

12/17/91

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

December 11, 1991


MEMORANDUM

TO: Chairperson, Committee on Youth,
Senior Citizens
and Cultural Affairs

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 674

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


DAVID L.G. SHIMIZU
Acting

Enclosure

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) REGULAR SESSION

BILL NO. 674

INTRODUCED BY:

M.D.A. MANIBUSAN *mda*
Bamba
ANTHONY C. BARR *B*

js
AN ACT TO REPEAL AND TO REENACT CHAPTER 1 OF TITLE XXXVIII OF THE GOVERNMENT CODE ANNOTATED RELATIVE TO CREATING THE GUAM MUSEUM FOUNDATION.

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

Section 1. Chapter 1 of Title XXXVIII of the Government Code is repealed on the effective date of this act.

Section 2. A new Chapter 1 of Title XXXVIII of the Government Code is enacted to read:

CHAPTER 1

Section x001. This title may be cited as the "Guam Museum Foundation Act"

Section x002. Authority. There is hereby established as public non-profit corporation the Guam Museum Foundation (the "Foundation"), whose mandate it is to foster an appreciation for the cultural and natural heritage of Guam, through, though not exclusively through, the establishment of a public museum to be called the Guam Museum. The Foundation shall have the perpetual succession unless sooner terminated by law and shall adopt a seal and sue or be sued in its own corporate name.

Section x003. Definitions. As used in this Chapter and unless otherwise indicated:

- (a) 'Foundation' means the Guam Museum Foundation
- (b) 'Board' means the Board of Trustees of the Guam Museum Foundation
- (c) 'Executive Director' means the person employed by the Board to supervise the administration of the Foundation.

Section x004. Purpose. The purpose of the Foundation is to promote increased understanding of Guam's geology, biota, prehistory, and contemporary culture. The Foundation shall foster research and shall convey the results of this and other research to the public primarily through the medium of public exhibitions, demonstrations, lectures and other public programs, and publications. It is mandated to retain, preserve, and conserve collections relating to the cultural and natural heritage of Guam.

Section x005. Board:

- (a) The Foundation shall be directed by a Board of Trustees which shall consist of seven (7) members appointed by the Governor with advice and consent of the Legislature.
- (b) Any board member may be removed upon charges, and after hearing by the Governor.
- (c) Four (4) board members shall constitute a quorum and four (4) affirmative votes are required for the transaction of all business. The Board shall meet in regular session at least once each month and in special sessions as often as it may deem necessary.
- (d) Each board member shall receive the sum of Fifty Dollars (\$50.00) for his/her attendance at any meeting of the Board, but such compensation shall not apply to more than two meetings in any one calendar month. No Director shall receive any other compensation, but shall be reimbursed for actual travel, subsistence, and out-of-pocket expenses incurred in the discharge of his/her responsibilities, including authorized attendance at meetings held away from Guam.

(e) Board members shall serve staggered terms beginning and ending on pre-established dates.

Section x006. Board Duties. The Board shall:

- (a) Conduct their first meeting within (30) days of their appointment;
- (b) Elect a Chairman, Vice-Chairman and Secretary from among its members;
- (c) Ensure that collections storage conditions conform to the guidelines and standards established by the Department of Interior (36 CFR Part 79) and establish policy for exhibitions, collections, acquisitions, collections deaccessioning, merchandise sale either directly by agents of the Museum Foundation or indirectly by vendors operating under lease agreements with the Museum Foundation.
- (d) Define the duties and rights of the executive director of the Museum Foundation, and in conformance with EEO guidelines, hire the best qualified individual for this position.
- (e) Maintain constant review and evaluation of the museum and its programs;
- (f) Establish, review and occasionally revise the By-Laws and Articles of Incorporation for the Museum Foundation and register these documents with the Guam Department of Revenue and Taxation;
- (g) Establish and adopt internal organization, management, and personnel rules and regulations for the administration and conduct of its affairs, in conformance with the Administrative Adjudication Act;
- (h) In accordance with law, control, manage, and have jurisdiction over all Government of Guam lands within the boundaries of the Museum Compound and over all lands deemed a part of the Museum Foundation at remote locations;

(i) Acquire and manage revenues on behalf of the Museum Foundation, apart from Government of Guam General Funds, through fixing all entrance fees, concessions, and charges for use and occupation of the public facilities or equipment of the Museum and for services rendered by the Museum;

(j) Establish and enforce any policies regarding the expenditure of Museum Foundation funds and any policies regarding the fiscal accounting practices;

(k) Employ a firm of independent certified public accountants who shall examine and report to the Board, at least annually, upon the status of the financial records and accounts maintained by the Foundation. Copies of any such report shall be furnished to the Governor and to the Legislature.

(l) Report to the Governor concerning its administration of the Foundation by annual report within one hundred twenty (120) days of the end of each fiscal year, and if requested by the Governor, shall present special reports within thirty (30) days of such a special request.

(m) Exercise its power and perform its duties by resolution adopted by majority vote of the Board in public meeting.

Section x007. Board Powers: The Board may:

(a) Enter into and perform such contracts, leases, cooperative agreements, and other transactions with any agency or instrumentality of the United States or with any state, territory, possession, or any political subdivision thereof, or with any person, firm, association or corporation, as may support the mandate of the Museum Foundation.'

(b) Obtain in the name of the Museum Foundation, loans or grants from the Government of Guam, the United States, foundations, corporations, or individuals; and from time to time incur indebtedness;

(c) In conformance with relevant labor laws, remove the Executive Director from employment by the Museum Foundation;

(d) Employ, retain or contract for services qualified managers, specialists or experts as individuals or as organizations, for advice and assistance;

(e) Obtain titular right in the name of the Museum Foundation, to any real property needed in support of the mandate of the Museum Foundation;

(f) Acquire in the name of the Museum Foundation, revenues through the establishment of entrance fees, funds generated from the sale of merchandise, membership dues, solicitation of gifts, and/or applications for grants;

(g) Invest in the name of the Museum Foundation, in any security that is not in actual or potential conflict with the mandate of the Museum Foundation.

(h) Do any and all other things necessary to the full and convenient exercise of the above powers.

Nothing contained in this Section, or by implication in this Title shall be construed to be in any way in derogation or limitation of powers conferred upon or existing in the Foundation or in the Board by virtue of the Organic Act, the laws of Guam or of this Code.

Section x008. Executive Director: The Executive Director, shall be the Foundation's chief executive officer and shall serve at the Board's pleasure. He/she shall be responsible for the maintenance, operation and development of the Foundation administration and for the Foundation's business affairs.

Section x009. Executive Director's Duties: The Director Shall:

(a) Insure that the Board's rules and regulations are enforced.

- (b) Attend all Board meetings unless the Board specifies otherwise in isolated cases.
- (c) Keep the Board advised as to the needs of the Foundation.
- (d) Approve demands for the payments of obligations of the Foundation within the purposes and amount authorized by the Board.'
- (e) Prepare or cause to be prepared all plans and specifications for the construction of the works of the foundation.
- (f) Select and appoint the employees of the Foundation, except as otherwise provided by this Act, and to plan, organize, coordinate and control the services of such employees.
- (g) Publish a financial report in a manner provided by the board within one hundred twenty (120) days from the end of each fiscal year showing the result of operations for the preceding fiscal year and the financial status of the Foundation on the last day thereof.
- (h) Render a monthly accounting statement to the Board in such form as the Board directs.
- (i) Shall annually submit to the Board and the Governor programs and financial plans in accordance with the provisions of Chapter III, Title VI of the Government Code of Guam.
- (j) Perform such other and additional duties as the Board may direct.

Section x010. Fiscal Authority:

- (a) There is established a fund to be known as the 'Guam Museum Fund' which

the Foundation shall maintain separate and apart from other funds of the Government of Guam, and the board shall have the authority to make any investments using this fund as defined above.

(b) All monies received by the Foundation from whatever source derived shall be deposited in said Fund.

(c) All expenditures, except as otherwise provided by law, shall be made from said Guam Museum Fund.

(d) All revenues and other property owned by the Museum Foundation shall be exempt from taxation by the Government of Guam or by any political subdivision thereof, and from all taxes imposed under the authority of the Legislature providing that the Legislature is authorized to grant exemption.

Section x011. Employment

(a) The Board shall establish rules and regulations governing selection, promotion, performance, evaluation, demotion, suspension, dismissal and other disciplinary action for employees of the Foundation.

(b) Some employees may be considered classified civil service employees and be eligible to participate in any Government of Guam health and life insurance plan. The Museum Foundation shall contribute to the Government of Guam Retirement Fund as assessed by the Retirement Fund's own schedule of contributions for those civil service employees. Annual and sick leave will be accumulated in accordance with the provisions of the Government of Guam Personnel Rules and Regulations.

(c) Some employees may be paid from funds managed by the Museum Foundation. A choice of health and life insurance and retirement plans, as well as the accumulation of annual and sick leave should be, as nearly as possible, equivalent to those benefits accruing to Government of Guam civil servants.

(d) The employers contribution to the Workman's Compensation Fund that is assessed by the Workman's Compensation Commission for the benefit of Foundation employees shall be paid by the Foundation.

Section x012. Transition: Within two weeks of the issuance of an occupancy permit for the new museum building, the Territorial Librarian shall transfer to the Foundation:

(a) All items and property which the Library Board owns or controls including works in progress, which are used by the Foundation or operations to be assumed by the Foundation and all materials and supplies used and useful exclusively in connection with the administration of the Guam Museum.

(b) All items of property and materials and supplies used by the Library for museum purposes in common with other operations of the Guam Library which the Territorial Librarian agrees to transfer;

(c) All items of property and materials and supplies used by the Library exclusively for Museum purposes, including, but not limited to, (1) the collections considered to be the collections of the Guam Museum, housed in the current Guam Museum, storage areas in the Plaza de Espana, auxiliary storage areas in the Guam Territorial Library, and any other storage areas maintained by the Guam Territorial Library for the Museum and (2) rights to collections intended to be housed in the Guam Museum which are maintained by personnel and corporations having completed certain archaeological and environmental research under the terms of the National Historic Preservation Act (NHPA) (16 USC 470) which states that significant prehistoric and historic artifacts, and associated records, recovered under the authority of the act are deposited in an institution with adequate long-term curatorial capabilities.

(d) All working capital, cash, accounts payable and receivable, deposits, advances, payable and receivable, all books, records and documents, and all other rights, obligations, assets, liabilities, agreements, contracts, leases, concessions and all other rights, obligations and privileges pertaining to the operation of the Guam Museum and other matters and

concerns of the Library which are to be assumed by the Foundation, including the assets in the Museum Fund.

(e) All personnel of the Library assigned exclusively to the existing Guam Museum or assigned exclusively to the projects within the said Department which will be assumed by the Foundation shall be transferred to the Foundation upon the date of general transfer specified in this section and shall be retained by the Foundation for a period of not more than six months thereafter. After the expiration of said period, the Board or Executive Director, as the case may be, may, subject to the Personnel Rules and Regulation then adopted, appoint said personnel to permanent positions within the Foundation or appoint others to said positions as may be in the best interest of the Foundation.

(f) All benefits, such as sick and annual leaves, retirements benefits, medical and life insurance benefits provided by the Government, shall be continued and carried over to the Foundation on behalf of all employees and officers so transferred from the Library and Museum shall pay the employer's share of said benefits.

Section x013. Effective Date: The effective date of this Act shall be thirty days after approval by the Governor. If necessary to insure a smooth transition, the Governor may extend the period fixed by Section 5, enacted herein, by no more than 30 days.

FSN/ACM/RDD:jos
October 29, 1991

OCT 29 1991

Directors
HPO
Originator

Mrs. Susan Graziano
Director, Museum Assessment Programs
American Association of Museums
1225 Eye Street, NW
Washington, DC 20005


Dear Mrs. Graziano:

We would like to apologize for any inconvenience that may have resulted from the recent communications from both the Guam Museum's Board, and from the recently formed Museum Commission on Guam. Since we are both working for a common cause and goal, we would like to take the most expeditious route for accomplishing a full assessment program for the Guam Museum. As the executive authorities of our respective organizations, we have agreed to proceed cooperatively in the following manner.

Please continue to work with the Museum Commission for purchase of the MAP I program on a fee-for-service basis as soon as possible, with the Commission also paying for any consultant's expenses connected with the assessment. You may use the existing questionnaire furnished by the Guam Museum to give advance information to the selected consultant for those services.

The Guam Museum would like to amend its application to be considered for the Map II assessment at the earliest available date under the grant program. Thank you for your kind assistance and attention to this matter.

Sincerely,


MR. FRANK SAN AGUSTIN
Territorial Librarian and
Executive Officer, Guam Museum

MR. ANTHONY C. MARIANO
Director, Department of Parks
and Recreation and Museum
Commission Chairman

OCT 28 1991

MEMORANDUM

To: Territorial Librarian and Executive Officer, Guam Museum

From: Director, Department of Parks and Recreation
Chairman, Museum Commission

Subject: Museum Commission Meeting

At the first meeting of the Museum Commission established by Public Law 21-42, the commission members recognized a need to devote time at a meeting as soon as possible to a full discussion of needs and desires for the museum program with yourself and the Library Board members. We would like to incorporate as many of your own insights and concerns as possible into the report which we are tasked with completing.

The next meeting of the Museum Commission is Friday, November 1, 1991, at 2:30 p.m. at the Department of Parks and Recreation headquarters conference room. You and the Library Board members are all respectfully invited to attend and discuss the Museum development with the Museum Commission.

ORIGINAL SIGNED BY:

ANTHONY C. MARIANO

ACM/RDD:jos
October 25, 1991

Directors
HPO
Originator

910481



GOVERNMENT OF GUAM
AGANA GUAM 96910

MINUTES OF THE BOARD OF LIBRARY TRUSTEES
OF THE GUAM PUBLIC LIBRARY (NIEVES M. FLORES
MEMORIAL LIBRARY) UNDER P. L. 2-102 (2ND
REGULAR SESSION) AND AMENDMENT.

AGENDA ITEM 1 - Call to Order

The regular monthly meeting of the Guam Public Library Board was held July 5, 1989, at the Agana Library. Meeting was called to order by Mrs. Melinda D. Castro, Chairman, at 3:50 P. M.

Other members present were: Hope A Cristobal
Julia T. Tennesen
Francisco J. Agualo

AGEND ITEM 2 - Approval of Minutes

Minutes of July 5th were read. Mr. Agualo moved to approve and accept the minutes as read. Seconded by Mrs. Tennesen, motion passed.

The minutes of the special meeting of May 5, 1989, discussion of Resolution #87-001 was approved along with the monthly minutes.

Mr. San Agustin mentioned that special meetings are not treated as regular meetings and in the future special meetings will be reported instead of recording it as minutes.

AGENDA ITEM 3 - Librarian's Report

Mr. San Agustin briefly summarized his report for the month of June. He reported that another parking lot survey could be conducted in September when school resumes.

AGENDA ITEM 4 - Museum Accreditation and Expansion Committee Report

Mrs. Cristobal reported that the committee has met twice and has put in at least seven (7) hours of work. She provided members with a planning strategy list and asked members to review the list and provide input. She foresees the museum as being a major department, if not, an entity in itself sometime in the long range future. Mrs. Cristobal acknowledged the assistance of Mr. San Agustin in identifying facilities for the museum's expansion. She reported meeting

PRELIMINARY ASSESSMENT SURVEY OF THE GUAM MUSEUM

STATEMENT OF PROBLEMS AND PROPOSED SOLUTIONS

Submitted to the
Chairman, Guam Public Library Board

By
Committee for the Expansion and Accreditation
of the Guam Museum

October 4, 1989

ABSTRACT

The Guam Public Library Board by its Resolution 89-001 created a Committee for the Expansion and Accreditation of the Guam Museum on May 3, 1989. The Board had expressed its desire to review the current status of the Guam Museum and solicit assistance to address the needs for a museum expansion in facility and services. The three-member committee was specifically tasked to insure that the concerns expressed in the Board Resolution 89-001 "are vigorously addressed and in a timely manner."

This report includes:

- 1) State of Purpose of the Guam Museum
- 2) Guam Museum Proposed Organizational Chart,
Phase I and II.
- 3) Preliminary Assessment Survey of Existing Problems
of the Guam Museum and Proposed Solutions

The report was prepared by the Board's Committee with technical support from Mr. William Hernandez, Guam Museum Curator.

GUAM MUSEUM


Statement of Purpose

As the official repository and Guardian of the Chamorro heritage and its history, Statements of Purpose are as follows:

1. To study our ancient Chamorro ancestors, their mores, customs, traditions and socio-political history to better understand them, and to study the material culture of our ancient past in search of our Chamorro identity, and to re-examine the influences that shaped us;
2. To collect, preserve, identify, research all forms of, fauna, flora, mineral resources and cultural properties of the island of Guam;
3. To implement all laws relative to the preservation and protection of cultural properties;
4. To interpret scientific and technical knowledge into understandable forms through exhibitions, publications, public lectures in all forms of media, demonstration, re-enactments and other cooperative services to the institutions of learning and the community in general;
5. To act and function as the official repository and guardian of specimens and objects obtained from excavations by deed of gift, by transfer and by repatriation from museums worldwide;
6. To conduct reseaches in the natural and social sciences;
7. To coordinate a museum education program dedicated to the dessimination of information about our heritage for the enhancement of all and to provide the generations of the future evidence of our rich and dynamic past;
8. To maintain a museum library and reference area relative to Guam and Oceania;
9. To establish the Guam Register of Honored Cultural Properties, determined to be the most important artifacts and specimens and objects to our Chamorro heritage.

ADOPTED JUNE 26, 1989 BY MUSEUM ACCREDITATION &
EXPANSION COMMITTEE


Julia T. Tennessen
Member

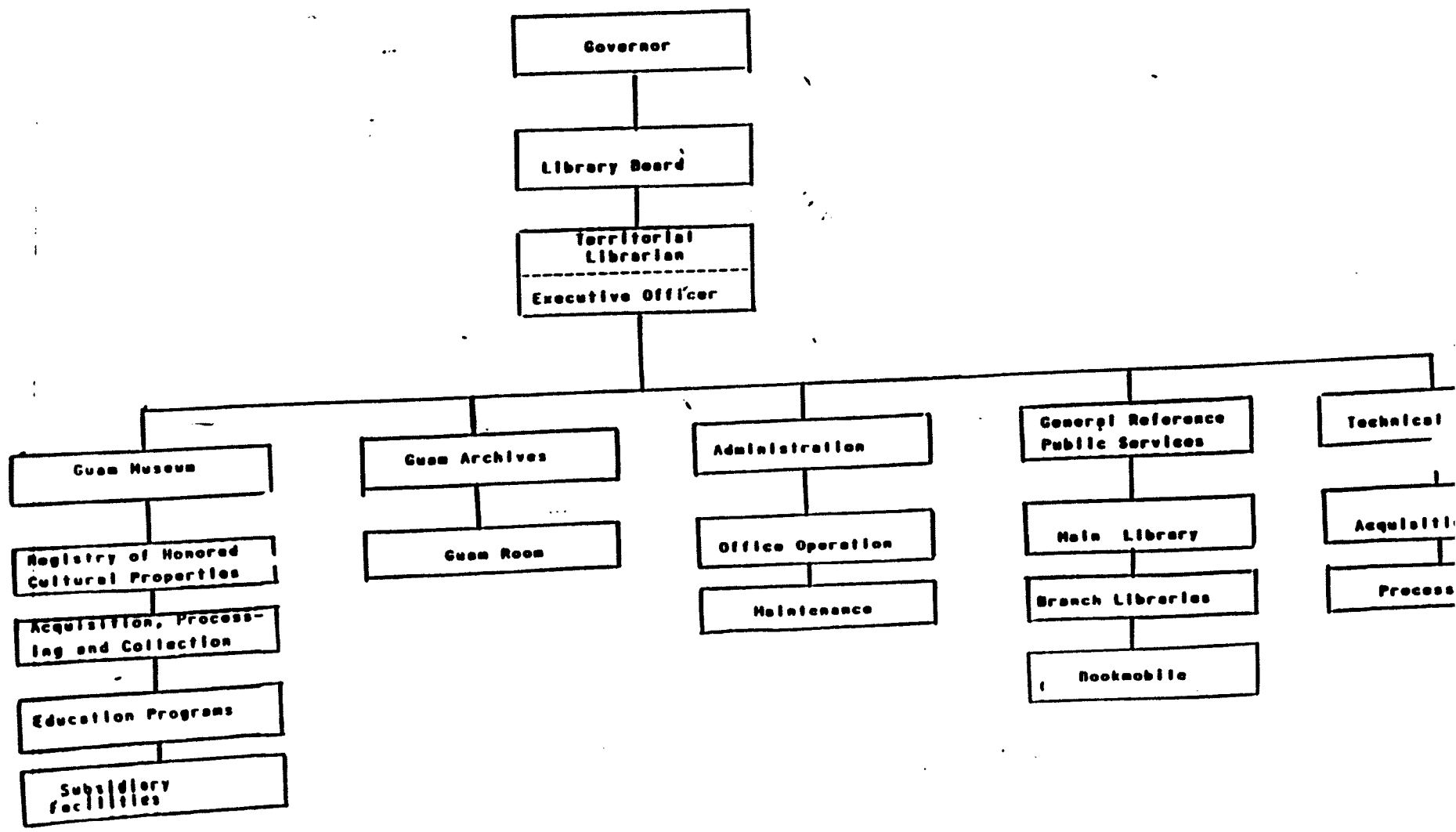

HOPE A. CRISTOBAL
Chairperson

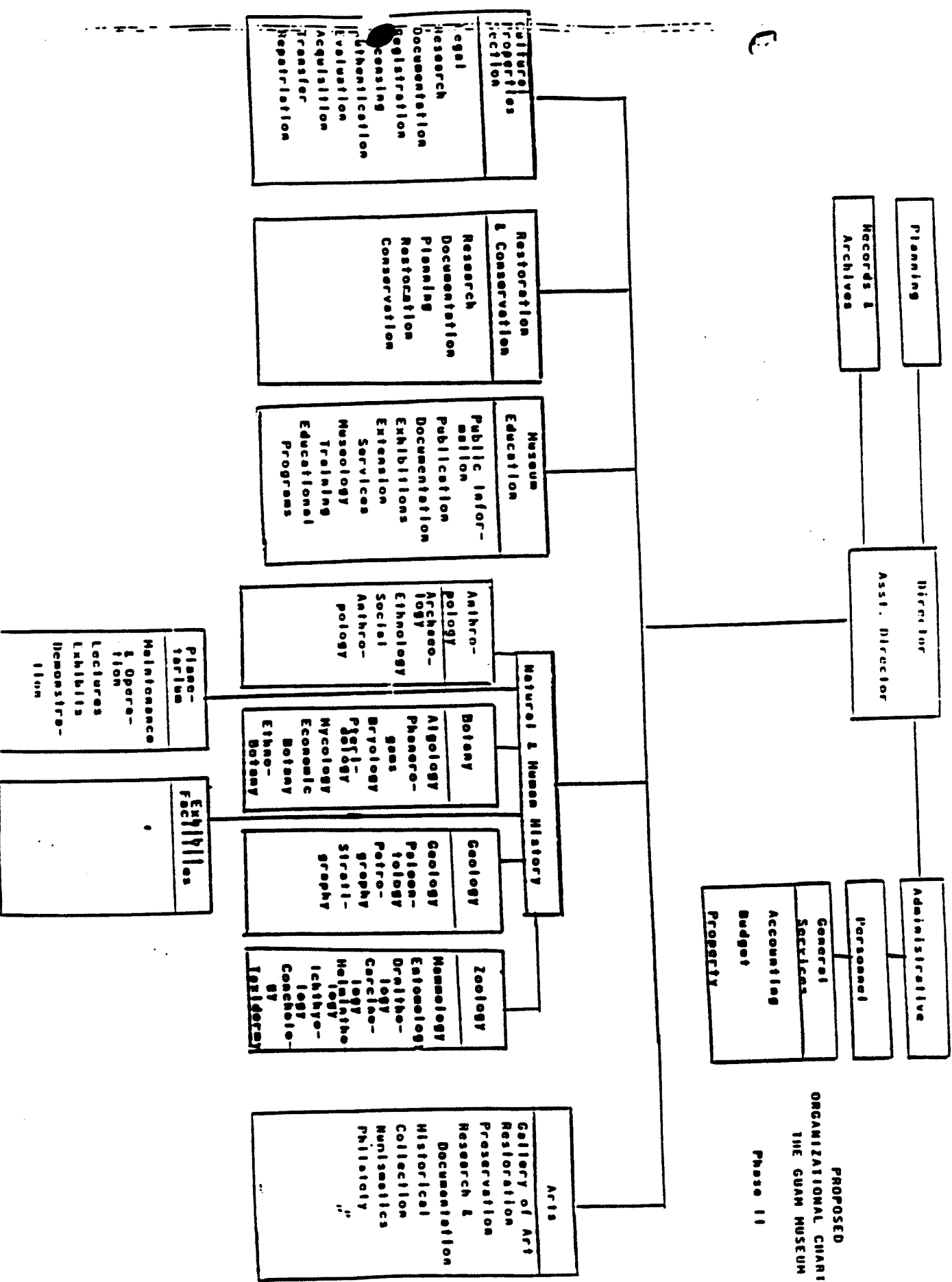
GUAM MUSEUM PROPOSED IMPROVEMENT

(Phase I)

Nieves M. Flores Memorial Library
Organization Chart

111





PROPOSED
 ORGANIZATIONAL CHART OF
 THE GUAM MUSEUM

Phase II

PRELIMINARY ASSESSMENT SURVEY
OF EXISTING PROBLEMS OF THE GUAM MUSEUM
AND PROPOSED SOLUTIONS

I. Government Code of Guam

Problems:

As a governing authority, the Government Code of Guam Sections 42015 and 42019 are not sufficient for and places some limitations in the proposed expansion activities of the Guam Museum as a territorial institution. The Sections do not protect artifacts presently located in other government agencies.

Public Law 12-126, as amended, defines the Guam Museum as the depository of artifacts for the Government of Guam. P. L. 12-126 allows non-compliance to P. L. 10-8. Specifically, it allows the Department of Parks and Recreation to indefinitely hold thousands of prehistoric and historic artifacts without being registered at the Guam Museum.

Proposed Solutions:

A comprehensive "Guam National Museum Act of 1990" must be enacted. (Phase II) It should include an encyclopaedic definition of the authorities, powers, duties and responsibilities of the Guam Museum as a separate entity within the Government of Guam. Some specific revisions are:

1. The Guam Museum shall be the official exhibitor, depository and custodian of artifacts and specimens for the

Territory of Guam. (Can be Phase I)

2. All government agencies must comply with the Code.
3. The Guam Museum shall promulgate rules and regulations in the treatment of prehistoric/historic artifacts and specimens. (Phase I - In-house)
4. Definition of "museum" shall be an organized and permanent non-profit institution, essentially educational and aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule as described in the current American Association of Museums accreditation manual. (Phase II)
5. The Guam Museum Board of Trustees shall be separate from the Library Board. (Phase II - To be included in the Act.)
6. The Guam Museum shall require the registration of artifacts and specimens. The artifacts shall accompany an affidavit of ownership or deed of gift. Registration of all artifacts shall be required if artifacts are to be displayed for profit. (This will insure that artifacts on display are from Guam and are legally owned by the exhibitor.) (Phase II)
7. There shall be a "Guam Register of Honored Cultural Properties" in the Guam Museum. This shall be a list of the most honored valuable objects of the Chamorro heritage which shall be determined by a committee appointed by the Board. (Phase I)
8. The Guam Museum's revised purpose shall be written as follows:

"The Guam Museum shall be the official exhibitor, depository and custodian of artifacts. Its purpose is to study Chamorro history: its mores, traditions, customs and socio-political history to better understand them, and to study the material culture of Guam's ancient past and re-examine the foreign influences that shape its history." (Phase II)

9. The revised Government Code (Guam National Museum Act) should specify that underwater historic cultural materials shall be deposited in the Guam Museum and should also specify the time frame by which the materials are to be deposited. (Phase II)

10. The code shall designate the Guam Museum the authority to establish the following: (Phase II)

A. A Natural and Human History Museum to include subsidiary museums such as:

1. A botanical museum to be located in a herbarium or designated botanical park.
2. A geology museum which will feature the geologic history of Guam.
3. An anthropology/ethnology museum featuring the Pacific region separate from the Chamorro history exhibits.
4. A zoology museum featuring the animal history of the region possibly including a zoo.
5. A planetarium featuring the meteorology and astronomy which characterizes the Pacific

6. --~~Exhibit facilities~~-----

- B. The Guam Museum conservation/research laboratory which shall provide conservation services to the public.
- C. A cultural property division within the Guam Museum which shall assume the authority now vested in the historic preservation section of the Department of Parks and Recreation. The transfer of the historic preservation office as a part of the Guam Museum shall be included in the revised code.
- D. Museum Education Division which plans and runs all education programs from school groups to adult courses and scientific seminars.
- E. A Museum of Arts whose purpose is to restore, preserve, research and document art.

11. The Guam Museum shall be promulgated as a part of the Guam Clearinghouse for grants and other funding sources.

(Phase I)

12. The revised Government Code shall include the treatment of objects by archaeologists. It should define "collector" and "dealer" with respect to artifacts and materials relating to the museum. (Phase II)

II. Board of Trustees and Board By-Laws

Problems:

The specific duties of the Executive Officer of the Guam Museum are not specific. Specific governance of the Executive

Committee are lacking. ~~Board members, the Executive Officer~~ and employees of the Guam Museum are not required to file disclosure statements on any museum related materials. There are no policies regulating the attendance at Board meetings. The present Board does not have a code of ethics adopted which shall apply to the members and personnel of both the library and museum. The present organization of the Guam Museum as a subsidiary of the Guam Public Library does not meet accreditation requirements.

Proposed Solutions:

A Guam National Museum Board of Directors shall be created and Board By-Laws governing the Guam National Museum must be adopted and implemented. Governance of the Board members and the Executive Officer need to be addressed. The positions of Chairperson, Vice-Chairperson and Treasurer should be established and responsibilities clearly defined. (Phase II)

Museum admission fees and other such revenues must have Board approved budget breakdown and must be governed by established policies. (Phase I)

The Board shall adopt a Code of Ethics for the administration and operation of the Museum and to meet the standards of accredited museums. The Code of Ethics shall address conflict of interest issues such as personal collection, gifts, favors, discounts, dispensations, personal use of museum facilities and the authenticating and appraisal of museum materials. (Phase I)

III. The Guam Museum

Problems:

The Guam Museum does not have an officially designated subsidiary museum. There are no Board provisions for administering a branch or subsidiary museum. (Present mini-museum exhibits at Government House and the Governor's Office in Adelup are not considered subsidiary museums.)

Proposed Solutions:

The Board must have provisions for administering branch or subsidiary museums. The Board must develop and implement an islandwide subsidiary museum plan. (Phase I)

IV. Guam's Cultural Properties

Problems:

The Guam Museum does not have officially adopted standards for the treatment of Guam's cultural properties. There are no territorial standards for the operations and administration of the museum.

Proposed Solutions:

The U. S. Department of Interior National Park Service has adopted standards in the treatment of cultural properties. Relevant standards should be adopted for Guam. Standards adopted in neighboring Pacific nations may also be included. (Phase I)

The Board should adopt a resolution supporting Title III - Implementation of the Convention on Cultural Property, "An

act to reduce certain duties, to suspend temporarily certain duties, to extend certain existing suspension of duties, and for other purposes." Title III was passed by the U. S. Senate and House of Representatives. This act reduces pillage of cultural treasures that are part of the nation's cultural patrimony. It originally was signed by 57 nations to implement the means of "Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property." (Phase I)

V. Delineation of Policies

Problem:

The Board does not have a clear delineation between creation of policies and the administration of the Guam Museum itself.

Proposed Solutions:

The Board must adopt policies addressing the above issue. By-laws shall include the following (Phase I):

1. The Board should recognize explicitly that the Executive Officer is the sole official liaison between the Board and the museum staff.
2. The Board must recognize the right of the Executive Officer to originate all staff appointments, press releases and promotions. The Executive Officer shall be responsible to the Board as a whole.
3. The Executive Officer shall be a member of all functional committees with the Museum Curator

4. The Museum Curator under the direction of the Executive Officer, should be in charge of all material collection loans and acquisitions.
5. The Board should officially define its role in relation to museum professional staff.

VI. Training and Development of Staff

Problems:

Since the enactment of the museum Government Code, a staff development plan has been non-existent. The present number of museum employees cannot meet daily demands of all functions of the Guam Museum. The categories of employees do not reflect the technical diversity needed in the various museum disciplines. Presently, an Executive Officer, a Museum Curator and one Museum Assistant serve over 200,000 Guam residents and visitors alike.

Proposed Solutions:

1. Review Executive Officer job description to determine experience or formal training or both. (Phase I)
2. Executive Officer shall review current literature in the field of museology such as the AAM Museum News and related publications. (Phase I)
3. General Operations of the museum should reflect an identified acceptable level of professional qualification. (Phase I)
4. Training of staff in their respective fields of

discipline in both undergraduate and graduate levels of education. (Phase I)

5. Participation by museum employees in institutes, conferences and seminars related to museum work in neighboring countries as well as the U. S. (Phase I)

6. Appropriate the use of museum admission fees for the improvement of the museum and for staff development. (Phase I)

7. Positions for the expansion plan of the Guam Museum must be created as follows:

- a. Museum Director (Phase II)
- b. Business Operations Manager for Administrative division (Phase I & II)
- c. Museum Oral Historian (Phase I)
- d. Two (2) Museum Researchers (Phase I)
- e. Museum Cashier/Clerk (Phase I)
- f. Maintenance Custodians (Phase I)
- g. Exhibit Preparator/Designer (Phase I)
- h. Program Coordinator/Public Relations Officer (Phase I)
- i. Museum Conservator (Phase I)
- j. Museum Guide/Educator (Phase I)
- k. Museum Curator (Phase I)
- l. Museum Registrar (Phase I)
- m. Other technical/professional positions as needed. (Planner, Archivist, Accountant, etc.) (Phase II)

VII. Support Groups

Problems:

There are no officially adopted policies governing support groups. Non-profit volunteer or support groups participation in the Guam Museum is minimal. There is no active volunteer program to assist the museum in its mission. Current organizations such as the Friends of the Guam Museum, the Civic Center Foundation of Guam and the Palace Restoration Association of Guam are not Board sanctioned organizations. Also, the Guam Museum associate program is an in-house activity not officially adopted by the Board. (This program established a list of individuals who wish to contribute research services to the Guam Museum at no cost to the government.)

Proposed Solutions

1. A program coordinator shall be designated to organize a volunteer program called the Guam Associate Program. This program shall be adopted by the Board. (Phase I)
2. Other civic organizations such as those mentioned above should be sanctioned by the Board. The relationship of these civic organizations shall be explicitly and officially established. (Phase I)

VIII. Finance

Problems:

The present Guam Museum budget is grossly insufficient for the proposed expansion envisioned in this study. It does not

address the expansion needs in areas such as capital improvement and personnel. The Guam Museum budget ranks fourth to the last of all government agencies.

Proposed Solutions:

1. Funding sources such as federal funds, foundations, local legislation and fund raising efforts must be identified. All necessary funding requests for capital improvement, operations and additional museum staff as well as staff development requirements should be included in the phased expansion of the Guam Museum.

2. Salary levels should be comparable with U. S. National Museum levels.

IX. Facilities

Problems:

The main exhibit facility at the Plaza de Espana is more than two hundred (200) years old and is the oldest government building still in use. This in itself is not a problem; however, this facility with a 896 square feet of floor space is grossly inadequate for the much needed expansion. Current exhibit space is lacking. Located in a highly congested area, accessibility is prohibitive and visibility is a problem.

The burglar and fire alarm systems are outdated and unreliable. Improving the cooling system is cost prohibitive. There are no public restrooms available for museum visitors. Exhibition room (space) can only allow 15-20 individuals per

visit. There are no conservation equipment in the museum to monitor humidity and temperature. There are no museum workrooms for photography, conservation, restoration, and processing activities. There is no storage space for museum collections and preservation of materials of historic value.

Proposed Solutions:

- a. Acquire land that will be used for the construction of a main facility.
- b. Contract A & E services for the main facility.
- c. Construct new Guam National Museum as soon as possible.
- d. Relocate Guam Museum to an adequate temporary facility complete with state-of-the-art burglar and fire alarm systems, temperature and humidity monitor system, cooling system, adequate parking, and other such operational needs.
- f. Institute subsidiary museums, possible with assistance from other government agencies as soon as possible.

**LIBRARY AUTHORIZED
FUNDING BY FISCAL YEAR**

FY 1988

\$1,049,940

FY 1989

\$1,160,483

FY 1990

\$1,462,014

FY 1991

\$1,423,095

FY 1992

\$1,334,280

**GUAM MUSEUM
FUNDING BY FISCAL YEAR**

FY 1988

\$58,744

FY 1989

\$88,946

FY 1990

\$93,838

FY 1991

\$72,262

FY 1992

\$72,262

Exhibit 3



institute of Museum Services

A Federal agency serving the nation's museums

Office of the Director • 1100 Pennsylvania Avenue N.W. • Washington, D.C. 20506 • (202) 786-0536

December 19, 1991

Dear 1992 MAP I Recipient:

It is a pleasure to inform you that your museum has been awarded a Fiscal Year 1992 ~~Museum Assessment Program I~~ (MAP I) grant of \$1,975. For the past eleven years MAP has provided national service helping museums cope with change and improve their operations. You are to be congratulated for your initiative in participating in this valuable process of self study and peer consultation.

Please note the following as you begin the grant process:

-
1. Your check for \$1,975 will be mailed to you within fifteen days.
 2. Please keep the enclosed Grant Award Notification for your records.
 3. Section II of the Grant Award Notification explains the proper expenditure of grant funds.
 4. The grant period is from December 30, 1991 through December 29, 1992. Your participation in MAP must occur during this time period.
 5. If you have any questions about the on-site visit, please contact:

MAP Office
American Association of Museums
1225 Eye Street, NW Suite 200
Washington, DC 20005
202/289-1818

I hope that your museum will benefit fully through participation in the Museum Assessment Program.

Sincerely,

Susannah S. Kent
Director

GRANT AWARD NOTIFICATION

SECTION I

GRANTEE NAME AND ADDRESS

Guam Museum
254 Martyr Street
Agaña, GU 96910

DATE OF AWARD

12/18/91

GRANT NO.

IM-20014-92

GRANT PERIOD

FROM: 12/30/91

TO:

12/29/92

PRINCIPAL PROJECT DIRECTOR

Frank R. San Agustin

IMPORTANT: ALL CORRESPONDENCE RELATED TO THIS GRANT SHOULD CITE THE PRINCIPAL PROJECT DIRECTOR AND IDENTIFYING GRANT NUMBER.

FUNDING

AMOUNT AWARDED \$ 1,975.00

PROGRAM

Museum Assessment Program I

REMARKS:

SECTION II SCOPE OF WORK AND/OR SPECIAL CONDITIONS

1. This grant shall be administered by the Project Director in accordance with 45 CFR 1180 Subpart D, including any amendments in effect on the date of this award.
2. Payment of this award will be issued approximately 15 days from Date of Award.
3. Expenditure of funds under this award must be made as follows:

Registration fee	950.00
Surveyor honorarium	200.00
Technical assistance materials	100.00
Surveyor travel and per diem	725.00

Recipient is responsible for surveyor travel/per diem costs exceeding the above figure. Any amount unexpended from travel and per diem costs must be applied to recipient's operating budget.

4. Questions concerning payment of this award should be directed to Dan Lukash, IMS Program Officer at 202-786-0539. Questions concerning program coordination should be addressed to the American Association of Museums, 1225 Eye Street, N.W., Suite 200, Washington, DC

SIGNATURE OF AUTHORIZING OFFICIAL

Signature: Rebecca W. Danvers

Name and Title: Rebecca W. Danvers, Prog. Di

FOR AGENCY USE ONLY:

DATE POSTED:





AMERICAN
ASSOCIATION
OF
MUSEUMS

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

P.O. BOX 40

WASHINGTON, DC
20042
(202) 289-1818

INVOICE NO.
99818

JOB NUMBER

INVOICE DATE
11/30/91

SHIP TO:

SOLD TO:

ORIGINAL INVOICE

GUAM MUSEUM
FRANK SAN AGUSTIN, DIRECTOR
NIEVES M. FLORES MEMORIAL LIB.
254 MARTYR STREET
AGANA GU 9691C
ADDRESS CORRECTION REQUESTED

GUAM MUSEUM
FRANK SAN AGUSTIN, DIRECTOR
NIEVES M. FLORES MEMORIAL LIB.
254 MARTYR STREET
AGANA GU 9691C

CUSTOMER ORDER NO.	YOUR ACCOUNT NO.	SHIPPED VIA	TERMS
	GUCC11		NET 30 DAYS

QUAN.	DESCRIPTION	PRICE	AMOUNT
1	INSTITUTIONAL ASSESSMENT (MAP I)	950.00	950.00
1	MAP SURVEYOR HONORARIA	200.00	200.00
	INVOICE TOTAL		1150.00



American
Association
of
Museums

[Handwritten signature]

I M P O R T A N T M E M O R A N D U M

TO: Institutional Assessment (MAP I) October grantees
FROM: Susan Graziano, ^{fy} Director, Museum Assessment Programs
RE: Steps in process
DATE: December 16, 1991

Congratulations! Your institution has been awarded a 1992 IMS grant to participate in an Institutional Assessment (MAP I) during the coming year. You probably have already received notification from the Institute of Museum Services of the award. A grant check in the amount of \$1,975 will be coming soon. We look forward to working with you and providing a useful, rewarding assessment.

We have already begun the process of matching your institution with the most appropriate surveyors. As soon as possible after receiving your registration fee, we will send your choices. Enclosed please find a listing all of the remaining steps in the process and an invoice for \$1150 registration fee and surveyor honorarium.

In order to assist you better, we ask that you use your Account No. in all future MAP correspondence. This number can be found on the enclosed invoice on the line below "Address Correction Requested."

If there are any questions or comments regarding any of this information, please do not hesitate to contact this office. We are at your service.



American
Association
of
Museums

**INSTITUTIONAL ASSESSMENT (MAP I)
STEPS IN THE PROCESS**

1. Your institution receives the \$1,975 grant check from IMS and an invoice for \$1150 from the MAP office at the AAM. This amount covers a \$950 registration fee and a \$200 surveyor honorarium.
2. Your institution remits the check to the AAM, and the MAP office recommends two appropriate professionals as possible on-site surveyors from which you select one. AAM makes the initial contact with the chosen surveyor for his or her agreement and, in turn, puts your institution in touch with the individual to arrange a specific date and time for the on-site assessment.
3. You are requested to submit to the AAM the Pre-Visit Agreement Form which indicates the date the visit is scheduled to take place so that we may insure the timely receipt of the surveyor's report. This form must be signed by the director, chairman of the Board and surveyor.
4. Your institution makes appropriate arrangements and pays for the surveyor's transportation and commercial accommodations. It is expected that the \$725 remaining from the grant will cover these costs. Should the cost exceed \$725, your institution is responsible for the difference.
5. Prior to the on-site survey, you and the surveyor receive a copy of the MAP I Professional Concerns Checklist. This form is sent to you after the match has been made. This list serves as a guide for both the surveyor and the institution. The museum does not complete the checklist. Prior to the on-site survey the museum supplies the surveyor with additional documentation as requested.
6. Following the on-site assessment, the surveyor submits a written report to the AAM for review.
7. The \$200 honorarium check will be released to the surveyor, and the final report and additional information will be released to your institution.

(over)

1225 Eye Street
Northwest
Washington DC
20005

Telephone
(202) 289-1818
FAX (202) 289-6578

8. You will use the remaining \$100 grant amount to purchase some form of technical assistance. A list of services and/or publications will be sent to you with your final report. This allotment of funds is to assist you to implement some of the surveyor's suggestions.
9. Upon receipt and review of the final report, you are encouraged to provide feedback on the visit and report to your surveyor and AAM through a phone call, letter, visit, or other means of communication. An evaluation form will be included with your final report.
10. Grant funds remaining after all MAP I expenses have been sent are to be applied to the institution's operating budget.

Refer all questions and comments to: MAP Director
American Association
of Museums
1225 Eye Street, N.W.
Suite 200
Washington, D.C. 20003
(202) 289-1818

C:\process\invmemo.doc

12/91



American
Association
of
Museums

[Handwritten signature]
12/4/91

MUSEUM ASSESSMENT PROGRAMS

Thank you for your interest in the AAM's Museum Assessment Programs. This form serves as verification of our receipt of your MAP application materials.

We have received your complete application for:

Institutional Assessment (MAP I) 10/25/91 deadline

Collections Management Assessment (MAP II) _____ deadline

The Guam Museum application has been reviewed and will be forwarded to the Institute of Museum Services for final approval within the month. Please expect to hear from the IMS approximately two months after the deadline for which you have applied.

Susan Graziano
Susan Graziano, Director
Museum Assessment Programs

10/30/91
Date



1 (b) One Hundred thousand Dollars (\$100,000) are appropriated from the General
2 Fund to the Bureau of Women's Affairs for the Fifth Regional Conference for Pacific Women
3 to be held on Guam. The appropriation made in this section shall be available for use by the
4 Bureau of Women's Affairs until expended.

5 Section 33. (a) Title. This Section may be cited or referred to as the Guam
6 National Museum Act of 1991.

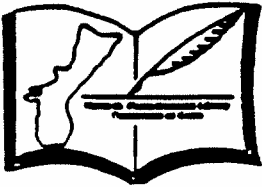
7 (b) Legislative finding. It is the finding of this Legislature that it is past time to take
8 action to properly house and display the various collections which define the culture and
9 traditions of the Chamorro people past and present. To do this properly, this Legislature finds
10 that a Guam National Museum must be established, autonomous to the executive branch, to
11 undertake and continue this important function.

12 (c) There is hereby created a "Museum Commission" consisting of seven (7) persons
13 to be appointed by the Governor. This Commission shall immediately engage, on a short
14 term contract, the services of a museum consultant to visit Guam. The consultant, after
15 surveying the Chamorro culture and heritage with all of its outside influences from the
16 ancient days to the present, shall submit a written report with specific recommendations
17 including the purpose of the museum, its mission, governance, budget, collections
18 management, long range planning, personnel, and architecture and engineering needs.

19 The commission shall then submit the consultant's report, together with any comments
20 it may have, within forty-five (45) days to the Governor and the Legislature, at which time the
21 commission shall cease to exist. Depending on the contents of the report, the Legislature will
22 then consider legislation creating the "Guam National Museum".

23 (d) Ten Thousand Dollars (\$10,000) are appropriated from the General Fund to the
24 Governor's Office for the purpose of funding the "Museum Commission".

PL 21-42



Nieves M. Flores Memorial Library
Government of Guam

November 8, 1991

Ms. Pamela L. Vosburgh
Assistant Coordinator MAP
American Association of
Museums
1225 Eye Street
Northwest
Washington, D.C. 20005

Dear Ms. Vosburgh:

We received your fax letter November 7, 1991 and we appreciate your sincere concern of our current situation in regards to our MAP I Grant Application.

To clarify the Guam Public Library Board's authority and its relationship to the recently established "Museum Commission," we are enclosing with our letter Public Law 10-8 and Public Law 21-42 Section 33 for your perusal. We believe that the Board's authority is very clear under Public Law 10-8 and that ~~the Museum Commission~~ which shall cease to exist in forty-five (45) days (six days from now to be exact) ~~may compliment~~ the Board's mandated functions but must not void or replace the Board's authority.

We apologize for the inconvenience we created in trying to secure the assistance of a consultant from your office at the most expeditious manner.

We will be meeting with the Lt. Governor of Guam, who is the Chairman of Guam's A-95 State Clearinghouse next week and we are optimistic that we can resolve the jurisdictional cloud that exist between the Guam Public Library Board and the Museum Commission.





Commonwealth Now!

Ms. Pamela L. Vosburgh
Assistant Coordinator MAP
November 8, 1991

We also understand that you are working in a tight timetable to meet certain datelines; therefore we want to assure you that by November 13, 1991 we will contact you to render a final decision of our MAP I Grant Application.

Sincerely,


MR. FRANK R. SAN AGUSTIN
Territorial Librarian and
Executive Officer, Guam Museum


MRS. HOPE A. CRISTOBAL
Chairman of the Guam Public
Library Board and Chairperson,
Committee for the Expansion
& Accreditation of the Guam
Museum

FRSA/ams

Encls.

TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 16, "An Act to add a new Section 42019 to Chapter I, Title XXXVIII, Government Code of Guam, and to amend Section 42015 of said chapter relative to the Guam Museum", was on the 30th day of January, 1969, duly and regularly passed.


JOAQUIN C. ARRIOLA
Speaker

ATTESTED:

/s/ James T. Sablan
JAMES T. SABLAN
Legislative Secretary

This Act was received by the Governor this 5th day
of February, 1969 at 4:31 o'clock P.M.

/s/ DENVER DICKERSON

DENVER DICKERSON
Secretary of Guam

APPROVED:

/s/ MANUEL F. L. GUERRERO

MANUEL F. L. GUERRERO
Governor of Guam

DATED: Feb. 14, 1969

1:45 P.M.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 487 (COR), "AN ACT TO REENACT THE APPROPRIATIONS PROVIDED TO THE EXECUTIVE BRANCH IN FY 1991 TO MAKE THE SAME LEVEL OF APPROPRIATIONS AVAILABLE IN FY 1991, TO PROVIDE CERTAIN ADDITIONAL APPROPRIATIONS AS SPECIFIED, AND TO PROVIDE APPROPRIATIONS TO THE GUAM VISITORS BUREAU, THE GUAM MASS TRANSIT AUTHORITY, AND THE GUAM LEGISLATURE," was on the 30th day of August, 1991, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



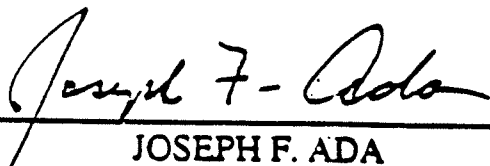
PILAR C. LUJAN
Senator and Legislative Secretary

.....
This Act was received by the Governor this 10th day of September, 1991, at
4:55 o'clock P. M.




Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

*with certain
reductions noted
herein.*


Date: SEP 15 1991



American
Association
of
Museums

November 5, 1991

Mrs. Hope Cristobal
Chairperson, Committee
for the Accreditation &
Expansion of the Guam Museum
Guam Public Library
254 Martyr Street
Agana, Guam 96910

Dear Mrs. Christobal;

Per your conversation with Susan Graziano, on October 29th, 1991, we are still waiting for your letter confirming your desire to continue the MAP I grant application for the Guam Museum.

Please clarify for us your authority as Chairman of the Guam Public Library to authorize the grant application for MAP I over the request of Frank San Agustin, Territorial Librarian and Executive Officer, Guam Museum and Anthony C. Mariano, Director, Department of Parks and Recreation and Museum Commission Chairman, to proceed with MAP I on a fee-for-service basis immediately.

Please advise at your earliest convenience.

Sincerely,

Pamela L. Vosburgh
Assistant Coordinator MAP





DEPARTMENT OF PARKS AND RECREATION

GOVERNMENT OF GUAM
400 Naval Hospital Road
Agana Heights, Guam 96910
Telephone: (871) 477-9620/1



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lt. Governor

ANTHONY C. MARIANO
Director

DENNIS M. ZERMENO
Deputy Director

Mrs. Susan Graziano
Director, Museum Assessment Programs
American Association of Museums
1225 Eye Street, NW
Washington, DC 20005

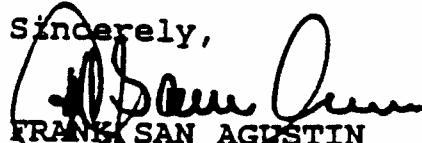
Dear Mrs. Graziano:

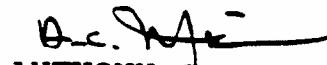
We would like to apologize for any inconvenience that may have resulted from the recent communications from both the ~~Guam Museum's~~ Board, and from the recently formed Museum Commission on Guam. Since we are both working for a common cause and goal, we would like to take the most expeditious route for accomplishing a full assessment program for the Guam Museum. As the executive authorities of our respective organizations, we have agreed to proceed cooperatively in the following manner:

Please continue to work with the Museum Commission for purchase of the MAP I program on a fee-for-service basis as soon as possible, with the Commission also paying for any consultant's expenses connected with the assessment. You may use the existing questionnaire furnished by the Guam Museum to give advance information to the selected consultant for those services.

The Guam Museum would like to amend its application to be considered for the Map II assessment at the earliest available date under the grant program. Thank you for your kind assistance and attention to this matter.

Sincerely,


FRANK SAN AGUSTIN
Territorial Librarian and
Executive Officer, Guam Museum


ANTHONY C. MARIANO
Director, Department of Parks
and Recreation and Museum
Commission Chairman



NIEVES M. FLORES MEMORIAL LIBRARY
GOVERNMENT OF GUAM
AGANA GUAM 96910

October 25, 1991

MEMORANDUM


TO: Lt. Governor Frank F. Blas
Chairman, Guam State Clearinghouse Review Committee

FROM: Territorial Librarian, Nieves M. Flores Memorial
Library

SUBJECT: Guam Museum Institute of Museum Services MAP I
Grant Application

Attached are three (3) copies of the Guam Public Library Board's grant application to the Institute of Museum Services Museum Assessment Program for your review.

Due to the ~~October 25, 1991 deadline~~ requirement of the application, ~~we have submitted the application by express mail on October 23.~~ If you need additional information, please contact me at 477-6913 or 472-6417/8264.


FRANK B. SAN AGUSTIN

FRSA:wlh:ams

Attachment

COMMONWEALTH NOW!

TWENTY-FIRST GUAM LEGISLATURE

1991 (FIRST) Regular Session

Introduced

JAN 06 '92

Bill No. 660 (Coe)

Introduced by:

E. P. ARRIOLA *epa*

AN ACT TO REPEAL CHAPTER I OF TITLE XXXVIII OF THE GOVERNMENT CODE AND TO ADD A NEW TITLE _____ TO THE GOVERNMENT CODE TO CREATE THE GUAM MUSEUM FOUNDATION.

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

Section 1. Chapter I of Title XXXVIII of the Government Code is repealed on the effective date of this act.

Section 2. A new Title _____ of the Government Code is enacted to read:

CHAPTER I

Section x001. This title may be cited as the "Guam Museum Foundation Act"

Section x002. Authority. There is hereby established as a public non-profit corporation the Guam Museum Foundation (the "Foundation"), whose mandate it is to foster an appreciation for the cultural and heritage of Guam, through, though not exclusively through, the establishment of a public museum to be called the Guam Museum. The Foundation shall have the perpetual succession unless sooner terminated by law and shall adopt a seal and sue or be sued in its own corporate name.

Section x003. Definitions. As used in this Chapter and unless otherwise indicated.

- (a) 'Foundation' means the Guam Museum Foundation
- (b) 'Board' means the Board of Trustees of the Guam Museum Foundation
- (c) 'Executive Director' means the person employed by the Board to supervise the administration of the Foundation.

Section x004. Purpose. The purpose of the Foundation is to promote increased understanding of Guam's geology, biota, prehistory, and contemporary culture. The Foundation shall foster research and shall convey the results of this and other research to the public primarily through the medium of public exhibitions, demonstrations, lectures and other public programs, and publications. It is mandated to retain, preserve, and conserve collections relating to the cultural and natural heritage of Guam.

Section x005. Board:

- (a) The Foundation shall be directed by a Board of Trustees which shall consist of seven (7) members appointed by the Governor with advice and consent of the Legislature.
- (b) Any board member may be removed upon charges, and after hearing by the Governor.
- (c) Four (4) board members shall constitute a quorum and four (4) affirmative votes are required for the transaction of all business. The Board shall meet in regular session at least once each month and in special sessions as often as it may deem necessary.
- (d) Each board member shall receive the sum of Fifty Dollars (\$50.00) for his/her attendance at any meeting of the Board, but such compensation shall not apply to more than two meetings in any one calendar month. No Director shall receive any other compensation, but shall be reimbursed for actual travel, subsistence, and out-of-pocket expenses incurred in the discharge of his/her responsibilities, including authorized attendance at meetings held away from Guam.

(e) Board members shall serve staggered terms beginning and ending on pre-established dates.

Section x006. Board Duties. The Board shall:

- (a) Conduct their first meeting within (30) days of their appointment;
- (b) Elect a Chairman, Vice-Chairman and Secretary from among its members;
- (c) Ensure that collections storage conditions conform to the guidelines and standards established by the Department of Interior (36 CFR Part 79) and establish policy for exhibitions, collections, acquisitions, collections deaccessioning, merchandise sale either directly by agents of the Museum Foundation or indirectly by vendors operating under lease agreements with the Museum Foundation.
- (d) Define the duties and rights of the executive director of the Museum Foundation, and in conformance with EEO guidelines, hire the best qualified individual for this position.
- (e) Maintain constant review and evaluation of the museum and its programs;
- (f) Establish, review and occasionally revise the By-Laws and Articles of Incorporation for the Museum Foundation and register these documents with the Guam Department of Revenue and Taxation;
- (g) Establish and adopt internal organization, management, and personnel rules and regulations for the administration and conduct of its affairs, in conformance with the Administrative Adjudication Act;
- (h) In accordance with law, control, manage, and have jurisdiction over all Government of Guam lands within the boundaries of the Museum Compound and over all lands deemed a part of the Museum Foundation at remote locations;

(i) Acquire and manage revenues on behalf of the Museum Foundation, apart from Government of Guam General Funds, through fixing all entrance fees, concessions, and charges for use and occupation of the public facilities or equipment of the Museum and for services rendered by the Museum;

(j) Establish and enforce any policies regarding the expenditure of Museum Foundation funds and any policies regarding the fiscal accounting practices;

(k) Employ a firm of independent certified public accountants who shall examine and report to the Board, at least annually, upon the status of the financial records and accounts maintained by the Foundation. Copies of any such report shall be furnished to the Governor and to the Legislature.

(l) Report to the Governor concerning its administration of the Foundation by annual report within one hundred twenty (120) days of the end of each fiscal year, and if requested by the Governor, shall present special reports within thirty (30) days of such a special request.

(m) Exercise its power and perform its duties by resolution adopted by majority vote of the Board in public meeting.

Section x007. Board Powers: The Board may:

(a) Enter into and perform such contracts, leases, cooperative agreements, and other transactions with any agency or instrumentality of the United States or with any state, territory, possession, or any political subdivision thereof, or with any person, firm, association or corporation, as may support the mandate of the Museum Foundation.'

(b) Obtain in the name of the Museum Foundation, loans or grants from the Government of Guam, the United States, foundations, corporations, or individuals; and from time to time incur indebtedness;

(c) In conformance with relevant labor laws, remove the Executive Director from employment by the Museum Foundation;

(d) Employ, retain or contract for services qualified managers, specialists or experts as individuals or as organizations, for advice and assistance;

(e) Obtain titular right in the name of the Museum Foundation, to any real property needed in support of the mandate of the Museum Foundation;

(f) Acquire in the name of the Museum Foundation, revenues through the establishment of entrance fees, funds generated from the sale of merchandise, membership dues, solicitation of gifts, and/or applications for grants;

(g) Invest in the name of the Museum Foundation, in any security that is not in actual or potential conflict with the mandate of the Museum Foundation.

(h) Do any and all other things necessary to the full and convenient exercise of the above powers.

Nothing contained in this Section, or by implication in this Title shall be construed to be in any way in derogation or limitation of powers conferred upon or existing in the Foundation or in the Board by virtue of the Organic Act, the laws of Guam or of this Code.

Section x008. Executive Director: The Executive Director, shall be the Foundation's chief executive officer and shall serve at the Board's pleasure. He/she shall be responsible for the maintenance, operation and development of the Foundation administration and for the Foundation's business affairs.

Section x009. Executive Director's Duties: The Director Shall:

(a) Insure that the Board's rules and regulations are enforced.

- (b) Attend all Board meetings unless the Board specifies otherwise in isolated cases.
- (c) Keep the Board advised as to the needs of the Foundation.
- (d) Approve demands for the payments of obligations of the Foundation within the purposes and amount authorized by the Board.
- (e) Prepare or cause to be prepared all plans and specifications for the construction of the works of the foundation.
- (f) Select and appoint the employees of the Foundation, except as otherwise provided by this Act, and to plan, organize, coordinate and control the services of such employees.
- (g) Publish a financial report in a manner provided by the board within one hundred twenty (120) days from the end of each fiscal year showing the result of operations for the preceding fiscal year and the financial status of the Foundation on the last day thereof.
- (h) Render a monthly accounting statement to the Board in such form as the Board directs.
- (i) Shall annually submit to the Board and the Governor programs and financial plans in accordance with the provisions of Chapter III, Title VI of the Government Code of Guam.
- (j) Perform such other and additional duties as the Board may direct.

Section x010. Fiscal Authority:

- (a) There is established a fund to be known as the 'Guam Museum Fund' which

the Foundation shall maintain separate and apart from other funds of the Government of Guam, and the board shall have the authority to make any investments using this fund as defined above.

(b) All monies received by the Foundation from whatever source derived shall be deposited in said Fund.

(c) All expenditures, except as otherwise provided by law, shall be made from said Guam Museum Fund.

(d) All revenues and other property owned by the Museum Foundation shall be exempt from taxation by the Government of Guam or by any political subdivision thereof, and from all taxes imposed under the authority of the Legislature providing that the Legislature is authorized to grant exemption.

Section x011. Employment

(a) The Board shall establish rules and regulations governing selection, promotion, performance, evaluation, demotion, suspension, dismissal and other disciplinary action for employees of the Foundation.

(b) Some employees may be considered classified civil service employees and be eligible to participate in any Government of Guam health and life insurance plan. The Museum Foundation shall contribute to the Government of Guam Retirement Fund as assessed by the Retirement Fund's own schedule of contributions for those civil service employees. Annual and sick leave will be accumulated in accordance with the provisions of the Government of Guam Personnel Rules and Regulations.

(c) Some employees may be paid from funds managed by the Museum Foundation. A choice of health and life insurance and retirement plans, as well as the accumulation of annual and sick leave should be, as nearly as possible, equivalent to those benefits accruing to Government of Guam civil servants.

(d) The employers contribution to the Workman's Compensation Fund that is assessed by the Workman's Compensation Commission for the benefit of Foundation employees shall be paid by the Foundation.

Section x012. Transition: Within two weeks of the issuance of an occupancy permit for the new museum building, the Territorial Librarian shall transfer to the Foundation:

(a) All items and property which the Library Board owns or controls including works in progress, which are used by the Foundation or operations to be assumed by the Foundation and all materials and supplies used and useful exclusively in connection with the administration of the Guam Museum.

(b) All items of property and materials and supplies used by the Library for museum purposes in common with other operations of the Guam Library which the Territorial Librarian agrees to transfer;

(c) All items of property and materials and supplies used by the Library exclusively for Museum purposes, including, but not limited to, (1) the collections considered to be the collections of the Guam Museum, housed in the current Guam Museum, storage areas in the Plaza de Espana, auxiliary storage areas in the Guam Territorial Library, and any other storage areas maintained by the Guam Territorial Library for the Museum and (2) rights to collections intended to be housed in the Guam Museum which are maintained by personnel and corporations having completed certain archaeological and environmental research under the terms of the National Historic Preservation Act (NHPA) (16 USC 470) which states that significant prehistoric and historic artifacts, and associated records, recovered under the authority of the act are deposited in an institution with adequate long-term curatorial capabilities.

(d) All working capital, cash, accounts payable and receivable, deposits, advances, payable and receivable, all books, records and documents, and all other rights, obligations, assets, liabilities, agreements, contracts, leases, concessions and all other rights, obligations and privileges pertaining to the operation of the Guam Museum and other matters and

concerns of the Library which are to be assumed by the Foundation, including the assets in the Museum Fund.

(e) All personnel of the Library assigned exclusively to the existing Guam Museum or assigned exclusively to the projects within the said Department which will be assumed by the Foundation shall be transferred to the Foundation upon the date of general transfer specified in this section and shall be retained by the Foundation for a period of not more than six months thereafter. After the expiration of said period, the Board or Executive Director, as the case may be, may, subject to the Personnel Rules and Regulation then adopted, appoint said personnel to permanent positions within the Foundation or appoint others to said positions as may be in the best interest of the Foundation.

(f) All benefits, such as sick and annual leaves, retirements benefits, medical and life insurance benefits provided by the Government, shall be continued and carried over to the Foundation on behalf of all employees and officers so transferred from the Library and Museum shall pay the employer's share of said benefits.

Section x013. Effective Date: The effective date of this Act shall be thirty days after approval by the Governor. If necessary to insure a smooth transition, the Governor may extend the period fixed by Section 5, enacted herein, by no more than 30 days.