

I MINA' TRE NTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. 82(COR)

Introduced by:

Judith Won Pat, Ed.D.  
T.R. Muna Barnes

2009 MAR 23 PM 4:11 MC

AN ACT TO AMEND §2109 AND §2110 OF TITLE 2,  
AND §40103.1 AND §40107 OF TITLE 4, ALL OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
THE MAYORS' OFFICES OF GUAM.

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

2 **Section 1.** §2109 of Chapter 2 of Title 4 of the Guam Code Annotated is  
3 hereby *amended* to read:

4 **"§21 09. Prohibition Against Hiring New, Unclassified**  
5 **Employees Following the Defeat of an Incumbent in an Election.**

6 No new unclassified employees may be hired in the Executive  
7 Branch of government following the defeat of a sitting *Maga'lahen*  
8 *Guåhan* in a primary election *or* general election until after such date that  
9 such *Maga'la hen Guåhan* leaves office. No new, unclassified employees  
10 may be hired in any Legislative Office of a sitting Senator following the  
11 defeat of such Senator in a primary *or* general election. No new,  
12 unclassified employees may be hired in any Mayoral Office of a sitting  
13 Mayor following the defeat of such Mayor in a primary *or* general  
14 election. No new contract workers *or* unclassified employees may be  
15 hired in the Department of Law following the defeat of a sitting

1 Attorney General in a primary *or* general election until said Attorney  
2 General leaves office. No new unclassified employees may be hired in  
3 the Office of the Public Auditor following the defeat of said Public  
4 Auditor in a primary *or* general election until said Public Auditor leaves  
5 office. Following the defeat of a sitting Attorney General in a primary *or*  
6 general election, no contract workers *or* unclassified employees  
7 employed in the Office of the Attorney General may receive a pay  
8 increase until said Attorney General leaves office. Following the defeat  
9 of a sitting Public Auditor in a primary *or* general election, no contract  
10 workers *or* unclassified employees employed in the Office of the Public  
11 Auditor may receive a pay increase until said Public Auditor leaves  
12 office.”

13 **Section 2.** §2110 of Chapter 2 of Title 4 of the Guam Code Annotated is  
14 hereby *amended* to read:

15 **“§21 10. Prohibition Against Hiring Unclassified Employees**  
16 **Employed by Incumbents *Not* Seeking Re-election.**

17 No new unclassified employees may be hired in the Executive  
18 Branch of government after October 1st of the last year of office of a  
19 sitting *Maga’lah en Guåhan* who is not seeking re-election until after such  
20 date that such *Maga’lahen Guåhan* leaves office. No new, unclassified  
21 employees may be hired in any Legislative Office of a sitting Senator,  
22 opting not to seek re-election, after October 1st of the last year in office  
23 of such Senator. No new, unclassified employees may be hired in any  
24 Mayoral Office of a sitting Mayor, opting not to seek re-election, after

1 October 1st of the last year in office of such Mayor. No contract workers  
2 *or* unclassified employees employed in the Department of Law *or* the  
3 Office of the Public Auditor may be hired following the defeat of  
4 Attorney General *or* Public Auditor, respectively, in a primary *or* general  
5 election until that Attorney General *or* Public Auditor leaves office.”

6 **Section 3.** §40103.1 of Chapter 40 of Title 5 of the Guam Code  
7 Annotated is hereby *amended* to read:

8 **“§ 4 0103.1. Transition for Mayor and Vice Mayor.**

9 After the Certification of Election of newly elected Mayors, and  
10 Vice Mayors as applicable, there *shall* exist a transition period ending on  
11 the day of the oath of office of the newly elected Mayors and Vice  
12 Mayors. During this transition period, the incumbent Mayor, and  
13 incumbent Vice Mayor as applicable, *shall* provide assistance to the  
14 Mayor-elect and Vice Mayor-elect to acquaint the latter with the  
15 operations and functions of the Offices, including but not limited to  
16 pending invoices and purchase orders, office budget, financial reports,  
17 appropriations, expenditure reports, staffing pattern, financial  
18 obligations, and the inventory of equipment, furniture, and vehicles  
19 belonging to the Municipality of such Mayor. Such transition period  
20 shall be coordinated by the Executive Director of the Mayors’ Council  
21 of Guam who shall also be responsible for the transitions of each  
22 Mayoral Office. Should an incumbent Mayor and an incumbent Vice  
23 Mayor not be successful in an election, all property, equipment, and

1 documents belonging to the Office *shall not* be removed by the exiting  
2 Mayor or Vice Mayor.”

3 **Section 4.** Subsection (a) of §40107 of Chapter 40 of Title 5 of the Guam  
4 Code Annotated is hereby *amended* to read:

5 **“§ 4 0107. Council Staffing.**

6 (a) Subject to budgetary limitations, the Council may hire  
7 personnel necessary to carry out the purposes of this Chapter. The staff  
8 shall include an Executive Director, who shall be the Executive Secretary  
9 of the Council, who shall be responsible for the day-to-day operations of  
10 the staff and shall also be the Certifying Officer for the Council and the  
11 nineteen (19) municipal funds. The Executive Director shall be  
12 responsible for the transitions of each Mayoral Office subject to §40103.1  
13 of this Chapter. The Executive Director shall, during such transition,  
14 provide to all Mayors and Vice Mayors a compilation of laws applicable  
15 to such office detailing the duties, responsibilities, sources of funding,  
16 limitations, and powers of the Offices of the Mayor. The staff of the  
17 Council shall be paid such compensation as shall be determined by the  
18 Civil Service Commission within ninety (90) days of the enactment of  
19 this section; provided, however, that such compensation shall be  
20 comparable to equivalent position classifications within the government  
21 of Guam.”