

FOURTEENTH GUAN LEGISLATURE  
1977 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 243, "An Act to amend Sections 21604, 21605 and 21612 of the Government Code relative to the Board of Directors of the Guan Telephone Authority", was on the 6th day of July, 1977, duly and regularly passed.

  
\_\_\_\_\_  
JOSEPH F. ADA  
Speaker


ATTESTED:

  
\_\_\_\_\_  
FRANK P. BLAS  
Acting Legislative Secretary

.....  
This Act was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 1977, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
RUTH F. WONG PANG  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
RICARDO J. BERNALDO  
Governor of Guan

DATE: July 23, 1977  
6:55 am  
Public Law 14-54

FOURTEENTH GUAM LEGISLATURE  
1977 (FIRST) Regular Session

Bill No. 243  
(As Substituted by  
the Committee on Public  
Utilities and Consumer  
Protection)

Introduced by

J. H. Underwood  
T. V. C. Tanaka  
J. T. San Agustin

AN ACT TO AMEND SECTIONS 21604, 21605 AND  
21612 OF THE GOVERNMENT CODE RELATIVE TO  
THE BOARD OF DIRECTORS OF THE GUAM TELEPHONE  
AUTHORITY.

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

2 Section 1. Section 21604 of the Government Code is amended  
3 to read:

4 "Section 21604. Board of Directors. (a) All powers  
5 vested in the Authority except as provided herein shall be  
6 exercised by the Board. The Board shall consist of seven  
7 (7) Directors, nominated and appointed by the Governor by  
8 and with the advice and consent of the Legislature. The  
9 five (5) Directors first appointed shall classify themselves  
10 by lot so that their terms shall expire respectively as  
11 follows: June 30, 1974, June 30, 1975, June 30, 1976,  
12 June 30, 1977, and June 30, 1978. The terms of the two (2)  
13 Directors appointed in accordance with the provisions of  
14 this Act shall expire on June 30, 1979, and June 30, 1980  
15 with the Governor to designate which term applied to which  
16 Director. Their successors shall be appointed each for a  
17 term of five (5) years from the date of the expiration of  
18 the term for which his predecessor was appointed and until  
19 his successor is appointed and has qualified. All vacancies  
20 occurring in the office of Directors shall be filled by the

1 Governor, with the advice and consent of the Legislature.  
2 Except for those Directors serving on the effective date  
3 hereof no person shall be appointed to the position of  
4 Director unless he shall be a resident of Guam for at least  
5 one (1) year prior to his appointment. In making appoint-  
6 ments to the Board the Governor shall endeavor to select at  
7 least one (1) member who would be representative of the  
8 consuming public and who might be referred to as 'man-on-  
9 the-street' type.

10 (b) Four (4) Directors shall constitute a quorum of  
11 the Board for the transaction of all business. The Board  
12 may adopt rules and regulations governing the conduct of its  
13 affairs. It shall elect a Chairman and a Vice Chairman from  
14 among the Directors.

15 The Board shall be responsible for setting general  
16 policies of the Authority. The daily operations of the  
17 Authority shall be the province of the General Manager. The  
18 concurrence by resolution of four (4) Directors at a  
19 properly called and noticed meeting of the Board held within  
20 Guam shall be necessary for the validity of any act of  
21 the Board. The Board shall act only by resolution at such  
22 a meeting and no individual member or group of members shall  
23 have any authority to direct any employee of the Authority  
24 except by a resolution adopted as herein provided.

25 (c) Each Director shall receive the sum of Fifty  
26 Dollars (\$50.00) for each attendance at the public meetings  
27 of the Board, but such compensation shall not apply to more  
28 than two (2) meetings in any one (1) calendar month. No  
29 Director shall receive any other compensation, but shall be  
30 reimbursed for actual travel, subsistence and out-of-pocket  
31 expenses incurred in the discharge of his responsibilities.

1 (d) The Board shall adopt policies clearly delineating  
2 the respective duties and responsibilities of the Board  
3 and the Manager and may delegate to the Manager additional  
4 powers not prescribed by Section 21605, shall exercise its  
5 authority only when acting as a Board at properly called  
6 meetings and no individual Board member shall attempt to  
7 make commitments on behalf of the Authority or to give any  
8 directions to individual employees of the Authority."

9 Section 2. Section 21605 of the Government Code is amended  
10 to read:

11 "Section 21605. General Manager. (a) The Board shall  
12 appoint and fix the compensation of a General Manager who  
13 shall be its chief executive officer and who shall serve at  
14 its pleasure or for the term and under the conditions set  
15 forth in a contract.

16 (b) The powers of the General Manager include the  
17 following:

18 (i) To see that all rules and regulations of  
19 the Authority are enforced.

20 (ii) To attend all meetings of the Board and submit  
21 a general report of the affairs of the Authority.

22 (iii) To keep the Board advised as to the needs of  
23 the Authority and to approve demands for the payment of  
24 obligations of the Authority within the purposes and  
25 amounts authorized by the Board.

26 (iv) To prepare or cause to be prepared all plans  
27 and specifications for the construction of the works  
28 of the Authority, to select a list of qualified bidders  
29 and to submit to the Board a recommendation for approval  
30 of the successful bidder.

1 (v) To conduct, under the policies set by the  
2 Board, negotiations with governmental or private  
3 organizations concerning the business of the Authority  
4 and to submit appropriate recommendations to the Board.

5 (vi) To devote his entire time to the business of  
6 the Authority; to select and appoint the employees of  
7 the Authority, except as otherwise provided by this  
8 Act; and to plan, organize, coordinate and control the  
9 services of such employees in the exercise of the  
10 powers of the Authority under the general direction of  
11 the Board.

12 (vii) To cause to be published within one hundred  
13 twenty (120) days from the end of each fiscal year a  
14 financial report showing the result of operations for  
15 the preceding fiscal year and the financial status of  
16 the Authority on the last day thereof. The publication  
17 shall be made in the manner provided by the Board.

18 (viii) To prepare or cause to be prepared all reports  
19 required by the Rural Electrification Administration,  
20 or its successor, and comply with the Administration's  
21 regulations and directives with respect to the con-  
22 struction and operation of the system.

23 (ix) To perform such other and additional duties  
24 as the Board may require.

25 (c) The Board may contract with a corporation to per-  
26 form any or all of the duties and to exercise any or all of  
27 the powers of the General Manager as provided in this Section,  
28 and the General Manager, subject to the approval of the  
29 Board, may contract with a corporation to perform some of  
30 the duties or to render expert and technical assistance in  
31 the operation of the Authority."

1           Section 3. Section 21612 of the Government Code is amended  
2 to read:

3           "Section 21612. Employment. (a) Pursuant to the pro-  
4 visions of Section 4004 of this Code, the Board shall esta-  
5 blish rules and regulations governing selection, promotion,  
6 performance evaluation, demotion, suspension, and other  
7 disciplinary action for the employees of the Authority.

8           (b) Employees of the Authority, excluding the Direc-  
9 tors, shall be members of the Government of Guam Retirement  
10 Fund, subject to the provisions of Section 4204 of this Code,  
11 except that for the purposes of Subsection (a) of said  
12 Section, the employees of the Authority shall not be con-  
13 sidered employees of a 'public corporation' whereby their  
14 membership in the Fund is optional and membership therein  
15 must be specifically requested. The Authority shall con-  
16 tribute to the Government of Guam Retirement Fund on the  
17 basis of annual billings as determined by the Board of  
18 Trustees, Government of Guam Retirement Fund, for the govern-  
19 ment share of the cost of the retirement benefits applicable  
20 to the Authority's employees and their beneficiaries. The  
21 Authority shall also contribute to the Workmen's Compensation  
22 Fund, on the basis of annual billings as determined by the  
23 Workmen's Compensation Commissioner, for the benefit payments  
24 made from such Fund on account of the Authority's employees.

25           (c) Notwithstanding any provisions of law, neither the  
26 manager, secretary, treasurer, comptroller, nor attorney  
27 of the Authority shall be within the classified service of  
28 the government of Guam but shall be hired, compensated and  
29 employed under terms and conditions fixed by, and at the  
30 pleasure of the Board.

1           (d) This Act shall be administered entirely on a non-  
2 partisan basis, and in the appointment of officials, the  
3 selection of employees, and in the promotion of any such  
4 officials or employees, all such appointments and promotions  
5 shall be given or made only on the basis of merit and  
6 efficiency."

7           Section 4. Implementation and Effective Date. All rules,  
8 regulations and appointments of the Board in conflict with the  
9 provisions of this Act are hereby repealed. This Act shall become  
10 effective upon enactment into law.