



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 102397

Time: 1555

Rec'd by: [Signature]

Print Name: Charlene Torres

OCT 23 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By <u>Joni Guzmata</u>
Time <u>4:35 p.m.</u>
Date <u>10-23-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 128 (COR), "AN ACT TO ADD A NEW §40133 TO TITLE 5, AND TO AMEND §68901(c), TITLE 21 ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING MUNICIPAL PLANNING COUNCIL FUNDS IN EVERY VILLAGE TO BE USED FOR OPERATIONS AND MAINTENANCE OF FACILITIES AND SPECIFIC NEEDS THAT ARE IDENTIFIED BY THE MUNICIPAL PLANNING COUNCILS.", which I have signed into law today as **Public Law No. 24-97**.


Section 1 of this legislation allows our Mayors to raise funds for their villages through the efforts of their respective Municipal Planning Councils. Each village's fund shall be a revolving fund, used for the identified needs of the individual village. Funds are to be raised by charging fees for the use of facilities, such as gymnasiums, within the village. There are some safeguards built into the concept to provide for the proper handling of funds.

Section 2 of the legislation contains an error, and a correction needs to be made to this public law. Section 2 specifies that it amends Subsection (c) of §68901 of Title 21, Guam Code Annotated, providing for leases on the buffer zone in Dededo for the Dededo and Yigo Municipal Planning Councils. There is no Subsection (c). Within this Section 2, inconsistent statements are made. First, the amendment states that funds for the leases of the Dededo buffer zone are to be used in the ratio of 2/3 to Dededo and 1/3 to Yigo. Then, the amendment goes on to state that "all proceeds under this Subsection (b) shall be deposited into the Dededo Municipal Planning

Doc. No. 00501

Council Fund." This latter statement seems to mean that all funds go to Dededo, and no funds go to the village of Yigo. It is impossible to determine the intent of the Legislature for Section 2 of this legislation.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00501

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

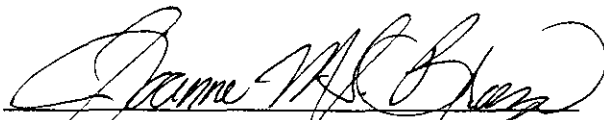
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 128 (COR), "AN ACT TO ADD A NEW §40133 TO TITLE 5, AND TO AMEND §68901(c), TITLE 21 ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING MUNICIPAL PLANNING COUNCIL FUNDS IN EVERY VILLAGE TO BE USED FOR OPERATIONS AND MAINTENANCE OF FACILITIES AND SPECIFIC NEEDS THAT ARE IDENTIFIED BY THE MUNICIPAL PLANNING COUNCILS," was on the 9TH day of October, 1997, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



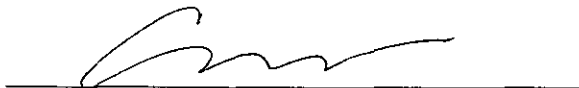
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of October, 1997, at
8:15 o'clock a.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-23-97

Public Law No. 24-97

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 128 (COR)

As amended by the author and further substituted on the Floor by the Committee on Power, Foreign Affairs and General Government Services and as amended on the Floor.

Introduced by:

A. C. Lamorena, V
E. Barrett-Anderson
Felix P. Camacho
L. F. Kasperbauer
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO ADD A NEW §40133 TO TITLE 5, AND
TO AMEND §68901(c), TITLE 21 ALL OF THE
GUAM CODE ANNOTATED, RELATIVE TO
CREATING MUNICIPAL PLANNING COUNCIL
FUNDS IN EVERY VILLAGE TO BE USED FOR**

OPERATIONS AND MAINTENANCE OF
FACILITIES AND SPECIFIC NEEDS THAT ARE
IDENTIFIED BY THE MUNICIPAL PLANNING
COUNCILS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new §40133 is hereby added to Title 5 of the Guam Code
3 Annotated to read as follows:

4 "Section 40133. Creation of the Municipal Planning Council
5 Revolving Fund. There is hereby established nineteen (19) Municipal
6 Planning Council Revolving Funds under the control and custody of the
7 respective village Municipal Planning Councils. Each village shall
8 establish their own fund that will be separate and apart from other
9 funds, including the General Fund. The Mayors' Council of Guam is
10 hereby authorized to set charges for the use of community centers,
11 gymnasiums and all sports facilities. These proposed fees shall be
12 submitted to the Guam Legislature for approval. The Mayor and the
13 Municipal Planning Councils of each village are hereby authorized to
14 raise funds through charging commercial enterprises to advertise on the
15 walls of their sports facilities, raise funds through fund-raising efforts, to
16 include approving concessionaire activities within each Municipality as
17 approved by its Municipal Planning Council, solicit corporate
18 sponsorship and to accept contributions that are solely beneficial to the
19 sports facilities or village. These revenues shall be deposited into the
20 Municipal Planning Council Funds of each village and will be used for
21 the operation and maintenance of these facilities and to fund special
22 projects identified by the Municipal Planning Councils.

1 All disbursement transactions on the revolving funds shall be as
2 stipulated herein:

- 3 (a) the Municipal Planning Council of each village shall approve
4 all expenditures for that particular village;
- 5 (b) the minutes of the meetings must verify the authorization
6 given by the Municipal Planning Council;
- 7 (c) there must be two (2) authorized signatures; authorized
8 signatures shall be determined by the Mayor and the
9 Chairperson of the Municipal Planning Council or a member
10 designee;
- 11 (d) the Mayor shall be responsible for receipts and other
12 substantiation as determined by the Municipal Planning
13 Council for all checks issued; and
- 14 (e) each Mayor shall submit a financial statement at the end of
15 each fiscal year to the Mayors' Council of Guam.

16 The Mayors shall take all action to ensure that the revolving funds
17 are operating in the conformity with all existing statutes, rules and
18 regulations, codes, executive orders and any other authority which is
19 applicable to the operations of the Revolving Funds. Any balance
20 remaining in the funds at the end of the fiscal year shall carry over into
21 the next fiscal year or until expended."

22 **Section 2.** Subsection (c) of §68901 of Title 21 of the Guam Code
23 Annotated is hereby amended to read as follows:

24 **"Section 68901(c). Earmarking Proceeds for Dededo and Yigo.**

25 All proceeds from such leases shall be earmarked for the exclusive use of

1 the Dededo and Yigo Municipal Planning Councils (two-thirds to
2 Dededo and one-third to Yigo) to be deposited into the Municipal
3 Planning Council Funds of the respective villages for the upkeep and
4 maintenance of sports and recreational facilities. All proceeds under this
5 Subsection (b) shall be deposited into the Dededo Municipal Planning
6 Council Fund.”



TWENTY-FOURTH
GUAM LEGISLATURE

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

✓
55 Haysler Street
Agana, Guam 96910

472-3505 / 6

472-9747

September 26, 1997

The Honorable
Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 128**, "An act to add a new §40133 to Title 5, Guam Code Annotated relative to creating Municipal Planning Council funds in every village to be used for operations and maintenance of facilities and specific needs that are identified by the Municipal Planning Councils" as substituted by the author with the recommendation **TO DO PASS**.

Votes of committee members are as follows:

10 To Pass
 Not To Pass
 To The Inactive File
 Abstained
 Off-Island
4 Not Available

Sincerely,

Felix P. Camacho


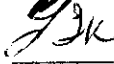
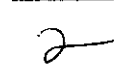

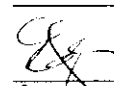

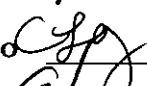


Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

Chairman: Senator Felix P. Camacho Vice Chairman: Senator Lawrence F. Kasperbauer Ex-Officio Member: Speaker Antonio R. Unpingco
--

VOTING SHEET ON:

Bill No. 128, "An act to add a new §40133 to Title 5, Guam Code Annotated relative to creating Municipal Planning Council funds in every village to be used for operations and maintenance of facilities and specific needs that are identified by the Municipal Planning Councils"

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho		<input checked="" type="checkbox"/>			
Sen. Lawrence F. Kasperbauer		<input checked="" type="checkbox"/>			
Sen. Thomas C. Ada		<input checked="" type="checkbox"/>			
Sen. Elizabeth Barrett-Anderson					
Sen. Francisco P. Camacho		<input checked="" type="checkbox"/>			
Sen. Mark C. Charfauros					
Sen. Edwardo J. Cruz, MD		<input checked="" type="checkbox"/>			
Sen. William B. S.M. Flores		<input checked="" type="checkbox"/>			
Sen. Carlotta A. Leon Guerrero		<input checked="" type="checkbox"/>			
Sen. Alberto A.C. Lamorena V		<input checked="" type="checkbox"/>			
Sen. Vicente C. Pangelinan		<input checked="" type="checkbox"/>			
Sen. Angel L.G. Santos					
Sen. Francis E. Santos					
Sen. Judith Won Pat-Borja		<input checked="" type="checkbox"/>			

COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910

COMMITTEE REPORT

ON

Bill No. 128

Bill No. 128, "An act to add a new §40133 to Title 5, Guam Code Annotated relative to creating Municipal Planning Council funds in every village to be used for operations and maintenance of facilities and specific needs that are identified by the Municipal Planning Councils"

COMMITTEE MEMBERS

Chairman: Felix P. Camacho

Vice Chairman: Senator Lawrence F. Kasperbauer

Ex-Officio Member: Antonio R. Unpingco

Thomas C. Ada
Francisco P. Camacho
Edwardo J. Cruz, MD
Alberto A.C. Lamorena V
Vicente C. Pangelinan
Francis E. Santos

Elizabeth Barrett-Anderson
Mark C. Charfauros
William B. S.M. Flores
Carlotta A. Leon Guerrero
Angel L.G. Santos
Judith Won Pat-Borja

COMMITTEE REPORT
POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

Bill No. 128

“An act to add a new §40133 to Title 5, Guam Code Annotated relative to creating Municipal Planning Council funds in every village to be used for operations and maintenance of facilities and specific needs that are identified by the Municipal Planning Councils”

PUBLIC HEARING

Senator Felix P. Camacho, Chairman of the Committee on Power, Foreign Affairs & General Government Services (CPFA&GGS) called to order at 8:30 a.m. Monday, April 14, 1997, a public hearing to gather testimony on Bill No. 128, “An act to add a new §40133 to Title 5, Guam Code Annotated relative to creating Municipal Planning Council funds in every village to be used for operations and maintenance of facilities and specific needs that are identified by the Municipal Planning Councils”

MEMBERS PRESENT

Senator Felix P. Camacho	Chairman
Senator Lawrence Kasperbauer	Vice-Chairman
Senator Carlotta Leon Guerrero	Member
Senator Edwardo Cruz	Member
Senator Mark Charfauros	Member
Senator Vicente Pangelinan	Member
Senator Tom Ada	Member
Senator William Flores	Member
Senator Judy Won Pat-Borja	Member
Senator Frank Aguon	Nonmember
Senator Lou Leon Guerrero	Nonmember

PRESENT TO TESTIFY

Mayor Jose Rivera	Municipality of Dededo
Mrs. Margaret Palomo	Resident

BACKGROUND

There is no standard and lawful mechanism for the municipalities to actively seek and manage funds from commercial and private sources. The Mayors have community centers and sports facilities which can capitalize on advertisers and commercial

ventures as a source of funds that can be used to benefit the community. The fees to be charged for the use of the facilities should be established uniformly among municipalities and that the Municipal Planning Councils shall ratify all actions taken in its jurisdiction. All funds should be deposited and spent from a separate special account established by the Department of Administration.

TESTIMONY AND DISCUSSION

Mrs. Margaret Palomo, a resident from Tamuning, orally testified against this bill because she finds it objectionable to charge residents for use of facilities in the villages. The Mayors should prioritize residents first before others and impose fees on others if they have to.

Mayor Jose Rivera stated that he supports this bill but needs more time to prepare written testimony. He cautions the author that it will be difficult for the Mayors' Council of Guam to dictate how much each municipality should charge for its facilities. Furthermore, the Department of Parks and Recreation own and manage some of the public facilities in each village and are able to charge for its use. He asks are corporate sponsors entitled to tax relief for its investment in such facilities?

Senator Frank Aguon wants to ensure senior citizens be waived fees for the use of the facilities. Only enterprising profit making organizations should be charged fees.

Senator Edwardo Cruz makes the point that not all villages are as wealthy as others. Even if one Mayor can charge fees, it may be small compared to what a more resourceful village can generate.

Senator Felix P. Camacho, Chairman, reinforces the point of the bill which is to have each municipality generate its own fees for use in the villages.

Senator Lawrence Kasperbauer stated that the intent is good but the bill must ensure conformity with fees already established by the Department of Parks and Recreation.

Mayor Johnny Reyes of Agat, provided written testimony wholeheartedly supporting the MPC Revolving Fund concept in the bill. He outlines some specific changes to the bill that grants broader authority to the Mayors as it administers the provisions of the legislation.

Mayor Isabel Haggard of Piti provided written testimony in support of the bill which will help defray the costs of sponsorship for sports and other year round activities.

BBMR in its Fiscal Note dated April 23, 1997, states there is no effect on present program funding although this bill will provide a third source of funding for each Mayor. The fees generated will depend on the type and quantity of facilities under the control of the Mayors.

FINDINGS

The Committee finds that Bill No. 128 can be reported out with appropriate changes.

RECOMMENDATION

The Committee on Power, Foreign Affairs & General Government Services hereby reports out Bill No. 128, as substituted by the author with the recommendation **TO DO PASS**.



*Office of the Mayor
Municipality of Agat
Territory of Guam*



TESTIMONY ON BILL NO. 128
APRIL 14, 1997
MAYOR JOHNNY M. REYES
MUNICIPALITY OF AGAT

*Johnny M. Reyes
Mayor*

*Jesus B. Chaco
Vice Mayor*

The Honorable Felix P. Camacho
Chairman, Committee on Power, Foreign
Affairs & General Government Services

Mr. Chairman and Members of this Committee:

First, I applaud Senator Alberto C. Lamorena V for his introduction of this Bill and thank the Chairman and the Committee for allowing this Bill to be heard today.

The creation of a revolving fund within each municipality further extends the arm of the Mayor thereby enabling him to reach out to the needs of his community.

I wholeheartedly support the creation of a Municipal Planning Council Revolving Fund but I must ask that you reconsider the limitations placed on such Fund and amend certain sections of the Bill as follows:

Line 10 of Section 40133 as written in its introduction form should be amended to add and to read after the word "The" the following: **"Mayor and the Municipal Planning Councils...."**

Line 12 of Section 40133 as written in its introduction form should be amended to add and to read after the word "efforts" the following: **"to include approving concessionary activities within each municipality as approved by its Municipal Planning Council,...."**

Line 19 of Section 40133 as written in its introduction form should be amended to add and to read after the word "expended" the following: **"and any disbursements of approved funds is hereby exempted from the provisions of the procurement statutes."**

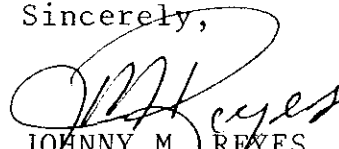
Testimony relative to Bill No. 128
April 14, 1997
Page 2 of 2

To establish a Municipal Planning Council Revolving Fund that conforms to all applicable and existing statutes, rules and regulations, executive orders, codes, etc., in itself sets limitations. The technical measures as set forth in this Bill is a necessary modus operandi and clearly establishes the check and balance system. If I as Mayor am not given the flexibility to tap into the available resources within my own municipality because of conformity to existing statutes, etc., then the Revolving Fund is limited. Each municipality is guided by its current policies and other provisions contained in this Bill and therefore should stand on its own merits for accountability.

The revenue generating concepts listed in this Bill are long overdue. Mayors have been put to task with very limited resources and flexibility to seek alternative funding, until this Bill.

I thank the Committee for allowing me this time, and sincerely hope the above amendments to this Bill are taken into consideration.

Sincerely,



JOHNNY M. REYES
Mayor of Agat



ISABEL S. HAGGARD
Mayor

OFFICE OF THE MAYOR

P.O. BOX 786 • AGANA, GUAM 96910 • TEL.: (671) 472-1232/3 • FAX: (671) 477-2674

April 23, 1997

Honorable Senator Felix P. Camacho
Chairman, Committee on Power, Foreign Affairs and
General Government Services
Twenty-fourth Guam Legislature
155 Hesler Street
Agana, Guam 96932

Dear Mr. Chairman & Members:

I am hereby submitting favorable testimony on the following Bills:

Bill No. 172, "AN ACT TO REQUIRE THE DEPARTMENT OF REVENUE AND TAXATION TO FORMULATE AND TO ADMINISTER A PROGRAM OF MOTOR VEHICLE EMISSION INSPECTIONS IN ORDER TO REDUCE VEHICLE RELATED AIR POLLUTION, AND TO CREATE AN EMISSIONS FUND TO GO TOWARD VARIOUS ROADSIDE BEAUTIFICATION PROJECTS IN THE DIFFERENT VILLAGES UNDER THE DISCRETION OF THE MAYORS' COUNCIL."

Bill No. 128, "AN ACT TO ADD A NEW SECTION 40133 TO TITLE 5, GUAM CODE ANNOTATED RELATIVE TO CREATING MUNICIPAL PLANNING COUNCIL FUNDS IN EVERY VILLAGE TO BE USED FOR OPERATIONS AND MAINTENANCE OF FACILITIES AND SPECIFIC NEEDS THAT ARE IDENTIFIED BY THE MUNICIPAL PLANNING COUNCILS."

There is just one minor technicality on Bill No. 172, of which I am not too comfortable and that is the limitation of using the "funds" solely for our beautification projects along the roadsides of our village. I would like to propose that the language also include our community parks and beaches. This way the smaller villages are given more flexibility. Bill No. 128, finally addresses what I and most of the other Mayors/Vice Mayors have been requesting, to the Legislature, for many years, especially for those districts who have sports facilities and community centers. The establishment of the revolving fund will assist us in defraying costs of sponsorship for sports, Christmas activities, Easter, etc.

Thank you for the opportunity of expressing my views on these Bills.

Sincerely,


ISABEL S. HAGGARD

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Bill No. 128 Date Received: 04/04/97
 Amendatory Bill: Yes Date Reviewed: 04/14/97

Department/Agency Affected: Mayors' Council of Guam
 Department/Agency Head: Franck J.C. Camacho, Executive Director
 Total FY Appropriation to Date: \$6,796,591

Bill Title (preamble): **AN ACT TO ADD A NEW SECTION 40133 TO TITLE 5, GUAM CODE ANNOTATED RELATIVE TO CREATING MUNICIPAL PLANNING COUNCIL FUNDS IN EVERY VILLAGE TO BE USED FOR OPERATIONS AND MAINTENANCE OF FACILITIES AND SPECIFIC NEEDS THAT ARE IDENTIFIED BY THE MUNICIPAL PLANNING COUNCILS.**

Change in Law: Adds a new Section 40133 to Title 5, GCA

Bill's Impact on Present Program Funding:

Increase _____ Decrease _____ Reallocation _____ No Change X

Bill is for:
 Operations: _____ Capital Improvement: _____ Other: X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
Program Category	General Fund	OTHER	TOTAL
Community Services	\$0	1/	1/

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)							
FUND	1st	2nd	3rd	4th	5th	Total	
GENERAL FUND	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER - 1/	1/	1/	1/	1/	1/	1/	1/
TOTAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? No funds appropriated.

IF NO, ADDITIONAL AMOUNT REQUIRED: 1/

AGENCY/PERSON/DATE CONTACTED: Mayors' Council / Mary D. Cruz Sablan, Admi. Asst./ 4-15-97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES (Per Bill)							
FUND	1st	2nd	3rd	4th	5th	Total	
GENERAL FUND	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER - 1/	1/	1/	1/	1/	1/	1/	1/
TOTAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0

ANALYST: William P. Taitingfong DATE: 4/21/97
 DIRECTOR: Joseph E. Rivera, Acting DATE: APR 23 1997

FOOTNOTE: 1/ See attached comments.

Comments to Bill No. 128

The intent of Bill No. 128 is to establish nineteen (19) Municipal Planning Council Revolving Funds within the Treasury of Guam. Each village shall establish their own fund that will be separate and apart from other funds including the General Fund. The Mayors' Council of Guam is authorized to set charges for the use of community centers, gymnasiums and all sports facilities. These proposed fees shall be submitted to the Legislature for approval. Funds of each village are to be used for the operation and maintenance of these facilities and to fund special projects identified by the Municipal Planning Councils.

The Bill will create a third Fund Source for the Mayors to support its operations and maintenance functions in the villages. The Mayors currently receive annual appropriations from the General Fund to the Municipal Fund and the Community Development Fund created pursuant to §40118 and §40119 respectively. The Municipal Fund is used for various purposes as approved by the Municipal Planning Councils of each village and the Community Development Fund is primarily used for minor repair and maintenance of grounds and facilities.

The estimated potential multi-year revenues and fund requirements of the individual nineteen (19) Municipal Planning Council Revolving Funds are contingent on the proposed fees or charges to be determined by the Mayors' Council of Guam and approved by the Guam Legislature; revenues generated and deposited into the individual MPC Revolving Funds through the implementation of the approved fees or charges for sports and community facilities.

It should be noted that these MPC Revolving Funds will greatly benefit those larger villages with more sports and community facilities in their villages than those smaller villages with less facilities.