



Territory of Guam
Territorio Guam

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

REFER TO
LEGISLATIVE SECRETAR

RECEIVED

OFFICE OF THE SPEAKER
DATE: DEC 03 1993
TIME: 4:05pm
RECD BY: KCCCA


DEC 02 1993

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 324 which I have signed into law this date as
Public Law 22-50.

Sincerely yours,


FRANK F. BLAS
Governor of Guam,
Acting

220430

Attachment

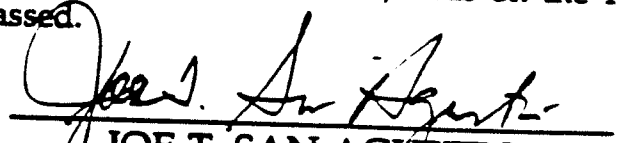


Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 324 (LS), "AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE OF §40108; AND TO REPEAL AND REENACT §40110, ALL OF TITLE 5, GUAM CODE ANNOTATED, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY COSTS OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE-MAYORS," was on the 19th day of November, 1993, duly and regularly passed.



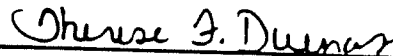
JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of November, 1993, at
10:24 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: DEC 02 1993

Public Law No. 22-50

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 324 (LS)

As substituted by the Committee
on Rules

Introduced by:

H. D. Dierking
T. S. Nelson
M. D. A. Manibusan
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
D. F. Brooks
J. G. Bamba
A. C. Blaz
F. P. Camacho
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE OF §40108; AND TO REPEAL AND REENACT §40110, ALL OF TITLE 5, GUAM CODE ANNOTATED, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY COSTS OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO

STRENGTHEN THE ROLE OF THE MAYORS AND VICE-MAYORS.

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

2 **Section 1.** Item (e) of §40102 of Title 5, Guam Code Annotated, is
3 hereby amended to read as follows:

4 “(e) Executive Director means that staff person set forth in
5 §40107 of this Chapter.”

6 **Section 2.** The second sentence of §40105 of Title 5, Guam Code
7 Annotated, is hereby amended to read as follows:

8 “The officers of the Council shall consist of a President, Vice-
9 President, Secretary, Treasurer and a Sergeant-at-Arms.”

10 **Section 3.** §40107 of Title 5, Guam Code Annotated, is hereby repealed
11 and reenacted to read as follows:

12 “§40107. Council staffing. (a) Subject to budgetary
13 limitations, the Council may hire personnel necessary to carry out
14 the purposes of this Chapter. The staff shall include an Executive
15 Director, who shall be the Executive Secretary of the Council,
16 who shall be responsible for the day-to-day operations of the staff
17 and shall also be the Certifying Officer for the Council and the
18 nineteen (19) municipal funds. The staff of the Council shall be
19 paid such compensation as shall be determined by the Civil
20 Service Commission within ninety (90) days of the enactment of
21 this section; provided, however, that such compensation shall be
22 comparable to equivalent position classifications within the
23 government of Guam.

1 **(b) Executive Director; unclassified.** The position of
2 Executive Director shall be in the unclassified service and he shall
3 serve at the pleasure of the Council.”

4 **Section 4.** The last sentence of §40108 of Title 5, Guam Code
5 Annotated, is hereby amended to read:

6 “Each Mayor and Vice-Mayor candidate must be registered to
7 vote in and have resided within the municipality or area which
8 they are to represent for a period of one (1) year immediately
9 preceding the date of any special or general election at which they
10 are candidates for election and shall continue to reside therein
11 throughout their term of office.”

12 **Section 5.** §40110 of Title 5, Guam Code Annotated, is hereby repealed
13 and reenacted to read as follows:

14 “§40110. **Vacancies.** (a) **Vice-Mayors.** A vacancy in the
15 office of the Vice-Mayor shall be filled for the unexpired term at
16 the next general election. The vacancy shall be filled by the
17 Governor by appointment after soliciting the non-binding
18 recommendations of the Municipal Planning Council of the
19 municipality in which the vacancy occurs, subject to the advice and
20 consent of the Legislature.

21 (b) **Mayors.** If by reason of death, resignation, removal
22 from office, inability or failure to perform, there shall be a
23 vacancy in the office of the Mayor, it shall be filled for the
24 unexpired term at the next general election. The vacancy shall be
25 filled by the Governor by appointment after soliciting the non-
26 binding recommendations of the Municipal Planning Council of
27 the municipality in which the vacancy occurred, subject to the

1 advice and consent of the Legislature; provided, however, that in
2 a municipality where there is a Vice-Mayor, the Vice-Mayor shall
3 automatically assume the position of Mayor and there shall be a
4 vacancy in the position of Vice-Mayor.

5 (c) Temporary vacancy. If there is a temporary vacancy
6 greater than thirty (30) days in the office of Mayor, caused by
7 other than official business, and there is no Vice-Mayor, the
8 vacancy shall be filled by the Governor by appointment after
9 soliciting the non-binding recommendations of the Municipal
10 Planning Council of the municipality."

11 Section 6. Paragraph (b) of §40118 of Title 5, Guam Code Annotated, is
12 hereby amended to read:

13 "(b) To defray the cost of services and equipment, including
14 food purchased for official functions, which are essential to
15 promoting or undertaking organized sports, recreation, cultural
16 and civic activities in his district."

17 Section 7. A new paragraph (e) is hereby added to §40118 of Title 5,
18 Guam Code Annotated, to read as follows:

19 "(e) Any remaining balance remaining in the fund at the end
20 of the fiscal year shall carry over into the next fiscal year or until
21 expended."

22 Section 8. Direct purchase. The Mayors' Council of Guam is hereby
23 authorized to procure supplies without the necessity of going through the
24 normal government procurement procedures; provided, however, that the
25 purchases do not exceed Five Hundred Dollars (\$500) per purchase.



Committee on General Governmental Operations

and

Micronesian Affairs

Twenty-Second Guam Legislature

Sen. Ted S. Nelson
Chairman

August 25, 1993

Honorable Joe T. San Agustin
Speaker
21st Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

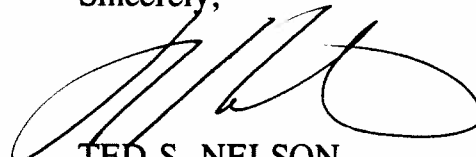
The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 324 (An Act to amend item (e) of §40102 and the second sentence of §40105; to repeal and reenact §40107; to amend the last sentence of §40108; to repeal and reenact §40109 and 40110, all of Title 5 GCA, to clarify the term of the Executive Director of the Mayors' Council; to authorize the Mayors' Council to expend funds to defray the cost of services and equipment and for direct purchases; and to strengthen the role of the Mayors and Vice-Mayors)** has had the same consideration and now wishes to report back the same with the recommendation to **do pass as amended**.

The Committee votes are as follows:

| | |
|---------------------------|----------|
| To do pass | <u>8</u> |
| Not to pass | <u>0</u> |
| To place in 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,



TED S. NELSON

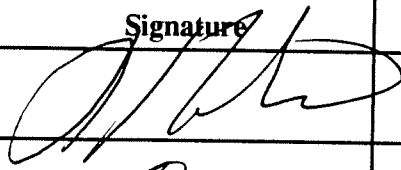

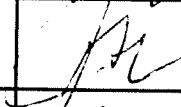
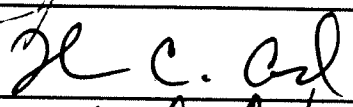
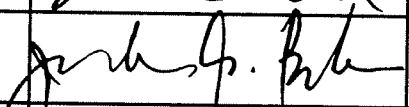
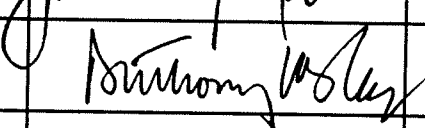
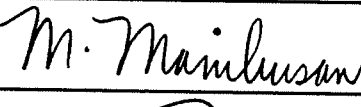
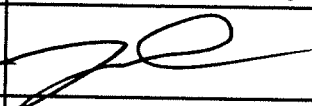
Enclosures

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS

VOTE SHEET ON BILL NO. 324

An Act to amend item (e) of §40102 and the second sentence of §40105; to repeal and reenact §40107; to amend the last sentence of §40108; to repeal and reenact §40109 and 40110, all of Title 5 GCA, to clarify the term of the Executive Director of the Mayors' Council; to authorize the Mayors' Council to expend funds to defray the cost of services and equipment and for direct purchases; and to strengthen the role of the Mayors and Vice-Mayors.

RECOMMENDATION TO DO PASS AS AMENDED

| Committee Members | Signature | To Do Pass | Not To Pass | Place in the Inactive File | Abstain |
|---|---|------------------|----------------|-------------------------------------|---------|
| Senator Ted S. Nelson Chairman |  | ✓ | | | |
| Senator Edward D. Reyes Vice-Chairman |  | ✓ | | | |
| Speaker Joe T. San Agustin Ex-Officio Member |  | ✓ | | | |
| Senator Thomas C. Ada Member |  | ✓ | | | |
| Senator J. George Bamba Member |  | ✓ | | | |
| Senator Anthony C. Blaz Member |  | ✓ | | | |
| Senator Herminia D. Dierking Member | | | | | |
| Senator Carl T.C. Gutierrez Member | | | | | |
| Senator Marilyn D.A. Manibusan Member |  | ✓ 8/25/93 man | | | |
| Senator Vicente C. Pangelinan Member |  | ✓ | | | |
| Senator Thomas V.C. Tanaka Member | | | | | |

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 324 (LS)

Introduced by:

H. D. Dierking

T. S. Nelson,

M. Manibusan

AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE OF §40108; AND TO REPEAL AND REENACT §40110, ALL OF TITLE 5, GUAM CODE ANNOTATED, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY COSTS OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE-MAYORS.

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

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3 hereby amended to read as follows:

4 "(e) Executive Director means that staff person set forth in
5 §40107 of this Chapter."

6 Section 2. The second sentence of §40105 of Title 5, Guam Code
7 Annotated, is hereby amended to read as follows:

8 "The officers of the Council shall consist of a President, Vice-
9 President, Secretary, Treasurer and a Sergeant-at-Arms."

1 Section 3. §40107 of Title 5, Guam Code Annotated, is hereby repealed
2 and reenacted to read as follows:

3 "§40107. Council staffing. (a) Subject to budgetary
4 limitations, the Council may hire personnel necessary to carry out
5 the purposes of this Chapter. The staff shall include an Executive
6 Director, who shall be the Executive Secretary of the Council,
7 who shall be responsible for the day-to-day operations of the staff
8 and shall also be the Certifying Officer for the Council and the
9 nineteen (19) municipal funds. The staff of the Council shall be
10 paid such compensation as shall be determined by the Civil
11 Service Commission within ninety (90) days of the enactment of
12 this section; provided, however, that such compensation shall be
13 comparable to other position classifications within the
14 government of Guam.

15 (b) Executive Director; unclassified. The position of
16 Executive Director shall be in the unclassified service and he shall
17 serve at the pleasure of the Council."

18 Section 4. The last sentence of §40108 of Title 5, Guam Code
19 Annotated, is hereby amended to read:

20 "Each Mayor and Vice-Mayor candidate must be registered to
21 vote in and have resided within the municipality or area which
22 they are to represent for a period of one (1) year immediately
23 preceding the date of any special or general election at which they
24 are candidates for election and shall continue to reside therein
25 throughout their term of office."

26 Section 5. §40110 of Title 5, Guam Code Annotated, is hereby repealed
27 and reenacted to read as follows:

1 "§40110. Vacancies. (a) Vice-Mayors. A vacancy in the
2 office of the Vice-Mayor shall be filled for the unexpired term at
3 the next general election. Until the time of the next general
4 election, the vacancy shall be filled by the Governor who shall
5 appoint the person chosen by the Municipal Planning Council of
6 the municipality in which the vacancy occurs, subject to the advice
7 and consent of the Legislature.

8 (b) Mayors. If by reason of death, resignation, removal
9 from office, inability or failure to perform, there shall be a
10 vacancy in the office of the Mayor, it shall be filled for the
11 unexpired term at the next general election. Until the time of the
12 next general election, the vacancy shall be filled by the Governor
13 who shall appoint the person chosen by the Municipal Planning
14 Council of the municipality in which the vacancy occurred, subject
15 to the advice and consent of the Legislature; provided, however,
16 that in a municipality where there is a Vice-Mayor, the Vice-
17 Mayor shall automatically assume the position of Mayor and
18 there shall be a vacancy in the position of Vice-Mayor.

19 (c) Temporary vacancy. If there is a temporary vacancy
20 greater than thirty (30) days in the office of Mayor, caused by
21 other than official business, and there is no Vice-Mayor, the
22 vacancy shall be filled for its duration by the Governor who shall
23 appoint the person chose by the Municipal Planning Council of
24 such municipality or village."

25 Section 6. Paragraph (b) of §40118 of Title 5, Guam Code Annotated, is
26 hereby amended to read:

1 "(b) To defray the cost of services and equipment, including
2 food purchased for official functions, which are essential to
3 promoting or undertaking organized sports, recreation, cultural
4 and civic activities in his district."

5 **Section 7.** A new paragraph (e) is hereby added to §40118 of Title 5,
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8 of the fiscal year shall carry over into the next fiscal year or until
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10 **Section 8. Direct purchase.** The Mayors' Council of Guam is hereby
11 authorized to procure supplies without the necessity of going through the
12 normal government procurement procedures; provided, however, that the
13 purchases do not exceed Five Hundred Dollars (\$500) per purchase.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
TWENTY-SECOND GUAM LEGISLATURE
155 Hessler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

BILL NO. 324

An Act to amend item (e) of §40102 and the second sentence of §40105; to repeal and reenact §40107; to amend the last sentence of §40108; to repeal and reenact §40109 and 40110, all of Title 5 GCA, to clarify the term of the Executive Director of the Mayors' Council; to authorize the Mayors' Council to expend funds to defray the cost of services and equipment and for direct purchases; and to strengthen the role of the Mayors and Vice-Mayors.

COMMITTEE MEMBERS:

Chairman: Ted S. Nelson
Vice-Chairman: Edward D. Reyes
Ex-Officio Member: Speaker Joe T. San Agustin

Thomas C. Ada
Herminia D. Dierking
Carl T.C. Gutierrez
Vicente C. Pangelinan

J. George Bamba
Anthony C. Blaz
Marilyn D.A. Manibusan
Thomas V.C. Tanaka

PROFILE ON BILL NO. 324

Official Title: **AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE §40108; TO REPEAL AND REENACT 40109 AND 40110, ALL OF TITLE 5 GCA, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY THE COST OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE MAYORS.**

Date Introduced: March 3, 1993

Main Sponsor(s): H.D. Dierking, T.S. Nelson

Referral: Committee on General Governmental Operations and Micronesian Affairs on March 3, 1993.

Committee Public Hearing: 9:30 a.m. Friday, August 6, 1993
Public Hearing Room, Guam Legislature
Temporary Bldg., Agana

Recommendation: To Do Pass as amended by the committee

COMMITTEE RECOMMENDATIONS

The recommendation of the committee is to allow the Civil Service Commission thirty (30) days to conduct a study of the Mayor and Vice Mayor positions and upon completion of the study, to report the same back to the legislature with the salary adjustment recommendation for said positions.

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

93 MAR -3 AM 9:36

Bill No. 324

Introduced by:

H. D. Dierking 


~~GCOPA~~

~~111~~

AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE OF §40108; TO REPEAL AND REENACT §§40109 AND 40110, ALL OF TITLE 5, GUAM CODE ANNOTATED, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY COSTS OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE-MAYORS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
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4 hereby amended to read as follows:

5 "(e) Executive Director means that staff person set forth
6 in §40107 of this Chapter."

7 Section 2. The second sentence of §40105 of Title 5, Guam Code
8 Annotated, is hereby amended to read as follows:

9 "The officers of the Council shall consist of a President, Vice-

1 President, Secretary, Treasurer and a Sergeant-at-Arms."

2 Section 3. §40107 of Title 5, Guam Code Annotated, is hereby
3 repealed and reenacted to read as follows:

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5 limitations, the Council may hire personnel necessary to carry
6 out the purposes of this Chapter. The staff shall include an
7 Executive Director, who shall be the Executive Secretary of the
8 Council, who shall be responsible for the day-to-day
9 operations of the staff and shall also be the Certifying Officer
10 for the Council and the nineteen (19) municipal funds. The staff
11 of the Council shall be paid such compensation as shall be
12 determined by the Civil Service Commission within ninety (90)
13 days of the enactment of this section; **provided**, however, that
14 such compensation shall be comparable to other position
15 classifications within the government of Guam.

16 (b) **Executive Director; unclassified.** The position of
17 Executive Director shall be in the unclassified service and he
18 shall serve at the pleasure of the Council."

19 Section 4. The last sentence of §40108 of Title 5, Guam Code
20 Annotated, is hereby amended to read:

21 "Each Mayor and Vice-Mayor candidate must be
22 registered to vote in and have resided within the municipality
23 or area which they are to represent for a period of one (1) year
24 immediately preceding the date of any special or general
25 election at which they are candidates for election and shall
26 continue to reside therein throughout their term of office."

27 Section 5. (a) **Legislative statement.** It has come to the attention of

1 the Legislature that the Hay Study did not adequately address nor did it
2 provide for a thorough review of the duties, functions and responsibilities
3 of the Mayors and Vice-Mayors, and did not make a final determination
4 on the salaries of the Mayors and Vice-Mayors.

5 (b) §40109 of Title 5, Guam Code Annotated, is hereby repealed and
6 reenacted to read as follows:

7 "§40109. Compensation. Notwithstanding any other
8 provision of law, the compensation of the Mayors and Vice-
9 Mayors shall be as follows:

10 (a) For all Mayors, the compensation shall be fifty
11 percent (50%) of the compensation paid to the Governor; and

12 (b) For all Vice-Mayors, the compensation shall be fifty
13 percent (50%) of the compensation paid to the Lieutenant
14 Governor.

15 (c) The salaries established herein for the Mayor and
16 Vice-Mayor shall be subject to a review by the Elected Officials
17 Compensation Commission established pursuant to law."

18 Section 6. §40110 of Title 5, Guam Code Annotated, is hereby
19 repealed and reenacted to read as follows:

20 "§40110. Vacancies. (a) Vice-Mayors. A vacancy in the
21 office of the Vice-Mayor shall be filled for the unexpired term
22 at the next general election. Until the time of the next general
23 election, the vacancy shall be filled by the Governor who shall
24 appoint the person chosen by the Municipal Planning Council
25 of the municipality in which the vacancy occurs, subject to the
26 advice and consent of the Legislature.

27 (b) Mayors. If by reason of death, resignation, removal

1 from office, inability or failure to perform, there shall be a
2 vacancy in the office of the Mayor, it shall be filled for the
3 unexpired term at the next general election. Until the time of
4 the next general election, the vacancy shall be filled by the
5 Governor who shall appoint the person chosen by the
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11 the position of Vice-Mayor.

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23 recreation, cultural and civic activities in his district."

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27 end of the fiscal year shall carry over into the next fiscal year or

1 until expended."

2 Section 9. Direct purchase. The Mayors' Council of Guam is hereby
3 authorized to procure supplies without the necessity of going through the
4 procurement procedures; **provided**, however, that the purchases do not
5 exceed Five Hundred Dollars (\$500) per purchase.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS**

Public Hearing

9:30 a.m. Friday, August 6, 1993

Public Hearing Room

Guam Legislature Temporary Bldg., Agana

Committee members present:

Sen. T.S. Nelson, Chairman

Sen. E.D. Reyes

Sen. T.V.C. Tanaka

Sen. V.C. Pangelinan

Sen. T.C. Ada

Bill No. 324: AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE §40108; TO REPEAL AND REENACT 40109 AND 40110, ALL OF TITLE 5 GCA, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY THE COST OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE MAYORS.

TESTIMONY

**Willis Cannon, Chairman
Civil Service Commission**

Written testimony was provided by the commission in opposition of Bill No. 324 with respect to Section 5. Mr. Cannon's testimony referred to Public Law 21-59 which enact the Uniform Position Classification and Salary Administration Act of 1991. Mr. Cannon continued that the purpose of the act was to provide a uniform and unified system of position classification and compensation in the government of Guam. Additionally, §6401 of Public Law 21-58 established within the Civil Service Commission the elected Officials' Compensation Commission which shall meet every five (5) years to reassess the salaries and benefits paid to all elected officials. This law will not take effect until September 27, 1996.

On behalf of the commission, Mr. Cannon requested that the committee defer the matter of the Pay Grade reassignment for the Mayors and Vice Mayors to the Civil Service Commission.

**Mayor Greg Borja, Chairman
Legislative and Finance Committee, MCOG**

Mayor Borja presented written testimony on behalf of the Mayors' Council of Guam. The unified position of the Mayors' Council was in support of Bill No. 324 with a minor amendment to Section 5 of the bill.

Subsection (b) and (c) of Section 5 is hereby amended to read as follows:

“The salaries establish herein for the Mayor and Vice Mayor shall take effect October 1, 1993 and future salary adjustments shall be subject to a review by the Elected Officials Compensation Commission established pursuant to law.”

Mayor Borja added that in September of 1991, the Mayors' Council appealed to the Civil Service Commission based on being assigned to a grade level. With that, Mayor Borja on behalf of the Mayors' Council, thanked the committee for the opportunity to present testimony on Bill No. 324.

Mayor Frank Lizama, Sinajana

Mayor Lizama commented that when it comes to salary increases, the Mayors are always on the “tail end of the stick”, and that the Governor, Lt. Governor and even members of the legislature have received salary increases. Mayor Lizama continued that if the amendment passes, the Mayors and Vice Mayors will be affected whenever there is an increase for the Governor.

Mayor Joe Rivera, Dededo

Mayor Rivera commented on the need for the salary increase. Many times Mayor Rivera has had to use his personal funds to provide for the need for the community of Dededo. Due to an opinion released by the Attorney General's office, the Mayors are not able to utilize current funding to purchase food items for community activities, therefore, the Mayors and Vice Mayors must resort to their personal funds to accommodate such activities.

President Raymond Laguana, Mayor of Barrigada

Commented that the Mayors and Vice Mayors should be placed in the category where they belong and not be subjected to the same process as the regular government of Guam employees.

Mayor Edward Artero, Yigo

Mayor Artero's comments were in restricted to Section 4 of Bill 324 in reference to the length of residency for any Mayor and Vice Mayor candidate to represent a particular area. Mayor Artero feels that since the Mayoral term is four (4) years, the candidate must also be a registered voter for that district for four (4) years.

Questions by Committee Members

Senator Reyes: How would the Civil Service Commission be able to determine the classification of the Mayors and Vice Mayors when each individual makes his or her office what he or she wants it to be.

Willis Cannon: The Hay Methodology will be able to analyze the "know how", accountability and the problem solving nature required to do the job. From the information gathered, the commission can equate it to a numerical figure. Mr. Cannon continued that if the Mayors and Vice Mayors could provide the information to the commission, the commission could determine how many "Hay" points the job is worth based on that methodology.

Senator Reyes: Disagreed that the commission could determine the range or pay scale for the Mayors and Vice Mayors. Senator Reyes continued that it is the people of a particular village that elected the Mayors and Vice Mayors who will make the determination.

Senator Pangelinan: Inquired with Mr. Cannon the time frame needed to compile the information from the Mayors and Vice Mayors to determine the pay scale, and when will the adjustment go into effect.

Willis Cannon: Once the information is provided, it should not take too long to apply the Hays criteria to the positions. Mr. Cannon responded that one (1) month should be enough time.

Senator Pangelinan: Asked the Mayors and Vice Mayors they would agree to comply with Hay Methodology or if they would rather go with the proposed legislation.

Mayor Laguana: Mayors' Council would have to meet as a group for the purpose of coming to an agreement on how to address this proposal in reference to the Hay Methodology.

Senator Pangelinan: If within the thirty (30) days and the results of the Hay study are unsatisfactory, the legislature can come back address the salary adjustment through legislation.

Mayor Lizama: Once the commission has come up with the final recommendation, will the adjustment still have to be reviewed by the Elected Officials Compensation Commission.

Senator Pangelinan: The outcome of the study will still have to be reviewed by the compensation commission, however, the adjustment will go into effect either immediately or October 1 upon approval by the legislature.

Senator Tanaka: Commented on comparing the Mayors here on island with Mayors in the mainland. Supported the Mayors and Vice Mayors request for a salary adjustment based on the various duties expected of them. The duties and responsibilities go above and beyond what is called for by law. The salary adjustment should be determined by an independent organization such as the Civil Service Commission other than the legislature. Supports the offer for the Civil Service Commission to make the recommendation.

Mayor Borja: Agreed to delete the section in the bill that addresses the salaries for the Mayors and Vice Mayors and recommended passage on the remaining portions of the bill.

GOVERNMENT OF GUAM
AGANA, GUAM 96910



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AUG 06 1993

Senator Ted S. Nelson
Chairman, General Governmental Operations and
Micronesian Affairs
Twenty-Second Guam Legislature
Agana, Guam 96910

Honorable Sir:

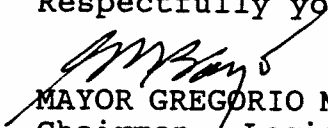
On August 4, 1993, the Mayors' Council of Guam conducted its regular Monthly Meeting and presented Bill 324 for discussion.

During a lengthy discussion, it was unanimously recommended to support Bill 324 with minor amendment on Section 5, Subsection (b)(c) to read:

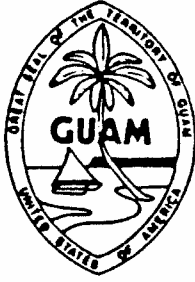
"THE SALARIES ESTABLISHED HEREIN FOR THE MAYOR AND VICE MAYOR SHALL TAKE EFFECT OCTOBER 1, 1993 AND FUTURE SALARY ADJUSTMENTS SHALL BE SUBJECT TO A REVIEW BY THE ELECTED OFFICIALS COMPENSATION COMMISSION ESTABLISHED PURSUANT TO LAW".

Again, as Chairman of the Legislative and Finance Committee, I would like to thank you and this Committee for your untireless efforts on behalf of the Mayors and Vice Mayors of Guam.

Respectfully yours,


MAYOR GREGORIO M. BORJA (Santa Rita)
Chairman, Legislative and Finance
Committee

GMB/JES/fab



GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

Century Plaza, 2nd Floor, Upper Tamuning
P.O. Box 3156, Agana, Guam 96910

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CSC NO. 93-733

AUG 05 1993

Senator Ted S. Nelson
Chairman
Committee on General Governmental Operations
and Micronesian Affairs
Twenty-Second Guam Legislature
297-B West O'Brien Drive
Agana, Guam 96910

RE: Bill No. 324 - An Act to amend item (e) of §40102 and the second sentence §40105; to repeal and reenact §40107; to amend the last sentence of §40108; to repeal and reenact §§40109 and 40110, all of Title 5, Guam Code Annotated, to clarify the term of the Executive Director of the Mayors' Council; to authorize the Mayors' Council to expend funds to defray costs of services and equipment and for direct purchases; and to strengthen the role of the Mayors and Vice Mayors

Dear Senator Nelson:

The Civil Service Commission thanks you for the opportunity to comment on Bill No. 324. The Civil Service Commission does not support passage of Bill No. 324 with respect to Section 5 (b). The Commission's comments are confined to the aforesaid section, which states as follows:

"Section 5. (b) §40109 of Title 5, Guam Code Annotated, is hereby repealed and reenacted to read as follows:

'§40109. Compensation. Notwithstanding any other provision of law, the compensation of the Mayors and Vice Mayors shall be as follows:

- (a) For all Mayors, the compensation shall be fifty percent (50%) of the compensation paid to the Governor; and
- (b) For all Vice-Mayors, the compensation shall be fifty (50%) of the compensation paid to the Lieutenant Governor.
- (c) The salaries established herein for the Mayor and Vice-Mayor shall be subject to a review by the Elected Officials Compensation Commission established pursuant to law.'



Commonwealth Now!

Public Law 21-59 enacted the Uniform Position Classification and Salary Administration Act of 1991. Its purpose is to provide a uniform and unified system of position classification and compensation in the government of Guam. The allocation to pay grades are based on the size of a position measured by the Hay method of job evaluation.


Public Law No. 21-58, provision §6401, established September 27, 1991 states: "There is hereby established within the Civil Service Commission the Elected Officials' Compensation Commission (the 'Commission'), which shall meet every five (5) years to reassess the salaries and benefits paid to all elected officials". Hence, this Law will not be effectuated until September 27, 1996.

P.L. No. 21-59, provision §6302 (b) states, "The Commission and the Judicial Council may reassign Pay Grades as they deem necessary. Reassignment shall be based upon the calculation of the Hay points performed by the technical staff trained in the Hay evaluation system".

Therefore, the Commission respectfully requests this Committee defer the matter of Pay Grade reassignments for the Mayor and Vice Mayor positions to the Civil Service Commission to establish pay equity among the elected officials positions.

Once again, the Civil Service Commission appreciates the opportunity to present its comments before your committee.

Sincerely,


WILLIS CANNON
Chairman,

cc: Chrono
File

RBA:GVM\gvm
August 05, 1993



Commonwealth Now!



Committee on General Governmental Operations

and

Micronesian Affairs

Twenty-Second Guam Legislature

Sen. Ted S. Nelson
Chairman

PUBLIC HEARING

9:30 a.m.; Friday, August 6, 1993

Public Hearing Room, Guam Legislature Temporary Bldg., Agana

A G E N D A - Amended

Bill No. 551 An Act to update and clarify 3 GCA §§3108, 3109, 3122, 4108, 10102, 10104 and 19103 and 4 GCA §13103 of Guam's Election Code.

Bill No. 324 An Act to amend item (e) of §40102 and the second sentence of §40105; to repeal and reenact §40107; to amend the last sentence of §40108; to repeal and reenact §§40109 and 40110, all of Title 5 GCA, to clarify the term of the Executive Director of the Mayors' Council; to authorize the Mayors' Council to expend funds to defray costs of services and equipment and for direct purchases; and to strengthen the role of the Mayors and Vice-Mayors.

Bill No. 415 An Act to permanize certain temporary and part-time employees of the Government of Guam.

Bill No. 447 An Act to abolish the practice of compensatory time off and to permit the conversion of CTO to retirement time.

Bill No. 469 An Act to create a new 4 GCA Chapter 4, Section 4406.2 to provide an attorney for government of Guam employees against whom adverse action is being taken.

Bill No. 407 An Act to rename the Airport Security Force to Airport Police and to provide hazardous pay for the Airport Police, Department of Corrections Parole Officers, Commercial Port Security Force, Department of Agriculture Conservation Officers, Department of Commerce Custom Officers and Department of Law Investigators.

Bill Nos. 494 and 575 An Act to repeal and reenact subsection (a) of §6219 of Title 4 GCA, covering hours per pay period for firefighters; to require the Civil Service Commission to adjust the pay schedule for firefighters based on a standard pay period of ninety-eight hours; and to cite the Act as the Firefighters Compensation Act of 1993.

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

MAR 15 '93

Bill No. 324 (COR)

Introduced by:

H. D. Dierking *D*
T. S. Nicks

AN ACT TO AMEND ITEM (e) OF §40102 AND THE SECOND SENTENCE OF §40105; TO REPEAL AND REENACT §40107; TO AMEND THE LAST SENTENCE OF §40108; TO REPEAL AND REENACT §§40109 AND 40110, ALL OF TITLE 5, GUAM CODE ANNOTATED, TO CLARIFY THE TERM OF THE EXECUTIVE DIRECTOR OF THE MAYORS' COUNCIL; TO AUTHORIZE THE MAYORS' COUNCIL TO EXPEND FUNDS TO DEFRAY COSTS OF SERVICES AND EQUIPMENT AND FOR DIRECT PURCHASES; AND TO STRENGTHEN THE ROLE OF THE MAYORS AND VICE-MAYORS.

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

3 Section 1. Item (e) of §40102 of Title 5, Guam Code Annotated, is
4 hereby amended to read as follows:

5 "(e) Executive Director means that staff person set forth
6 in §40107 of this Chapter."

7 Section 2. The second sentence of §40105 of Title 5, Guam Code
8 Annotated, is hereby amended to read as follows:

9 "The officers of the Council shall consist of a President, Vice-

1 President, Secretary, Treasurer and a Sergeant-at-Arms."

2 Section 3. §40107 of Title 5, Guam Code Annotated, is hereby
3 repealed and reenacted to read as follows:

4 "§40107. Council staffing. (a) Subject to budgetary
5 limitations, the Council may hire personnel necessary to carry
6 out the purposes of this Chapter. The staff shall include an
7 Executive Director, who shall be the Executive Secretary of the
8 Council, who shall be responsible for the day-to-day
9 operations of the staff and shall also be the Certifying Officer
10 for the Council and the nineteen (19) municipal funds. The staff
11 of the Council shall be paid such compensation as shall be
12 determined by the Civil Service Commission within ninety (90)
13 days of the enactment of this section; provided, however, that
14 such compensation shall be comparable to other position
15 classifications within the government of Guam.

16 (b) Executive Director; unclassified. The position of
17 Executive Director shall be in the unclassified service and he
18 shall serve at the pleasure of the Council."

19 Section 4. The last sentence of §40108 of Title 5, Guam Code
20 Annotated, is hereby amended to read:

21 "Each Mayor and Vice-Mayor candidate must be
22 registered to vote in and have resided within the municipality
23 or area which they are to represent for a period of one (1) year
24 immediately preceding the date of any special or general
25 election at which they are candidates for election and shall
26 continue to reside therein throughout their term of office."

27 Section 5. (a) Legislative statement. It has come to the attention of

1 the Legislature that the Hay Study did not adequately address nor did it
2 provide for a thorough review of the duties, functions and responsibilities
3 of the Mayors and Vice-Mayors, and did not make a final determination
4 on the salaries of the Mayors and Vice-Mayors.

5 (b) §40109 of Title 5, Guam Code Annotated, is hereby repealed and
6 reenacted to read as follows:

7 "§40109. Compensation. Notwithstanding any other
8 provision of law, the compensation of the Mayors and Vice-
9 Mayors shall be as follows:

10 (a) For all Mayors, the compensation shall be fifty
11 percent (50%) of the compensation paid to the Governor; and

12 (b) For all Vice-Mayors, the compensation shall be fifty
13 percent (50%) of the compensation paid to the Lieutenant
14 Governor.

15 (c) The salaries established herein for the Mayor and
16 Vice-Mayor shall be subject to a review by the Elected Officials
17 Compensation Commission established pursuant to law."

18 Section 6. §40110 of Title 5, Guam Code Annotated, is hereby
19 repealed and reenacted to read as follows:

20 "§40110. Vacancies. (a) Vice-Mayors. A vacancy in the
21 office of the Vice-Mayor shall be filled for the unexpired term
22 at the next general election. Until the time of the next general
23 election, the vacancy shall be filled by the Governor who shall
24 appoint the person chosen by the Municipal Planning Council
25 of the municipality in which the vacancy occurs, subject to the
26 advice and consent of the Legislature.

27 (b) Mayors. If by reason of death, resignation, removal

1 from office, inability or failure to perform, there shall be a
2 vacancy in the office of the Mayor, it shall be filled for the
3 unexpired term at the next general election. Until the time of
4 the next general election, the vacancy shall be filled by the
5 Governor who shall appoint the person chosen by the
6 Municipal Planning Council of the municipality in which the
7 vacancy occurred, subject to the advice and consent of the
8 Legislature; provided, however, that in a municipality where
9 there is a Vice-Mayor, the Vice-Mayor shall automatically
10 assume the position of Mayor and there shall be a vacancy in
11 the position of Vice-Mayor.

12 (c) Temporary vacancy. If there is a temporary vacancy
13 greater than thirty (30) days in the office of Mayor, caused by
14 other than official business, and there is no Vice-Mayor, the
15 vacancy shall be filled for its duration by the Governor who
16 shall appoint the person chose by the Municipal Planning
17 Council of such municipality or village."

18 Section 7. Paragraph (b) of §40118 of Title 5, Guam Code Annotated,
19 is hereby amended to read:

20 "(b) To defray the cost of services and equipment,
21 including food purchase for official functions, which are
22 essential to promoting or undertaking organized sports,
23 recreation, cultural and civic activities in his district."

24 Section 8. A new paragraph (e) is hereby added to §40118 of Title 5,
25 Guam Code Annotated, to read as follows:

26 "(e) Any remaining balance remaining in the fund at the
27 end of the fiscal year shall carry over into the next fiscal year or

1 until expended."

2 Section 9.- Direct purchase. The Mayors' Council of Guam is hereby
3 authorized to procure supplies without the necessity of going through the
4 procurement procedures; **provided**, however, that the purchases do not
5 exceed Five Hundred Dollars (\$500) per purchase.