

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
262-35 (COR)	Telena Cruz Nelson	AN ACT RELATIVE TO S 40110, 40124, 40127 OF ARITCLE 1, OF CHAPTER 40, OF DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PRODECURES TO FILL A VACANCY OF THE MAYOR AND VACANCIES IN THE MUNICIPAL PLANNING COUNCIL.	1/3/20 3:46 p.m.						

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN**  
**2020 (SECOND) Regular Session**

Bill No. *262-35 (COR)*

Introduced by:

Telena Cruz Nelson 

**AN ACT RELATIVE TO § 40110, 40124, 40127 OF  
ARITCLE 1, OF CHAPTER 40, OF DIVISION 4 OF  
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO  
PRODECURES TO FILL A VACANCY OF THE MAYOR  
AND VACANCIES IN THE MUNICIPAL PLANNING  
COUNCIL.**

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

**Section 1.** § 40110 of Article 1 of Chapter 40, of Division 4, of Title 5,  
Guam Code Annotated, is *amended* to read:

**§ 40110. Vacancies.**

(a) Vice-Mayors. A vacancy in the office of the Vice-Mayor less than two hundred forty (240) days before the date of the next general election for Mayors and Vice-Mayors shall be filled for the unexpired term by a majority vote of the municipal planning council of the municipality in which the vacancy occurs, subject to the advice and consent of I *Liheslatura* (the Legislature).

(b) Mayors. If by reason of death, resignation, removal from office, inability or failure to perform, there shall be a vacancy in the office of the Mayor less than two hundred forty (240) days before the date of the next general election for Mayors and Vice-Mayors;

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1           (1) it shall be filled by the Vice-Mayor in a municipality  
2 where there is a Vice-Mayor, and there shall be a vacancy in the  
3 position of Vice-Mayor until the end of the term; or

4           (2) ~~In a municipality where~~ if there is no Vice-Mayor and the  
5 vacancy is less than two hundred forty (240) days before the date of  
6 the next general election for Mayors and Vice-Mayors, the vacancy of  
7 the remaining term shall be filled by a majority vote of the municipal  
8 planning council of the municipality in which the vacancy occurs,  
9 subject to the ~~advice and consent~~ approval of *I Liheslatura* (the  
10 Legislature); or

11           (3) if the Municipal Planning Council is non-existent within  
12 the municipality, the Executive Director of the Mayor Council of  
13 Guam shall be appointed as the Acting Mayor up to ninety (90)  
14 calendar days. The Acting Mayor shall nominate members to fill all  
15 vacancies with the MCP of said municipality with the approval of  
16 two-third (2/3) vote of the Mayors' Council of Guam.

17       **Section 2.** § 40124 of Article 1 of Chapter 40, of Division 4, of Title 5,  
18 Guam Code Annotated, is *amended* to read:

19       **§ 40124. Municipal Planning Council: Establishment.**

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

22       (a) The Mayor, upon taking office, shall select and appoint a municipal  
23 planning council within Ninety (90) calendar days after taking office.

24       (b) If a Municipal Planning Council is not formed, the Mayor of said  
25 municipal must submit a memorandum to the Mayors Council of Guam  
26 (MCOG) and the *I Liheslaturan Guåhan* with justification and reason as  
27 to not filling the MPC.

1           **Section 3.** § 40127 of Article 1 of Chapter 40, of Division 4, of Title 5,  
2 Guam Code Annotated, is *amended* to read:

3           **§ 40127. Municipal Planning Council: Vacancy.**

4           In case of a vacancy on the Municipal Planning Council by reason of death,  
5 resignation or incapacity, said vacancy shall be filled by:

6           (a) appointment of the Mayor of said municipal, within ninety (90)  
7           calendar days in accordance with § 40125 of this Chapter; or

8           (b) if the Mayor of said municipal is vacant, the vacancy in the Municipal  
9           Planning Council shall be appointed by the Executive Director, in  
10           accordance with § 40125 of this Chapter, and approval of the Mayors'  
11           Council of Guam.

12           (c) If a vacancy on the MPC occurs for longer than ninety (90) days  
13           without transmittal of a memorandum to the Mayors' Council of Guam  
14           (MCOG) and I Liheslaturan Guåhan indicating the choice to fill or  
15           justification for not filling the vacancy, then the vacancy shall be  
16           appointed by the Executive Director of the MCOG, with the approved  
17           vote of two-third (2/3) of the Mayors' Council of Guam, and  
18           transmitting the documents indicating the approved appointment to the  
19           Legislative Secretary and to the Governor. Any appointment to fill a  
20           vacancy which is made by the MCOG pursuant to this Section shall not  
21           become void due to a later appointment by the Mayor to fill the same  
22           vacancy. This Section shall apply to any vacancy existent on the  
23           effective date of this Section which has occurred for longer than ninety  
24           (90) days either before or after the effective date of this Section.

25           **Section 4. Effective Date.** This act *shall* be effective upon enactment.