

*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
266-35 (COR)	James C. Moylan	AN ACT TO AMEND § 40105 OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING THE QUORUM AND VOTING PROCESS FOR THE MAYORS COUNCIL OF GUAM.	1/9/20 11:43 a.m.						

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

Bill No. 266-35 (CDB)

Introduced by:

James C. Moylan 

**AN ACT TO AMEND § 40105 OF CHAPTER 40, TITLE 5,  
GUAM CODE ANNOTATED, RELATIVE TO  
ADDRESSING THE QUORUM AND VOTING PROCESS  
FOR THE MAYORS COUNCIL OF GUAM.**

2020 JAN -9 AM 11:43 

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the present structure of the Mayor's Council of Guam (MCOG) creates an inequality between the municipalities with and without a Vice Mayor, with unique circumstances benefitting one party or adversely impacting the other. Presently a Vice Mayor not only carries one vote when it comes to decisions by the Council, but their seat is also included as part of the overall quorum.

Ideally the Council would be more effective if every municipality was represented by one vote, versus the status quo where every Mayor and Vice Mayor counts as one party. For those villages presently with a Vice Mayor, they would have two votes on positions or decisions, which can create unfairness when it comes to those without a second in command. When it comes to quorums, this is where another challenge exists, as the present structure requires the presence of 16 members, versus 12, if the requirement was one municipality per attendance.

The MCOG makes many critical decisions when it comes to funding, village projects and positions on issues, that having a system in place that promotes

1 fairness on a municipal level, would better serve the communities. Nothing in this  
2 Act takes away the voice of the Vice Mayor within the Council; rather it promotes  
3 one voice and vote per village.

4 **Section 2.** § 40105 of Chapter 40, Title 5, Guam Code Annotated, is hereby  
5 *amended* to read as follows:

6 **§ 40105. Mayors Council.**

7 There is established a Mayors Council comprised of all Mayors and Vice  
8 Mayors, with each of the nineteen (19) municipalities consisting of one (1) vote  
9 each. The Officers of the Council *shall* consist of a President, Vice-President,  
10 Secretary, Treasurer and a Sergeant-at-Arms. Elections *shall be* held every two (2)  
11 years, with the first election to be conducted on the first Tuesday in January  
12 following the General Election. The Council *shall* adopt its own rules and by-laws;  
13 provided that such rules and by-laws do not impede, restrict or in any way limit the  
14 authority of each Mayor within his district. Such rules and by-laws *may be*  
15 amended or revised from time to time upon a vote of two-thirds (2/3) of the  
16 municipalities membership in of the Council. A quorum of the Council *shall*  
17 consist of *not less than* sixty percent (60%) of the municipalities in attendance  
18 ~~members~~, and no action of the Council *shall be* effective unless it *shall be* adopted  
19 by a majority of the municipalities' present membership.

20 **Section 3. Severability.** If any provision of this Act or its application to  
21 any person or circumstance is found to be invalid or contrary to law, such  
22 invalidity *shall not* affect other provisions or applications of this Act that can be  
23 given effect without the invalid provision or application, and to this end the  
24 provisions of this Act are severable.

25 **Section 4. Effective Date.** The Act *shall* become effective upon enactment.

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