 U.S. Census, Dededo had a
20 population of forty-two thousand nine hundred eighty (42,980)
21 residents; *Yigo* had a population of nineteen thousand four
22 hundred seventy-four (19,474) residents; and the tri-village of
23 *Tamuning*, *Tumon* and *Harmon* had eighteen thousand twelve
24 (18,012) residents. However, all three (3) municipalities
25 already possess village gymnasiums, thus in this instance, based
26 on the U.S. Census of 2000, the village of *Mangilao*, with a
27 recorded population of thirteen thousand three hundred thirteen

1 (13,313) residents, *shall* be the first qualified village for the
2 construction of a multipurpose center.

3 (2) Concurrently, according to the 2000 U.S. Census,
4 *Agana Heights* had a population of five thousand two hundred
5 (5,200) residents, and *Talofofo* had a population of three
6 thousand two hundred forty-five (3,245) residents. However,
7 both municipalities already possess village gymnasiums, thus in
8 this instance, based on the U.S. Census of 2000, the village of
9 *Inarajan*, with a recorded population of three thousand fifty-
10 two (3,052) residents *shall* be the second qualified village for
11 the construction of a multipurpose center.

12 (c) The cycle of consideration for the rotation of the
13 construction of multipurpose centers in villages without gymnasiums
14 *shall* continue in the order as formulated in §40206 (b)(1) and ((2).

15 (d) The CPC *shall* also incorporate a sequencing
16 formulation, at the discretion of the CPC, for the programming of the
17 construction for multipurpose centers in each village that takes into
18 account a fair rotation of northern villages, central villages and
19 southern villages.

20 **§40206.1. Design Recommendations and Financing Options.**

21 The CPC *shall* include in its plans, the basic design and requirements of a
22 multipurpose facility by utilizing proven “cookie cutter” design concepts.
23 Designs considered *shall* be for “Hardened Facilities” able to withstand
24 typhoon strength winds.

25 The CPC *shall* research all known available grants and funds as
26 recommended:

- 1 • United States Department of Housing and Urban Development,
2 through GHURA
- 3 • United States Department of Agriculture for Rural
4 Development, through GEDA
- 5 • United States Department of Homeland Security
- 6 • A Finance, Build, Operate & Leaseback Option, through GEDA
- 7 • Any available or known availability of funds or revenue
8 sources, or recommended revenue sources of the government of
9 Guam.

10 The CPC *shall* include in its recommendations, proposals for
11 the financing and construction of these facilities to include necessary
12 collateral equipment to ensure a fully operational facility upon
13 completion of construction.

14 **§40206.2. Maintenance, Staffing Projections and Review of**
15 **Existing Village Facilities.** The CPC as part of its planning process *shall*
16 also take into account the maintenance, staffing needs, and future projections
17 for the upkeep of the newly constructed facilities; as well the CPC *shall*, at
18 its discretion, conduct a review of existing village facilities and make
19 recommendations on retrofitting *or* expanding the purpose and service of
20 each facility in the respective municipalities of Guam.

21 **§40207. Logistical Needs, Support Structure and**
22 **Coordination of the CPC.** The logistical needs, support structure, and
23 coordination of the Council *shall* be underwritten by the MCOG at the
24 direction of the chairperson.”

25 **Section 3. Presentation.** Upon convening of the CPC, the Council *shall*
26 meet *no less than* once monthly, and effectuate a draft plan *no later than* two

1 hundred forty (240) days of the Council's first meeting for presentation to *I*
2 *Maga'lahen Guåhan* and *I Liheslaturan Guåhan* for consideration.

3 **Section 4. Effective Date.** This Act *shall* take effect upon enactment.”