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Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

NOV 27 2009

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

30-09-1397

Handwritten signature and date 11/27/09

Handwritten vertical text on the right margin

Dear Speaker Won Pat:

Submitted herewith is Bill No. 193-30 (COR), "AN ACT TO PLACE THE MERIZO PIER PARK UNDER THE ADMINISTRATIVE JURISDICTION OF THE MERIZO MAYOR'S OFFICE, BY ADDING A NEW ITEM (20) TO §40113(b) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED," which I have vetoed.

I commend Mr. Ernest Chargualaf for his dedication and hard work as Mayor of Merizo. This is evident as you drive through the beautiful village of Merizo. I especially applaud the Mayor's initiative to maintain the Merizo Pier Park. Merizo has many cultural, historical and recreational sites that warrant constant maintenance and upkeep. The Mayor and residents of Merizo take pride in their village and their support to preserve its pristine beauty is noteworthy.

The reason for the veto is not meant to diminish all the great work of the Merizo Mayor. I have vetoed this measure to maintain consistency in Guam's parks. Keeping the parks under the jurisdiction of one entity holds one entity accountable. Mayors have their priorities and spend their budget according to these priorities. The Department of Parks and Recreation (DPR) is responsible with keeping our parks clean and safe for our islanders and visitors. While the Merizo Mayor has gone beyond his mayoral duties to ensure his village is clean, safe and enjoyable to residents and visitors, there is no guarantee future mayors will have the same passion and dedication or deem the pier a priority.

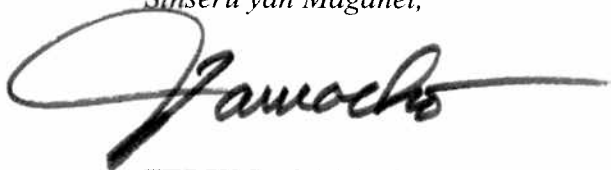
Unfortunately, the legislation does not guarantee that fees charged by the Mayoral office will be used for the maintenance and upkeep of the Merizo Pier Park. Currently, fees charged to use the Park are deposited into the Public Recreation Services Fund. The law limits the expenditure of the Fund for maintenance, upgrade and upkeep of all parks and recreational facilities within the jurisdiction of DPR; the purchase of supplies, materials and equipment to support the maintenance, upgrade and upkeep; and to create or continue existing community related programs and activities to benefit Guam. The Fund cannot be used for personnel services. This

restriction should be made to apply to the transfer of administrative jurisdiction but as noted it does not. This could allow a mayor to use the fees for other priorities.

Rather than transferring administrative jurisdiction of the Merizo Pier Park through legislation, I recommend we maintain flexibility between the department and the mayoral office through a memorandum of understanding (MOU). As noted, the government experiences financial challenges, as well as policy shifts with new administrations. An MOU may ensure preservation and maintenance of the Merizo Pier Park when funding or policy priorities shift. An MOU will allow a mayor to exercise his discretion and prioritize his responsibilities while maintaining the upkeep of his village. An MOU could allow the Mayor to continue the upkeep of the Park and ensure the fees charged for the Park are used for its maintenance, upgrade and upkeep.

Before we mandate the transfer of administrative jurisdiction over the Merizo Pier Park by law, I respectfully request for the consideration of an MOU to fulfill the purpose of this legislation yet guaranteeing a funding source to ensure the upkeep and upgrade of the Park.

Sinseryan Magåhet,

A handwritten signature in black ink, appearing to read 'Famacho', with a long horizontal flourish extending to the right.

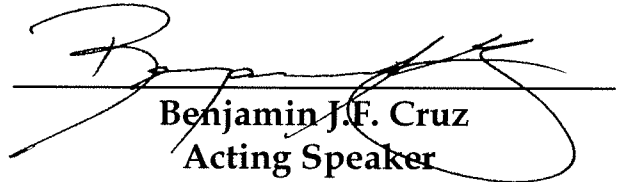
FELIX P. CAMACHO
I Maga' Låhen Guahan
Governor of Guam

Attachment

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

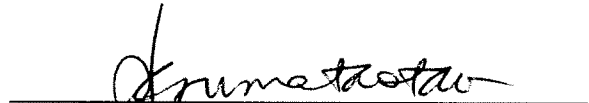
This is to certify that **Bill No. 193-30 (COR)**, "AN ACT TO PLACE THE *MERIZO PIER PARK* UNDER THE ADMINISTRATIVE JURISDICTION OF THE *MERIZO* MAYOR'S OFFICE, BY ADDING A NEW ITEM (20) TO §40113(b) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED," was on the 13th day of November, 2009, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:


Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov., 2009, at
4:35 o'clock P.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
2009 (FIRST) Regular Session

Bill No. 193-30 (COR)

As amended on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.

Telo Taitague

T. R. Muña Barnes

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

v. c. pangelinan

M. J. Rector

R. J. Respicio

Ray Tenorio

AN ACT TO PLACE THE *MERIZO* PIER PARK UNDER THE ADMINISTRATIVE JURISDICTION OF THE *MERIZO* MAYOR'S OFFICE, BY *ADDING* A NEW ITEM (20) TO §40113(b) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** The *Merizo* Mayor has
3 requested to have administrative jurisdiction of the *Merizo* Pier Park and would
4 like to have *sole* control of the property. Since assuming office, the Mayor has
5 painted the pavilions and has been up-keeping the *Merizo* Pier Park by disposing of
6 trash. The Mayor has also provided water service to all the pavilions, including the

1 installation of shower heads for use by individuals who fish and swim in the area.
2 The cost of the additional maintenance and services provided at the *Merizo* Pier
3 Park has been absorbed by the *Merizo* Mayor’s Office with *no* intention of any
4 request for additional funds.

5 **Section 2. Transfer of Administrative Jurisdiction.** *I Liheslaturan*
6 *Guåhan* does hereby transfer the *Merizo* Pier Park from the administrative
7 jurisdiction of the Department of Parks and Recreation to the administrative
8 jurisdiction of the *Merizo* Mayor’s Office. The transfer of said administrative
9 jurisdiction *shall* become effective *no later than* one hundred twenty (120) days
10 from the enactment of this Act.

11 **Section 3.** A new Item (20) is hereby *added* to §40113(b), Chapter 40 of
12 Title 5, Guam Code Annotated, to read as follows:

13 “(20) The Mayor of *Merizo* is responsible for the *Merizo* Pier Park.
14 The authority for allowing use of the facility and assessment of authorized
15 fees, as currently exercised by the Department of Parks Recreation, shall be
16 made a part of the granting of this responsibility, in the interim, until the
17 Mayor, through the AA process, formulates a new fee structure or new rules
18 and regulations.”