



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
L. FISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

**REFER TO
LEGISLATIVE SECRETARY**

Recd.
11/26/91
JF

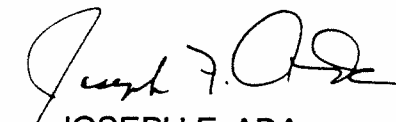
NOV 26 1991

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 136 which I have signed into law as Public Law 21-69. I have item vetoed Section 9 of the bill. The teams have already participated in the Far East Volleyball Tournament. The teams raised their own funds and traveled to this competition without government assistance.

Cordially,


JOSEPH F. ADA
Governor

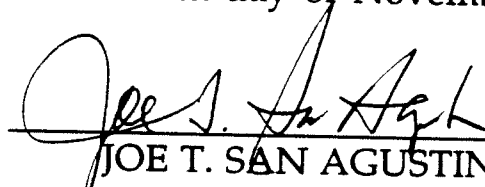
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TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

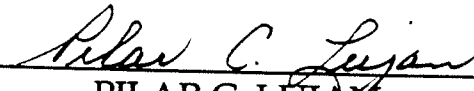
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 136 (COR), "AN ACT TO REPEAL AND REENACT §§15018 AND 15022 OF THE GOVERNMENT CODE ON THE SIZE AND COMPOSITION OF MUNICIPAL PLANNING COUNCILS, TO PROVIDE COMPENSATION FOR THEIR MEMBERS; TO ESTABLISH A LIMIT ON MEMBERSHIP; AND MAKING APPROPRIATIONS FOR THE HAWAII MEDICAL REFERRAL OFFICE AND FOR PARTICIPATION OF GUAM GIRLS VOLLEYBALL TEAMS IN THE FAR EAST TOURNAMENT," was on the 8th day of November, 1991, duly and regularly passed.



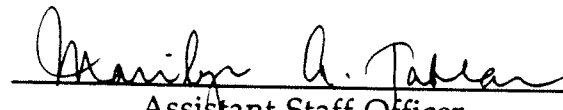
JOE T. SAN AGUSTIN
Speaker

Attested:



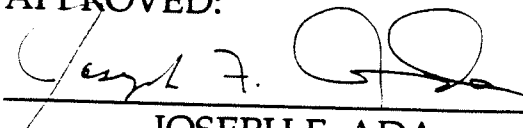
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 15th day of November, 1991, at
3:30 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

*with the exception
in sec. 9.*

Date: November 26, 1991

Public Law No. 21-69

TWENTY-FIRST GUAM LEGISLATURE
(1991) FIRST Regular Session

Bill No. 136 (COR)

Substituted by the Committee on
General Governmental Operations
and as further substituted by the
Committee on Rules

Introduced by:

J. T. San Agustin
H. D. Dierking
E. P. Arriola

M. D. A. Manibusan
J. G. Bamba
A. C. Blaz
J. P. Aguon
M. Z. Bordallo
D. F. Brooks
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
M. J. Reidy
M. C. Ruth
F. R. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §§15018 AND 15022
OF THE GOVERNMENT CODE ON THE SIZE AND
COMPOSITION OF MUNICIPAL PLANNING
COUNCILS, TO PROVIDE COMPENSATION FOR
THEIR MEMBERS; TO ESTABLISH A LIMIT ON
MEMBERSHIP; AND MAKING APPROPRIATIONS

FOR THE HAWAII MEDICAL REFERRAL OFFICE AND
FOR PARTICIPATION OF GUAM GIRLS VOLLEYBALL
TEAMS IN THE FAR EAST TOURNAMENT.

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

2 **Section 1. Legislative statement.** The Legislature finds that while
3 members of various government boards and commissions receive stipends for
4 services rendered, members of the various Municipal Planning Councils do
5 not receive such stipends for the services they render on behalf of the
6 community, and therefore, the Legislature further finds that it is fitting and
7 proper that such council members be given stipends for such services
8 rendered.

9 **Section 2.** §15018 of the Government Code is hereby repealed and
10 reenacted to read as follows:

11 **"§15018. Same: composition and eligibility.** A Municipal
12 Planning Council shall be composed of ten (10) members to be
13 appointed by the Mayor from among the residents of the district
14 who are registered voters, who are U.S. citizens, and who are at
15 least eighteen (18) years of age. In addition, the Mayor may
16 appoint one (1) additional member to the Municipal Planning
17 Council for every one thousand (1,000) residents of the district in
18 excess of ten thousand (10,000); **provided**, that the total
19 membership shall not exceed twenty (20) members.

20 A Mayor and a Vice-Mayor shall be **ex officio** members of
21 their respective Municipal Planning Councils, may participate in
22 all proceedings, and shall be eligible to vote thereat. The Mayor

1 shall be chairman of the Municipal Planning Council."

2 **Section 3.** §15022 of the Government Code is hereby repealed and
3 reenacted to read as follows:

4 **"§15022. Municipal Planning Councils meetings: stipends.**

5 (a) Each Municipal Planning Council shall meet regularly, at least
6 once a month, or more often as necessary. A two-(2-)day notice
7 shall be given for a special meeting; **provided**, that the members
8 may waive notice by all executing a written waiver. A quorum,
9 which consists of a majority of the members, is required for any
10 action by the Council.

11 (b) Each Council member, except the Mayor and Vice-
12 Mayor, shall be eligible to receive a stipend of Fifty Dollars (\$50)
13 for every regular and special meeting attended; **provided**,
14 however, that such stipend shall not exceed One Hundred Dollars
15 (\$100) in any one (1) calendar month."

16 **Section 4. Retroactive payment: authorized appropriation.** Municipal
17 Planning Council members shall be retroactively paid for meetings attended
18 during the period beginning January 1, 1991. The Mayors' Council shall
19 within thirty (30) days after enactment of this Act, submit to the Legislature a
20 request for an appropriation of such sum as is necessary to implement the
21 provisions of Section 3 of this Act.

22 **Section 5. Effective date of Section 2.** Section 2 of this Act shall take
23 effect on the first Monday of January, 1993.

24 **Section 6. Current members.** For the duration of the current Mayoral
25 term of office, expiring in 1993, the total membership for each Municipal
26 Planning Council shall not exceed the total number of Planning Council

1 members appointed by the respective Mayors in January of 1991 for the term
2 provided by §15019 of the Government Code.

3 **Section 7. Title.** This Act may be cited as the "Municipal Planning
4 Council Stipend Act of 1991".

5 **Section 8. Appropriation for Hawaii Medical Referral Office.** One
6 Hundred Nineteen Thousand One Hundred Twelve Dollars (\$119,112) are
7 hereby appropriated from the General Fund to the Department of Public
8 Health and Social Services to supplement the Fiscal Year 1992 appropriations
9 for the operations of the Hawaii Medical Referral Office.

10 **Section 9. Appropriation for volleyball tournament.** ^{JH eda} ~~Twelve Thousand~~
11 ~~Dollars (\$12,000)~~ ^{→ 0 - JH eda} are hereby appropriated from the General Fund to the
12 Department of Education to permit the girls volleyball teams from Simon
13 Sanchez High School, the Academy of Our Lady, John F. Kennedy High
14 School, St. John's School, and George Washington High School to participate
15 in the Girls Far East Volleyball Tournament to be held in Zama, Japan on
16 November 8 - 17, 1991. Such appropriation shall be divided equally among
17 the teams, and may be used for reimbursement purposes.



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**

September 9, 1991

Honorable Joe T. San Agustin
Speaker
Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Re: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on General Governmental Operations, to which was referred Bill No. 136, "An act to repeal and reenact §§15022 and 15018 of the Government Code pertaining to Municipal Planning Council meetings, and to provide compensation for members of the Municipal Planning Council; and to establish a limit on membership; and to cite the Act as the Municipal Planning Council Stipend Act of 1991," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

TO DO PASS	<u>-10-</u>
NOT TO PASS	<u>-0-</u>
INACTIVE FILE	<u>-0-</u>
ABSTAIN	<u>-0-</u>

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,

HERMINIA D. DIERKING

Enclosure:

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
VOTE SHEET

SUBSTITUTE BILL NO. 136

AN ACT TO REPEAL AND REENACT §15022 AND 15018 OF THE GOVERNMENT CODE PERTAINING TO MUNICIPAL PLANNING COUNCIL MEETINGS, AND TO PROVIDE COMPENSATION FOR MEMBERS OF THE MUNICIPAL PLANNING COUNCIL; AND TO ESTABLISH A LIMIT ON MEMBERSHIP; AND TO CITE THE ACT AS THE MUNICIPAL PLANNING COUNCIL STIPEND ACT OF 1991.

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TO DO PASS	NOT TO PASS	INACTIVE FILE:	ABSTAIN:
<i>[Signature]</i>	✓	_____	_____	_____
H. D. Dierking, Chairperson	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
F. R. Santos, Vice-Chairperson	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
J. T. San Agustin, Speaker & Ex-Officio	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
J. G. Bamba, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
A. C. Blaz, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
E. R. Duenas, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
C. T.C. Gutierrez, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
P. C. Lujan, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓ <i>8/20/91</i>	_____	_____	_____
M. D.A. Manibusan, Member	_____	_____	_____	_____
<i>[Signature]</i>	✓	_____	_____	_____
D. Parkinson, Member	_____	_____	_____	_____

TWENTY-FIRST GUAM LEGISLATURE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

REPORT ON BILL 136

AN ACT TO REPEAL AND REENACT §§15022 AND 15018 OF THE GOVERNMENT CODE PERTAINING TO MUNICIPAL PLANNING COUNCIL MEETINGS, AND TO PROVIDE COMPENSATION FOR MEMBERS OF THE MUNICIPAL PLANNING COUNCIL; AND TO ESTABLISH A LIMIT ON MEMBERSHIP; AND TO CITE THE ACT AS THE MUNICIPAL PLANNING COUNCIL STIPEND ACT OF 1991.

Introduced by Senators

J. T. San Agustin, H. D. Dierking, E. P. Arriola
M. D.A. Manibusan, J. G. Bamba, and A. C. Blaz

PREFACE:

The Committee on General Governmental Operations, to which was referred the above captioned measure, conducted a public hearing on Tuesday, April 23, 1991, at 9:00 a.m. in the Legislative Public Hearing Room.

Committee members present were Senator Herminia D. Dierking, Chairperson, and Senators Anthony C. Blaz, Carl T.C. Gutierrez, Elizabeth P. Arriola, Marilyn D.A. Manibusan, Martha C. Ruth, and Speaker Joe T. San Agustin.

NOTIFICATION:

Letters were sent to the Governor; the President and members, Mayors' Council; the Director, Bureau of Budget and Management Research; the Attorney General; the Committee members; the news-media, and the general public.

TESTIMONY:

At this time, the Chairperson called on the Mayors present to submit testimony. Mayor Greg Borja informed the Committee that the Council's Legislative Review Committee fully supports the passage and enactment of Bill Nos. 136, 159, and 177.

Mayor Frank Portusach testified that council members are great public servants. He considers them partners in the work and progress of the community. He went on to say that all council members are to be commended for their dedication and spirit of service to their respective community.

Next to submit testimony was Mayor Jose A. Rivera. Mayor Rivera reminded that Committee that the Dededo Municipal Planning Council on July 10, 1990, adopted Resolution 90-09. This resolution, said Mayor Rivera, requested the Twentieth Guam Legislature to amend existing legislation and to appropriate stipend funds from the General Fund for the Dededo Municipal Planning Council. Another resolution (91-02) was adopted and transmitted to the Legislature.

After questioning by Committee members, all Mayors unanimously agreed that council members should be eligible to receive a Fifty Dollars (\$50) stipend for each regular or special meeting, provided that the amount does not to exceed One Hundred Dollars (\$100) per month. It was also agreed that the legislation retroactively take effect to January 1, 1991.

There being no further questions, the Chairperson adjourned the Committee hearing on Bill Nos. 136, 159, and 177.

SECTION ANALYSIS:

Please refer to page entitled Profile on Bill No. 136.

RECOMMENDATION:

The Committee on General Governmental Operations, to which was referred Bill No. 136, "An act to repeal and reenact

§§ 15022 and 15018 of the Government Code pertaining to Municipal Planning Council meetings, and to provide compensation for members of the Municipal Planning Council; and to establish a limit on membership; and to cite the Act as the Municipal Planning Council Stipend Act of 1991," has had the same under consideration, and no wishes to report back the same with the recommendation to do pass as substituted.

PROFILE ON BILL NO. 136

Short Title: "Municipal Planning Council Stipend Act of 1991."

Main Sponsors: J. T. San Agustin, H. D. Dierking, E. P. Arriola.

Date Introduced: February 4, 1991.

Referral: Committee on General Governmental Operations, February 4, 1991.

Public Hearing: April 23, 1991.

Official Title: "An act to repeal and reenact §§ 15022 and 15018 of the Government Code pertaining to Municipal Planning Council meetings, and to provide compensation for members of the Municipal Planning Council; and to establish a limit on membership; and to cite the Act as the Municipal Planning Council Stipend Act of 1991."

Co-Sponsors: M. D.A. Manibusan, J. G. Bamba, A. C. Blaz.

Recommendation: To do pass as substituted.

A CLOSER LOOK

The Legislature finds that while members of various government boards and commissions receive stipends for

services rendered, Council members from the 19 municipalities who at times, perform numerous municipal duties, are not eligible to receive compensation of any sort.

The Municipal Planning Council was first established in 1977. This was made possible through the enactment of Bill No. 15, passed by the Fourteenth Guam Legislature. Since then, the various municipalities have appointed at least a minimum of nine (9) members to serve on the Council.

Since 1977, council members have worked closely with the Mayor and Vice-Mayor, and oftentimes, find themselves advising the Mayor on matters affecting the well-being of the community; reviewing and approving the Mayor's request for expenditure of funds; attending and conducting public meetings to ascertain the needs of the community.

Most recently, the Guam Legislature, through Section 7 of Public Law 20-217, increased the duties and scope of responsibilities of the Municipal Planning Councils. Now, Council members are part of the participatory process in the disposition of government lands, and zoning requests in their respective communities.

The Committee believes it would be appropriate to include a provision limiting the size of the Planning Councils. To prevent an open-ended mandate of unlimited Council members, the Committee recommends that effective January 1993, each Council shall be limited to 10 members, except for those municipalities with more than a population of 10,000. In these cases, the Mayor would appoint one additional member for every 1,000, not to exceed 20 members.

Therefore, the Committee recognizing the contributions and importance of the members of the Municipal Planning Council, does hereby recommend that the Legislature act favorably on Substitute Bill No. 136.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 136
Substituted by the Committee on
General Governmental Operations

Introduced by:

J. T. San Agustin
H. D. Dierking *✍*
E. P. Arriola

M. D.A. Manibusan *Manibusan*
J. G. Bamba *Bamba*
A. C. Blaz *Blaz*

AN ACT TO REPEAL AND REENACT §§
15022 AND 15018 OF THE GOVERNMENT
CODE PERTAINING TO MUNICIPAL
PLANNING COUNCIL MEETINGS, AND TO
PROVIDE COMPENSATION FOR MEM-
BERS OF THE MUNICIPAL PLANNING
COUNCIL; AND TO ESTABLISH A LIMIT ON
MEMBERSHIP; AND TO CITE THE ACT AS
THE MUNICIPAL PLANNING COUNCIL
STIPEND ACT OF 1991.

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

3 Section 1. LEGISLATIVE STATEMENT. The Legislature
4 finds that while members of various government boards and
5 commission receive stipends for services rendered, Council
6 members of the various Municipal Planning Councils are not
7 eligible to receive stipends for services rendered on behalf of the
8 community and their constituents. Furthermore, the
9 Legislature finds that it is only fitting and proper that Council
10 members be entitled to receive stipends for services rendered
11 their community and constituents.

1 Section 2. §15022 of the Government Code is hereby
2 repealed and reenacted to read as follows:

3 "§15022. Municipal Planning Council: Meetings:
4 Stipends. (a) Each Council shall meet regularly at least once
5 a month, or more often as necessary. A two-day notice shall
6 be given for a special meeting, provided that the members
7 may waive notice by executing a written waiver. A quorum
8 shall consist of a majority of the members and is required
9 for any action.

10 (b) Each Council member, except the Mayor and
11 Vice-Mayor, shall be eligible to receive a stipend of Fifty
12 Dollars (\$50) for every regular and special meeting attended,
13 provided; however, that it shall not exceed One Hundred
14 Dollars (\$100) in any one calendar month."

15 Section 3. Retroactive Payment: Authorized Appropriation.
16 Council members who have attended past meetings without
17 compensation, shall be retroactively paid for the period beginning
18 January 1, 1991. The Mayors' Council shall within thirty (30)
19 days upon enactment of this Act, submit to the Legislature such
20 sums as are necessary to implement the intent of §15022.

21 Section 4. §15018 of the Government Code is hereby
22 repealed and enacted to read as follows:

23 "§15018. Same: Composition and Eligibility. The
24 Municipal Planning Council shall be composed of ten (10)
25 members to be appointed by the Mayor from among the
26 residents who are registered voters in each district and who
27 are U.S. citizens of at least eighteen (18) years of age. If
28 applicable, the Mayor may appoint one (1) additional
29 member to the Municipal Planning Council for every one
30 thousand (1,000) residents in excess of ten thousand
31 (10,000) that are in the municipality with the total
32 membership not to exceed twenty (20) members.

33 The Mayor and the Vice-Mayor, if applicable, shall be
34 ex-officio members of their respective Planning Councils,

1 Section 2. §15022 of the Government Code is hereby
2 repealed and reenacted to read as follows:

3 "§15022. Municipal Planning Council: Meetings:
4 Stipends. (a) Each Council shall meet regularly at least once
5 a month, or more often as necessary. A two-day notice shall
6 be given for a special meeting, provided that the members
7 may waive notice by executing a written waiver. A quorum
8 shall consist of a majority of the members and is required
9 for any action.

10 (b) Each Council member, except the Mayor and
11 Vice-Mayor, shall be eligible to receive a stipend of Fifty
12 Dollars (\$50) for every regular and special meeting attended,
13 provided; however, that it shall not exceed One Hundred
14 Dollars (\$100) in any one calendar month."

15 Section 3. Retroactive Payment: Authorized Appropriation.
16 Council members who have attended past meetings without
17 compensation, shall be retroactively paid for the period beginning
18 January 1, 1991. The Mayors' Council shall within thirty (30)
19 days upon enactment of this Act, submit to the Legislature such
20 sums as are necessary to implement the intent of §15022.

21 Section 4. §15018 of the Government Code is hereby
22 repealed and enacted to read as follows:

23 "§15018. Same: Composition and Eligibility. The
24 Municipal Planning Council shall be composed of ten (10)
25 members to be appointed by the Mayor from among the
26 residents who are registered voters in each district and who
27 are U.S. citizens of at least eighteen (18) years of age. If
28 applicable, the Mayor may appoint one (1) additional
29 member to the Municipal Planning Council for every one
30 thousand (1,000) residents in excess of ten thousand
31 (10,000) that are in the municipality with the total
32 membership not to exceed twenty (20) members.

33 The Mayor and the Vice-Mayor, if applicable, shall be
34 ex-officio members of their respective Planning Councils,

1 may participate in all proceedings, and shall be eligible to
2 vote. The Mayor shall be chairman of the Planning Council."
3 Section 5. Section 4 of this Act shall not take effect until the
4 first Monday in January 1993.
5 Section 6. For the duration of the present Mayoral term of
6 office, which expires in 1993, the total membership for each
7 Municipal Planning Council shall not exceed the total number of
8 Planning Council members appointed by the respective Mayors
9 in January 1991, for the term, provided by §15019 of the
10 Government Code.
11 Section 7. Title. This Act may be cited or referred to as the
12 Municipal Planning Council Stipend Act of 1991.

SENATOR
HERMINIA D. DIERKING
TWENTY-FIRST GUAM LEGISLATURE

February 4, 1991

COMMITTEES

MEMORANDUM

Chairperson:

Rules

General
Governmental
Operations

TO: Chairperson, Committee on ~~General~~
~~Governmental Operations~~

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 136

Vice-Chairperson

Ways & Means

Energy,
Utilities and
Consumer
Protection

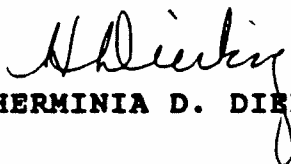
The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

Based on Section 6.04.06.02, Rule VI, of the Standing Rules, upon completion of your Committee findings, if favorable action is recommended, please refer this Bill to the Committee on Ways and Means for their review of the appropriation requested.

Member:

Housing,
Community
Development,
Federal,
and
Foreign Affairs

Judiciary
and
Criminal Justice


HERMINIA D. DIERKING

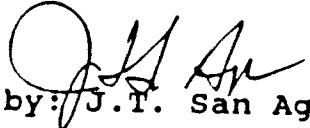
Enclosure

cc: Committee on Ways & Means
(For Information Only)

*Rja 2/7/91
9:10 am*

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 136

Introduced by:  J.T. San Agustin

AN ACT TO ESTABLISH STIPENDS FOR THE MEMBERS OF EACH
DISTRICT'S MUNICIPAL PLANNING COUNCIL

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

gbo
cc wmm

Section 1. Legislative Findings. The legislature finds that while other Government of Guam boards and commissions receive stipends for services rendered, the Municipal Planning Councils in each district, as established and authorized by Sections 15017 and 15021 of Chapter I, Title XVI of the Government Code, receive no stipend for the services they render on behalf of their constituents. The Legislature therefore further finds that the Government Code should be amended to include an appropriate stipend to be granted to members of the Municipal Planning Council of each village.

Section 2. A new paragraph is added to Section 15022 of Chapter I, Title XVI of the Government Code to read:

"Each member of the Municipal Planning Council in each district (excluding the Mayor and Vice-Mayor) shall be paid a stipend of fifty dollars (\$50) per official regular or special meeting attended, not to exceed one hundred dollars (\$100) per month."

Section 3. Five Hundred Seventy Thousand dollars (\$570,000) is appropriated from the General Fund to the Mayor's Council of Guam for stipends for members of each district's Municipal Planning Council as defined in Section 15017 of Chapter I, Title XVI of the Government Code.

Section 4. Section 2 of this Act shall take effect on January 1, 1991.

Twenty-First Guam Legislature
1991 (FIRST) Regular Session

Bill No. 159

Introduced by:

E. P. ARRIOLA *EPA*

EPA
**AN ACT TO AMEND SECTION 15022, GC TO PROVIDE
COMPENSATION FOR MEMBERS OF THE MUNICIPAL
PLANNING COUNCIL.**

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

2 **Section 1. Section 15022 of the Government Code is amended to read:**

3 "(a) Each Council shall meet regularly at least once a month, or more often as necessary.
4 A two (2) day notice shall be given for a special meeting, provided that the members may
5 waive notice by executing a written waiver. A quorum shall consist of a majority for all
6 action.

7 (b) Compensation.

8 While serving in office and attending meetings, members shall receive a stipend of Fifty
9 Dollars (\$50.00) per meeting, but not more than One Hundred Dollars (\$100.00) in any one
10 (1) calendar month."

11 **Section 2. Retroactive Payment; authorized appropriation.**

12 Members of the Municipal Planning Council who have attended past meetings without
13 compensation shall be retroactively paid stipends for the period beginning January 1, 1991. The Mayor and
14 Council shall submit to the Legislature upon enactment of this Act such sum necessary to implement this
15 Act.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) REGULAR SESSION

BILL NO. 177

INTRODUCED BY:

M.D.A. Manibusan
M.D.A. MANIBUSAN
J.T. SAN AGUSTIN
J.G. BAMBA

A.C. BLAZ

also
AN ACT TO PROVIDE A STIPEND OF FIFTY DOLLARS
(\$50.00) PER MEETING FOR MEMBERS OF MUNICIPAL
PLANNING COUNCILS BEGINNING JANUARY 1, 1991,
BY ADDING A NEW SECTION 15022.5 TO CHAPTER I
TITLE XVI OF THE GOVERNMENT CODE.

1 BE IT RESOLVED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 SECTION 1. A New Section 15022.5 of Chapter I of
3 Title XVI is added as follows:
4 "Section 15022.5. Municipal Planning Council Stipend.
5 Beginning January 1, 1991 each Municipal Planning Council
6 member shall receive a stipend of Fifty Dollars (\$50.00)
7 per regular and special meeting, not to exceed One Hundred
8 Dollars (\$100.00) in any one month."

§15015. Capital Projects Participation.

The Commissioners shall be authorized to participate in the annual consideration of capital improvements program by the Executive Branch. They shall be allowed to express their views, make recommendations and propose projects for their respective districts.

§15016. Advising the Commissioner.

All government of Guam departments and agencies shall advise in writing and appraise the Commissioner of any public works project or activity to be undertaken in his district at least five (5) days prior to the start of said project or activity. In case of an emergency, said department or agency shall advise the Commissioner of the same immediately.

§15017. Municipal Planning Council: Establishment.

There is established a Municipal Planning Council within each of the districts of the territory of Guam.

§15018. Same: Composition and Eligibility.

The Municipal Planning Council shall be composed of at least nine (9) members to be appointed by the Commissioner from among the residents who are registered voters in each district; who are U.S. citizens at least eighteen (18) years of age. The Commissioner and the Assistant Commissioner, if applicable, shall be ex-officio members of the Council and may participate in all the proceedings and shall be eligible to vote. The Commissioner shall be chairman of the Planning Council.

§15019. Municipal Planning Council: Term of Office.

Each member of the Municipal Planning Council shall hold office for a period of two (2) years, said term to begin on the first Monday in January following his or her appointment.

§15020. Municipal Planning Council: Vacancy.

In case of a vacancy on the Municipal Planning Council by reason of death, resignation or incapacity, said vacancy shall be filled by appointment of the Commissioner.

§15021. Municipal Planning Council: Powers, Duties and Responsibilities.

The Municipal Planning Council in each district shall work closely with the district commissioner and shall perform the following duties and responsibilities:

(a) Advise the Commissioner on all matters affecting the well-being of the community.

(b) Review and approve the Commissioners' requests for expenditures of money from the Municipal Fund as established by §15010 of this Chapter.

(c) Hold joint public hearings with the Commissioner and Assistant Commissioner, if applicable, on matters affecting the community.

(d) Cooperate with the Commissioner and Assistant Commissioner, if applicable, in whatever manner appropriate to ensure the well-being of the residents of the community.

(e) Promulgate such rules and regulations as necessary for the proper operation of the programs under the jurisdiction of the Commissioner, provided however, that said rules and regulations do not infringe on the authority of the Commissioner as provided in §15008 of this Chapter.

§15022. Municipal Planning Council: Meetings.

Each Council shall meet regularly at least once a month, or more often as necessary. A two-day notice shall be given for a special meeting, provided that the members may waive notice by executing a written waiver. A quorum shall consist of a majority of the members and is required for any action.

§15023. Effective Date.

This Act shall take effect immediately upon enactment, but the Governor may postpone the actual transfer of all or a portion of such functions to be transferred by this law until such time as the organization provided for can be put in full force and effect but not later than January 1979. Except as otherwise provided herein, all officers, their subordinates and employees whose functions are covered by this Act, shall continue to perform their duties from the date this Act takes effect."



FRANK M. PORTUSACH
MAYOR OF AGANA HEIGHTS

Ufisinan I Mayõt
Office of the Mayor
District of Agana Heights

April 23, 1991



The Honorable
Herminia D. Dierking
Chairperson, Committee on
General Governmental Operations
Senator, 21st Guam Legislature

Re: Testimony in favor of Bill #136 - An act to establish stipends
for Municipal Planning Council members

Good Morning Honorable Chairperson and Members of this Committee:

On behalf of the Municipal Planning Council of Agana Heights, I
would like to offer testimony in favor of this long awaited bill.

Other government boards receive stipends for their services. Council
members have never been compensated for their services. Their only re-
ward is the satisfaction of having helped their fellowmen and their commu-
nity.

These council members are great public servants. I consider them
partners in the work and progress of our community. They share with
our leaders a sense of concern and personal dedication to the betterment
of our community. My council members are like an advisory board and
work closely with me to serve the interests and needs of the community.

I am proud to say that Agana Heights has a very active and effect-
ive municipal council. We meet regularly once a month. When the need
for special meetings arise, the council members can always be counted on.
The municipal council members throughout the island are to be commended
for their dedication and spirit of service to their respective communities.

I recall when this bill was first introduced as far back as the 16th
Guam Legislature. I wish it had been passed long ago, for there are
many former council members to whom I am grateful to for their valuable
services. At the present, I still have members who have served on the
council since its inception in 1977. It is time to recognize the efforts
of the municipal government.

SI YU'OS MA'ASE!

Sincerely,

FRANK M. PORTUSACH

Testimony For Bills

146, 159 , 177

April 23, 1991

My name is Jose A. Rivera, Mayor of Dededo. I am here to testify for Bills ~~146~~¹³⁶, Bill 159 and Bill 177, relative to establishing stipends to provide compensation for the Members of each District's Municipal Planning Council.

First of all, I render thanks and appreciation to the 21st Guam Legislature Committee on General Governmental Operations for scheduling a public hearing for Bills 146, Bill 159 and Bill 177, and to the authors of these Bills.

Senators in the 20th Guam Legislature will recall that on July 10, 1990, the Dededo Municipal Planning Council introduced Resolution 90-09 relative to requesting the 20th Guam Legislature to appropriate stipend funding from the General Fund for the Dededo Municipal Planning Council members. Senators Madeleine Z. Bordallo and Senator Marilyn Manibusan both introduced Bills pertaining to a stipend for the Municipal Planning Council then, but the Bills never got out of Committee. On January 15, 1991, the Dededo Municipal Planning Council re-introduced to the 21st Guam Legislature the same request in Resolution 91-02.

Public Law 14-27 Section 15020 established the responsibilities and duties of the Municipal Planning

Councils and Public Law 20-217 Section 7 increased the duties and responsibilities of the Municipal Planning Councils, yet an inequity exists in that both laws do not contain any stipulation for compensation as provided to other Government of Guam Boards and Commissions who receive stipend for their services.

Certainly, I am in favor of appropriating from the General Fund fifty dollars (\$50.00) per member attending a meeting, not to exceed one hundred dollars (\$100.00) a month and for said stipend to be retroactive from January 1, 1991.

✓ The Municipal Planning Council Members hold office for a period of two years. Public Law 14-27 Section 15018 states that the Municipal Planning Council shall be composed of at least nine (9) members, but it does not limit as to how many members it can consist of. Therefore, since an appropriation is to be established, maybe a provision stating the number of members to compose the Municipal Planning Councils of each district can be included, but with the provision to retain all present council members to conclude their term of office.

Again, I confirm my full support for said Bills and solicit support from all the 21st Guam Legislature Senators to incorporate the intent of these three Bills and reinforce its passage. Thank you!



JOSE A. RIVERA

Mayor of Dededo



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agana, Guam 96910



GIOVANNI T. SGAMBELLURI
DIRECTOR

APR 23 1991

James D

Senator Herminia D. Dierking
Chairperson
Committee on Rules and Governmental Affairs
Twenty-First Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Senator Dierking:

Pursuant to Section 1903 of Chapter X of the Government Code of Guam, transmitted herewith are fiscal notes on Bill Nos. 3, 83, 116, 136, 151, 155, 159, 177, 204, 286, 290 and 304 and Walvers on Bill Nos. 40, 148 and 279.

Should I be of any assistance, please contact my office.

Sincerely,

J.T.

GIOVANNI T. SGAMBELLURI
Acting

Enclosures

cc: Sen. Carl T.C. Gutierrez
Chairperson, Committee on
Ways and Means

RECEIVED
COMMITTEE ON RULES
DATE: 4-26-90
TIME: 1:15 PM
BY: _____

[Handwritten signature/initials]



**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

BBMR-F1

Bill No. 136 Date Received 4-22-91
 Amendatory Bill YES NO Date Reviewed 4-22-91

Department/Agency Affected: Mayors' Council/Municipal Fund
 Department/Agency Head: Jose E. Santos/Various Mayors and Vice Mayors
 Total FY Appropriation to Date: \$ 2,770,915/\$ 475,000

Bill Title (preamble) : AN ACT TO ESTABLISH STIPENDS FOR THE MEMBERS OF EACH DISTRICTS
MUNICIPAL PLANNING COUNCIL.

Change in Law: Adds a new paragraph to section 15022 of Chapter I Title XVI of the Government Code.

Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other (_____)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
<u>Community Services</u>	<u>\$ 570,000</u>	_____	<u>\$ 570,000</u>

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 2,850,000</u>
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 570,000</u>	<u>\$ 2,850,000</u>

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ 1/
 AGENCY/PERSON/DATE CONTACTED: Mayors' Council / Mary Cruz-Sablan / 4-22-91

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>N/A</u>	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

ANALYST William P. Taitano DATE 4/22/91 DIRECTOR Giovanni T. Scambelluri DATE 4/23/91

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F1

Bill No. 159
 Amendatory Bill YES NO

Date Received 4-22-91
 Date Reviewed 4-22-91

Department/Agency Affected: Mayors' Council/ Municipal Fund
 Department/Agency Head: Jose E. Santos/ Various Mayors/Vice Mayors
 Total FY Appropriation to Date: \$ 2,770,915/ \$ 475,000

Bill Title (preamble) : AN ACT TO AMEND SECTION 15022, GC TO PROVIDE COMPENSATION
FOR MEMBERS OF THE MUNICIPAL PLANNING COUNCIL.

Change in Law: Amends section 15022 of the Government Code

Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other (_____)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
<u>Community Services</u>	<u>1/</u>		<u>1/</u>

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>1/</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ 1/
 AGENCY/PERSON/DATE CONTACTED: Mayors' Council / Mary Cruz-Sablan / 4-22-91

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>N/A</u>					
OTHER						
TOTAL						

ANALYST William B. Tainong DATE 4/22/91 DIRECTOR Giovanni T. Scambalitti DATE 4/23/91

**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

BBMR-F

Bill No. 177 Date Received 4-22-91
 Amendatory Bill YES NO Date Reviewed 4-22-91

Department/Agency Affected: Mayors' Council/ Municipal Fund
 Department/Agency Head: Jose E. Santos / Various Mayors
 Total FY Appropriation to Date: \$ 2,770,915/ 475,000

Bill Title (preamble) : AN ACT TO PROVIDE A STIPEND OF FIFTY DOLLARS (\$50.00) PER MEETING FOR MEMBERS OF MUNICIPAL PLANNING COUNCILS BEGINNING JANUARY 1, 1991. BY ADDING A NEW SECTION 15022.5 TO CHAPTER I- TITLE XVI OF THE GOVERNMENT CODE

Change in Law: Adds a new section 15022.5 to Chapter I, Title XVI of the Government Code.

Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other (_____)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
<u>Community Services</u>	<u>1/</u>		<u>1/</u>

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>1/</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ 1/
 AGENCY/PERSON/DATE CONTACTED: Mayors' Council / Mary Cruz-Sablan / 4-22-91

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>N/A</u>					
OTHER						
TOTAL						

ANALYST William P. Teisinger DATE 4/22/91 DIRECTOR Giovanni T. Scambelluri DATE 4/23/91

**COMMITTEE ON
GENERAL GOVERNMENTAL OPERATIONS**

**Tuesday, April 23, 1991
8:30 a.m. Legislative Public Hearing Room**

PUBLIC HEARING AGENDA

8:30 a.m., WOMEN'S ISSUES:

Bill 116... An act to add a new Article 8 to Title 5, Guam Code Annotated, establishing the Bureau of Women's Affairs within the Office of the Governor.

Bill 204... An act amend §4107 of Title 4, Guam Code Annotated, increasing maternity leave for government employees.

MUNICIPAL ISSUES:

Bill 40... An act to empower Mayors to impose community service against any individual who is guilty of littering within a village boundary.

Bills 136, 159, 177... An act to amend the Government Code to provide \$50.00 stipends for members of Municipal Planning Councils.

Bill 155... An act to amend the provisions of the Unsafe Structure Removal Legislation of Public Law 16-56 and giving Mayors citation authority to facilitate removal of unsafe structures.

Bill 279... An act to amend Subparagraph (a) of §51022, Title 10, Guam Code Annotated, to include Municipal Planning Council members in the definition of "Apprehending Officers" under the Litter Control Act.

AGANA COMPREHENSIVE PLANNING:

Bill 151... An act to establish the Agana Comprehensive Planning Commission within the Bureau of Planning to plan and oversee the restoration of the City of Agana, to authorize the conduct of public hearings, the submission of

reports, and to cite the act as the Agana Comprehensive Planning Commission Act of 1991.

UNIFORM GRID SYSTEM:

Bill 286... An act to create the Islandwide Grid Uniform Addressing System or IGUAS.

RECESS FOR LUNCH:

1:30 p.m., ELECTION REFORM:

Bill 83... An act to amend certain sections relative to the deposit to ensure removal of political signs by candidates for election and to add new Subsections (11) and (12) to Section 17400.1 of the Government Code regulating the size of wooden or metal freestanding signs.

Bill 148... An act to add a new Paragraph (e) to §2101; to add a new Paragraph (c) to §2103; to add new Paragraphs (b) and (c) to §2106; to assure the autonomy of the Commission; to amend §§ 3101, 3106 and 3108, to comply with registration procedures; to repeal and reenact §9113, to provide for distance markers; and to repeal and reenact §§ 9124 and 9126 to determine residency for voters; all pertaining to Title 3, Guam Code Annotated; and to cite the Act as the Election Reform Act of 1991.

LEGISLATIVE STAGGERED TERMS:

Bill 290... An act to institute staggered terms for Guam Legislators, and to amend Title 2, Guam Code Annotated accordingly.

CIVIL SERVICE COMMISSION:

Bill 3... An act to repeal and reenact §4401, and to add a new 66224 to Title 4, Guam Code Annotated, creating an Independent Civil Service Commission.

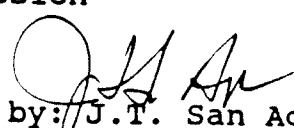
Bill 304... An act to add a new Article 4 to Chapter 6 of Title 4, Guam Code Annotated to establish a Commission on Salaries of Elected Officials; to provide for the appointment of members; to prescribe duties and responsibilities; and to cite the Act as the Elected Officials Salaries Compensation Commission Act of 1991.

Introduced

FEB 16 '91

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 136(COR)

Introduced by:  J.T. San Agustin

AN ACT TO ESTABLISH STIPENDS FOR THE MEMBERS OF EACH
DISTRICT'S MUNICIPAL PLANNING COUNCIL

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

Section 1. Legislative Findings. The legislature finds that while other Government of Guam boards and commissions receive stipends for services rendered, the Municipal Planning Councils in each district, as established and authorized by Sections 15017 and 15021 of Chapter I, Title XVI of the Government Code, receive no stipend for the services they render on behalf of their constituents. The Legislature therefore further finds that the Government Code should be amended to include an appropriate stipend to be granted to members of the Municipal Planning Council of each village.

Section 2. A new paragraph is added to Section 15022 of Chapter I, Title XVI of the Government Code to read:

"Each member of the Municipal Planning Council in each district (excluding the Mayor and Vice-Mayor) shall be paid a stipend of fifty dollars (\$50) per official regular or special meeting attended, not to exceed one hundred dollars (\$100) per month."

Section 3. Five Hundred Seventy Thousand dollars (\$570,000) is appropriated from the General Fund to the Mayor's Council of Guam for stipends for members of each district's Municipal Planning Council as defined in Section 15017 of Chapter I, Title XVI of the Government Code.

Section 4. Section 2 of this Act shall take effect on January 1, 1991.