

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
263-35 (COR)	Jose "Pedro" Terlaje	AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.	1/3/20 3:47 p.m.	1/16/20	Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit	1/28/20 5:00 p.m.	2/5/20 2:27 p.m.	1/13/20	As amended by the Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit



Sinadót Jose "Pedo" Terlaje

*I Mina'trentai Singko na Liheslaturan Guahan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

January 30, 2020

The Honorable Tina Rose Muña Barnes
Speaker
I Mina'trentai Singko na Liheslaturan Guahan
163 Chalan Santo Papa
Hagåtña Guam, 96910

VIA: The Honorable Régine Biscoe Lee
Chairperson, Committee on Rules

PBL

RE: Committee Report on Bill No. 263-35 (COR), As Amended by the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors' Council, Infrastructure and Public Transit.

2020 FEB -5 PM 2:27PT

Håfa Adai Speaker Muña Barnes:

Transmitted herewith is the Committee Report on **Bill No. 263-35 (COR)**- As Amended by the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors' Council, Infrastructure and Public Transit. **"AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13."**

Committee votes are as follows:

- 3 TO DO PASS
- _____ TO NOT PASS
- 3 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

RECEIVED
 JAN 30 2020
 3:27pm.
 COMMITTEE ON RULES

Sincerely,

Senator Jose "Pedo" Terlaje

Revisions Rec'd: 2/3/20 @ 9:11am.
 Revisions Rec'd : 2/5/20 @ 9:31am.



Sinadót Jose “Pedo” Terlaje

*I Mina'trentai Singko na Liheslaturan Guahan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

COMMITTEE REPORT

BILL NO. 263-35 (COR)

As Amended by the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors' Council, Infrastructure and Public Transit.

“AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.”



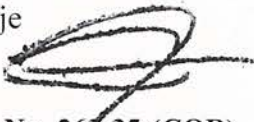
Sinadót Jose “Pedo” Terlaje

*I Mina'trentai Singko na Liheslaturan Guåhan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

January 30, 2020

MEMORANDUM

To: All Members
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit

From: Senator Jose “Pedo” Terlaje
Committee Chairperson 

Subject: **Committee Report on Bill No. 263-35 (COR) – As Amended by the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors' Council, Infrastructure and Public Transit.**

Transmitted herewith is the Committee Report on **Bill No. 263-35 (COR)**- As Amended by the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors' Council, Infrastructure and Public Transit. **“AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.”**

This report includes the following:

- Copy of COR Referral of Bill No. 263-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Committee Report Digest
- Copy of Bill No.263-35 (COR), As Introduced
- Copy of Bill No. 263-35 (COR), As Amended
- Copy of Fiscal Note by Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

January 16, 2020

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedo" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Referral of Bill No. 263-35 (COR)

Buenas yan Håfa adai.

As per my authority as Chair of the Committee on Rules and subject to §6.01(d), Rules VI of our Standing Rules, I am forwarding the referral of Bill No. 263-35 (COR).

Please ensure that the subject bill is referred to the **Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure and Public Transit** by Senator Jose "Pedo" Terlaje.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chair, Committee on Rules



FIRST NOTICE of Public Hearing – Tuesday, January 28, 2019 beginning at 5:00 p.m.

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: phnotice@guamlegislature.org
Cc: Kristen Garrido <kristen@senatorjpterlaje.com>

Tue, Jan 21, 2020 at 5:00 PM

January 21, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

**From: Senator Jose “Pedo” Terlaje
Chairperson, Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors’ Council, Infrastructure and Public Transit**

Subject: FIRST NOTICE of Public Hearing – Tuesday, January 28, 2019 beginning at 5:00 p.m.

Buenas yan Háfa adai,

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit, will convene a Public Hearing on **Tuesday, January 28, 2019 beginning at 5:00 p.m.** in *I Liheslaturan Guåhan*’s public hearing room.

On the agenda is the following:

- **Bill No. 260-35 (COR)-TMB/WMC-** AN ACT TO AMEND Â§ 40127 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE EXPEDIENT APPOINTMENT OF MEMBERS TO THE MUNICIPAL PLANNING COUNCIL AND SAFEGUARDING THE INVALUABLE ROLE OF THE MUNICIPAL PLANNING COUNCIL.
- **Bill No. 262-35 (COR)-TCN-** AN ACT RELATIVE TO Â§ 40110, 40124, 40127 OF ARTICLE 1, OF CHAPTER 40, OF DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROCEDURES TO FILL A VACANCY OF THE MAYOR AND VACANCIES IN THE MUNICIPAL PLANNING COUNCIL.
- **Bill No. 263-35 (COR)-** AN ACT TO ADD A NEW Â§ 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA Â§ 13106 CHAPTER 13.

The public hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [I Liheslaturan Guåhan’s live feed](#). If written testimonies are to be presented at the hearing, the committee requests that copies be submitted prior to the hearing date and should be addressed to Senator Jose “Pedo” Terlaje.

Testimonies may be submitted via hand delivery to the Office of Senator Jose “Pedo” Terlaje at 140 Aspinall Avenue, Bridge Pointe Bldg., Suite 202, Hagåtña, Guam 96910; or to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorpedo@senatorjpterlaje.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Jose “Pedo” Terlaje at (671) 989-5301 or by sending an email to senatorpedo@senatorjpterlaje.com.

Si Yu'os Ma'åse'

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The Office of Senator Jose “Pedo” Terlaje

Committee on Public Safety, Border Safety,
Military and Veterans Affairs, Mayors' Council,
Infrastructure, and Public Transit

35th Guam Legislature

I Mina'trentai Singko na Liheslaturan Guåhan

140 Aspinall Avenue Ste. 202 Hagatna, Guam 96910

Tel: (671) 989-5301/ 3218

Email: senatorpedo@senatorjpterlaje.com



First Notice of Public Hearing 260-35,262-35,263.pdf

227K



Sinadót Jose “Pedo” Terlaje

I Mina 'trentai Singko Na Liheslaturan Guahan • 35th Guam Legislature

Email: senatorpedo@senatorjpterlaje.com

Tel: (671) 989-5301/3218

January 21, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Jose “Pedo” Terlaje
Chairperson, Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit

Subject: FIRST NOTICE of Public Hearing – Tuesday, January 28, 2020 beginning at 5:00 p.m.

Buenas yan Háfa adai,

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit, will convene a Public Hearing on **Tuesday, January 28, 2020 beginning at 5:00 p.m.** in *I Liheslaturan Guahan*’s public hearing room.

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- **Bill No. 263-35 (COR)-** AN ACT TO ADD A NEW Â§ 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA Â§ 13106 CHAPTER 13.

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*Si Yu’os Ma’ãse’**



SECOND NOTICE of Public Hearing – Tuesday, January 28, 2020 beginning at 5:00 p.m.

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: phnotice@guamlegislature.org
Cc: Kristen Garrido <kristen@senatorjpterlaje.com>

Fri, Jan 24, 2020 at 5:40 PM

January 24, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

**From: Senator Jose “Pedo” Terlaje
Chairperson, Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors’ Council, Infrastructure and Public Transit**

Subject: SECOND NOTICE of Public Hearing – Tuesday, January 28, 2020 beginning at 5:00 p.m.

Buenas yan Háfa adai,

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit, will convene a Public Hearing on **Tuesday, January 28, 2020 beginning at 5:00 p.m.** in *I Liheslaturan Guåhan*’s public hearing room.

On the agenda is the following:

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- **Bill No. 263-35 (COR)-** AN ACT TO ADD A NEW Â§ 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA Â§ 13106 CHAPTER 13.

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Si Yu'os Ma'åse'

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The Office of Senator Jose "Pedo" Terlaje

Committee on Public Safety, Border Safety,
Military and Veterans Affairs, Mayors' Council,
Infrastructure, and Public Transit

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

140 Aspinall Avenue Ste. 202 Hagatna, Guam 96910
Tel: (671) 989-5301/ 3218
Email: senatorpedo@senatorjpterlaje.com

 **Second Notice of Public Hearing 260-35,262-35,263.pdf**
227K



Sinadót Jose “Pedo” Terlaje

I Mina'trentai Singko Na Liheslaturan Guahan • 35th Guam Legislature

Email: senatorpedo@senatorjpterlaje.com

Tel: (671) 989-5301/3218

January 24, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Jose “Pedo” Terlaje
Chairperson, Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit

Subject: SECOND NOTICE of Public Hearing – Tuesday, January 28, 2020 beginning at 5:00 p.m.

Buenas yan Háfa adai,

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayors’ Council, Infrastructure and Public Transit, will convene a Public Hearing on **Tuesday, January 28, 2020 beginning at 5:00 p.m.** in *I Liheslaturan Guahan’s* public hearing room.

On the agenda is the following:

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Si Yu’os Ma’ãse’



Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: governor@guam.gov
Cc: Kristen Garrido <kristen@senatorjpterlaje.com>

Thu, Jan 23, 2020 at 5:45 PM

January 23, 2020

VIA E-MAIL: governor@guam.gov

Subject: Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020.

Buenas yan Håfa adai!

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans' Affairs, Mayors' Council, Infrastructure and Public Transit will be conducting a **Public Hearing on Bill No. 260-35, 262-35 and 263-35 on Tuesday, January 28, 2020 beginning at 5:00 p.m.**, in *I Liheslaturan Guåhan*'s Public Hearing Room.

I invite you to appear before this Committee and provide any testimony. Please feel free to extend this invitation to other interested members of our community.

Testimonies should be addressed to Senator Jose "Pedo" Terlaje, Chairperson, Committee on Public Safety, Border Safety, Military and Veterans' Affairs, Mayors' Council, Infrastructure and Public Transit, and may be hand-delivered to my office at Bridge Pointe Bldg., Suite 202, 140 Aspinall Ave. *Hagåtña*, Guam 96910, or via email to senatorpedo@senatorjpterlaje.com

Individuals requiring special accommodations, auxiliary aids, or service, who plan to attend your confirmation hearing should contact and submit their request to my office at 989-5301/3218. Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation.

Si Yu'os Ma'ase'

--

The Office of Senator Jose "Pedo" Terlaje

Committee on Public Safety, Border Safety,
Military and Veterans Affairs, Mayors' Council,
Infrastructure, and Public Transit

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

140 Aspinall Avenue Ste. 202 Hagatna, Guam 96910
Tel: (671) 989-5301/ 3218
Email: senatorpedo@senatorjpterlaje.com

 Invitation (GOV).pdf
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Sinadót Jose “Pedo” Terlaje

*I Mina'trentai Singko na Liheslaturan Guåhan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

January 23, 2020

VIA E-MAIL: governor@guam.gov

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Si Yu'os Ma'ase

Senator Jose “Pedo” Terlaje



Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: law@guamag.org
Cc: Kristen Garrido <kristen@senatorjpterlaje.com>

Thu, Jan 23, 2020 at 5:39 PM

January 23, 2020

VIA E-MAIL: law@guamag.org

Subject: Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020

Buenas yan Håfa adai!

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Si Yu'os Ma'ase'

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The Office of Senator Jose "Pedro" Terlaje

Committee on Public Safety, Border Safety,
Military and Veterans Affairs, Mayors' Council,
Infrastructure, and Public Transit

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

140 Aspinall Avenue Ste. 202 Hagatna, Guam 96910
Tel: (671) 989-5301/ 3218
Email: senatorpedo@senatorjpterlaje.com

 Invitation.pdf
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Sinadót Jose “Pedo” Terlaje

*I Mina'trentai Singko na Liheslaturan Guåhan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

January 23, 2020

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Si Yu'os Ma'ase

Senator Jose “Pedo” Terlaje



Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: MAYORS' COUNCIL OF GUAM <mcogadmin@teleguam.net>
Cc: Kristen Garrido <kristen@senatorjpterlaje.com>

Thu, Jan 23, 2020 at 5:41 PM

January 23, 2020

VIA E-MAIL: mcogadmin@teleguam.net

Subject: Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020

Buenas yan Håfa adai!

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Si Yu'os Ma'ase'


--

The Office of Senator Jose "Pedo" Terlaje

Committee on Public Safety, Border Safety,
Military and Veterans Affairs, Mayors' Council,
Infrastructure, and Public Transit

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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 Invitation (MCOG).pdf
300K



Sinadót Jose “Pedo” Terlaje

*I Mina'trentai Singko na Liheslaturan Guåhan • 35th Guam Legislature
Committee on Public Safety, Border Safety, Military and Veterans Affairs,
Mayors' Council, Infrastructure and Public Transit*

January 23, 2020

VIA E-MAIL: mcogadmin@teleguam.net

Subject: Invitation for Public Hearing beginning at 5:00 p.m., Tuesday, January 28, 2020.

Buenas yan Håfa adai!

Please be advised that the Committee on Public Safety, Border Safety, Military and Veterans' Affairs, Mayors' Council, Infrastructure and Public Transit will be conducting a **Public Hearing on Bill No. 260-35, 262-35 and 263-35 on Tuesday, January 28, 2020 beginning at 5:00 p.m.**, in *I Liheslaturan Guåhan's* Public Hearing Room.

I invite you to appear before this Committee and provide any testimony. Please feel free to extend this invitation to other interested members of our community.

Testimonies should be addressed to Senator Jose “Pedo” Terlaje, Chairperson, Committee on Public Safety, Border Safety, Military and Veterans' Affairs, Mayors' Council, Infrastructure and Public Transit, and may be hand-delivered to my office at Bridge Pointe Bldg., Suite 202, 140 Aspinall Ave. *Hagåtña*, Guam 96910, or via email to senatorpedo@senatorjterlaje.com

Individuals requiring special accommodations, auxiliary aids, or service, who plan to attend your confirmation hearing should contact and submit their request to my office at 989-5301/3218. Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation.

Si Yu'os Ma'ase

Senator Jose “Pedo” Terlaje



Sinadót Jose “Pedo” Terlaje

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Committee on Public Safety, Border Safety, Military and Veterans Affairs,
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AGENDA

Tuesday, January 28, 2020

5:00 p.m.

Public Hearings:

- **BILL NO. 260-35 (COR):** AN ACT TO AMEND § 40127 OF CHAPTER 40, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE EXPEDIENT APPOINTMENT OF MEMBERS TO THE MUNICIPAL PLANNING COUNCIL AND SAFEGUARDING THE INVALUABLE ROLE OF THE MUNICIPAL PLANNING COUNCIL.
- **BILL NO. 262-35 (COR):** AN ACT RELATIVE TO § 40110, § 40124, § 40127 OF ARTICLE 1, OF CHAPTER 40, OF DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROCEDURES TO FILL A VACANCY OF THE MAYOR AND VACANCIES IN THE MUNICIPAL PLANNING COUNCIL.
- **BILL NO. 263-35 (COR):** AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 263-35 (COR) was introduced on January 03, 2020 by Senator Jose "Pedo" Terlaje and was subsequently referred by the Committee on Rules to the Committee on Public Safety, Border Safety, Military and Veteran's Affairs, Mayors' Council, Infrastructure, and Public Transit on Thursday, January 16, 2020.

The Committee on Public Safety, Border Safety, Military and Veteran's Affairs, Mayors' Council, Infrastructure, and Public Transit convened a public hearing on Bill No. 263 -35 (COR) " AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13." on Tuesday, January 28, 2020 at 5 p.m. in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via Email to all Senators and all main media broadcasting outlets on Tuesday, January 21, 2020 (5-Day Notice) and Second Notice on Friday, January 24, 2020 (48-Hour Notice).

Senators Present

Senator Jose "Pedo" Terlaje, Chairman
Speaker Tina Rose Muña Barnes, Committee Member
Senator Therese M. Terlaje, Committee Member
Senator Amanda L. Shelton, Committee Member
Vice Speaker Telen Cruz Nelson, Committee Member
Senator Kelly Marsh (Taitano), PhD.

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 5:03 p.m.

Chairman Jose "Pedo" Terlaje: Good afternoon ladies and gentlemen. Thank you very much. This public hearing is now called to order. The time is 5:03. The Committee on Public Safety, Border Safety, Military and Veterans Affairs, Mayor's Council of Guam, Infrastructure, and Public Transit is conducting a public hearing today on Bill No. 260-35, 262-35, 263-35. For the record and in conformance with Section 8107 of Chapter 8 Title 5 GCA, the first public hearing notice was sent out on Tuesday, January 21, 2020 to adhere to the five working days requirement



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and the second public hearing adhering to the 48 hours' notice was sent out on Friday, January 24, 2020 and in addition these notices were sent to all media and posted on the Guam Legislature's website. We will now begin with Bill No. 260-35 (COR) sponsored by Senator Tina Rose Muña Barnes, cosponsored by William C. Castro. Go ahead, Madam Speaker.

Speaker Tina Rose Muña Barnes: Thank you, Mr. Chair and thank you for giving me the opportunity to speak on Bill No. 260-35 (COR) before we hear testimony. This bill, Mr. Chair, is an act to amend § 40127 of Chapter 40, Title 5 Guam Code annotated, relative to providing for the expedient appointment of members to the Municipal Planning Council and safeguarding the invaluable role of the Municipal Planning Council. And Mr. Chair, I do know that this bill and the two other companion bills that are going to be publicly heard tonight in any way if these, Bill 260-35 can be incorporated, I would also support those efforts. This bill as introduced by myself and Senator Wil Castro which is by partisan support is a safety net which ensures that the role of the Municipal Planning Council is secured. The Municipal Planning Council, Mr. Chair, plays an important role in every village. There should not be any reason that a Municipal Planning Council, which is the MPC of every village, is not appointed. No one could have foreseen the circumstances that we are currently dealing with right now in the village of Yona and we hope that this does not ever happen again. No village should be left without leadership and this law will allow our government to act expeditiously during unanticipated times. Out of nineteen villages, the village of Yona, unfortunately, was the only village that did not appoint their members of the Municipal Planning Council and this bill is to ensure that this does not happen again. I ask for the support from this Committee and my colleagues on the 35th Guam Legislature to support Bill 260-35 (COR), but Mr. Chair, also, again, hearing the companion bills with 262 and 263, I ask that if this does not get out that it will get corporate with the other bills and I can also ask that my testimony here this evening get supported and be appended to both the other bills that are being heard today. I would really appreciate that Mr. Chair. Thank you.

Chairman Jose "Pedo" Terlaje: Thank you Madam Speaker. Before we go any further, I just want to recognize some of my colleagues here. Senator Shelton to my furthest right, to your left. Senator Telena Nelson, our Vice Speaker and Senator Therese Terlaje and also Speaker Tina Muña Barnes. So, if there is anybody that is going to present testimony, you can come up front. Angel, I know you're here. Melissa, you're here, the president. If you're going to present testimony to Bill 60, you can come up front. I mean 260.

Angel Sablan, Executive Director (Mayors' Council of Guam): Good afternoon Mr. Oversight, Speaker Barnes, Madam Vice Speaker Nelson, Madam Secretary Amanda Shelton, Senator Therese Terlaje, Senator Kelly Marsh Taitano. If you don't mind, I am Angel Sablan, the Executive Director of Mayor's Council of Guam. If you don't mind, these three bills, basically all have to do with an MPC and all of them have to do with a vacancy of a mayor or vice mayor. Instead of repeating ourselves in each bill, we would like to just give you our comments on all of them. For Bill 260-35 introduced by Speaker Tina Muña Barnes and Senator William Castro on the Municipal Planning Council vacancy, every village shall have 10 members as a base and every village 1000 more over 10,000 in population can get an additional member. My concern with this



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bill is the appointment to be made with the approval of the Mayor's Council of Guam by resolution of the advice and consent of I Liheslatura. So, let's say there is one member that has not been appointed for so many days by the mayor, after 60 days that person that is appointed is going to go through the legislative process while the other nine never went through it. Does it mean that this one member has to provide all the documents just like any other appointee that has the advice and consent of the legislature provide a financial statement every year and be subject to all these other stuff that all other appointees that require advice and consent of the legislature so I just don't think that you're going to have anybody that would want to be appointed to an MPC that is going to go through this process that the other nine members do not or how many that are vacant. My suggestion would be let the mayor appoint 10 members plus two alternate members so in case you do have a vacancy, you take the alternate member to sit on the MPC and they are already there. They are attending the meetings but not voting but they are attending the meetings as alternate members so we can amend the Municipal Planning Council vacancy section 4027 to make it that way we wouldn't have to go through this process. Because if we wait 60 days and then we wait for another, we don't know how long before the legislature provides the consent and advice, that MPC will be not functioning for how long. I believe that if we just put amends this section of the law and put for alternate members to be appointed along with the 10 members, I think that would suffice in filling a vacancy. That's my opinion.

Chairman Jose "Pedro" Terlaje: Mr. Director, remember several years ago, when I was mayor, the formation of the Municipal Planning Council simply states no less than seven council members, no less than seven. So, if we go with 10, even if you're missing one that one person that you're missing won't have to go through this process. So still if you have no less than seven members then that's intact, a decision can be made.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes Mr. Chair but the statute now says 10 members, shall appoint 10 members. It's been changed.

Chairman Jose "Pedro" Terlaje: If the law stipulates 10 members then we're going to have to support so for if for example, you don't have 10 members, so a decision can't be made in as far as a temporary mayor if you only have nine members?

Angel Sablan, Executive Director (Mayors' Council of Guam): That's what I'm saying. If you have an alternate member, you're going to still have 10 because you use an alternate member. Without having to go through this process of submitting the name by resolution and then having the legislature advice and consent. It just needs an amendment to the statute.

Chairman Jose "Pedro" Terlaje: Okay if that's your recommendation I think I have to agree with that, so we don't have to go through the process again but an alternate member. Mayor Savares, do you have anything? And Mr. Director we are going to include that alternate members. We're going to make that change and include the two alternate members. Go ahead.

Mayor Melissa Savares: Thank you Mr. Chairman. Again, for the record, my name is Melissa Savares, Mayor of Dededo and President of the Mayor's Council of Guam. I, most of us, have the



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10 members and it's not including the mayor and vice mayor in cases where we have the seven villages that have vice mayors. We have 10 Municipal Planning Council members and then if you have a mayor and vice mayor, that would make it 12. In the case where you have mentioned voting members, it takes seven to have a quorum so when you're voting on items, action items on the agenda, of course you need to have at least seven votes to pass any of the action items on the agenda and you know, senator, you know that Municipal Planning Council, there's work to do when we have our meetings. There are zone changes, zone vairones, sponsorships, approval of our non-appropriated fund accounts, our financial statements, even what we do with our budget in as far as budgets we are allotted, budget allotments that we get. So those are things that Municipal Planning Council members discuss during meetings and to have 10 members on the council and then the mayor himself or herself can be the 11th and if you have a vice mayor the alternate member but in cases with population number, we are allowed in Dededo's case with 45,000 people, I can have 40 members on our Municipal Planning Council and so can the larger villages but the challenge with that is that having an established quorum when we meet especially when we need to act on passing resolutions for zone changes or approving our financial reports. So, we keep it at the minimum. I have 12 members on my council. My members come from all over the village representing different areas of the village and that's how we, all of our councils are designed or implemented. We choose members from our community, appointed by, selected by the mayor and vice mayor. And Angel is absolutely right. You know, if one member should not be able to continue their service for two years, if we have to come to the legislature, the other 10 were appointed with a letter and most of them accept, I've had one that after their appointment they said you know I'm going off-island for my job and the rest of the year. Can you find a replacement? It was easier for us to find a replacement after one month. We don't have to wait the 60 days for somebody in the same neighbourhood, that same area of the community. Of course, we sent a thank you letter to the one that was leaving and appointed another member from that area of community. But for them if that happened to us in the middle after an appointment after everyone was sworn in, it would be difficult to have that one person come through the public hearing process here and having to turn in all their necessary finances as what would be required by this.

Speaker Tina Rose Muña Barnes: Thank you Mr. Chair. I appreciate the comments coming from the both of you. Again, this was in the efforts to rectify an issue that has never happened before and one of the suggestions that was spoken or was said that was said at the Municipal Planning Council, the MCOG meeting was that maybe there would be if the planning council was in place, then hold that mayor to some sanctions like do not release the budget allotment, you know, do not give them that authority. And I know it is shunned upon, I mean it's frowned upon but based on the existence because 18 villages had the MPC members. The law specifically said that the mayor shall implement. So, in the case of that absence, and we hope it never happens again, the Mayor's Council right now immediately ask for the change without the approval from and those members can choose that member to go up to the Governor's Office, am I right? If they had to choose a mayor, it's the MPC who chooses that temporary name for that vacant position, am I right? For the mayor's slot of the vice mayor?



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Angel Sablan, Executive Director (Mayors' Council of Guam): Right now, the statue says the MPC shall send a name but that's my question and it's in senator, vice speakers bill, is shall be filled by the majority vote of the MPC council. But is it from the MPC they're voting, members there, or is it anybody in that municipality that meets the very general criteria? It doesn't say again. So, the previous and I know the Governor has submitted her own bill and in the previous statue that the Governor had the authority, the MPC would submit three names to the Governor and it non-binding. She can choose from one of those names or she can come up with her own, as long as they're from the municipality.

Speaker Tina Rose Muña Barnes: And that has been done in the past?

Angel Sablan, Executive Director (Mayors' Council of Guam): That has been done in the past.

Speaker Tina Rose Muña Barnes: And the statue was changed a couple of terms ago after that right?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes. When we added this 240-day thing, that's when it was all changed.

Speaker Tina Rose Muña Barnes: Thank you Mr. Chair. Just being able to put the history out, Mr. Chair, and working with our colleagues to really find a solution to see how we can really help the mayors and the Municipal Planning Council members because we know the viability and the criticalness of the checks and balances that need to be in each of the villages but more importantly it is the MPC members who help the mayors and the vice mayors literally work on all the issues and concerns that happen in their village. So, we're hoping that with one of the three bills we can come up with that positive resolution.

Angel Sablan, Executive Director (Mayors' Council of Guam): unfortunately, this case is an isolated case because it hasn't happened in the other 18 villages, as you know, and that why as you came and spoke at our meeting, I had made the suggestion that this is mandatory. It's not if you want to and the Mayor of Yona did not but if we had something then this bill won't be necessary. If we make another one that makes it punitive in nature. I mean we have statue now that fines directors and deputy directors if they don't complete their reports or submit their reports in a timely basis, they get fined a certain amount of money. In this case, why don't we put an amendment to fine a mayor. If you don't appoint your members within the 30 days that you're asked to by statue, either you explain why you can't, or you pay a fine or I'll freeze your budget. Give me the authority to freeze that municipality's budget and they cannot spend it until they have an MPC in place and I'm sure that every mayor incumbent or new that are coming on in January of next year are going to follow the statue next year if they know they're aren't going to get any money or they know they're going to have to pay a fine. And in this case, you know we have orientation every time there is pre-inauguration. Every mayor and vice mayor know that this is a requirement. It just wasn't done but as I've said before, this incident with Yona, if there's anything that is good that is going to come out of it, as I have said with the vice speaker, is that we fix these statues and fill in the gaps so it won't happen to anybody or any village anymore.



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And I appreciate all of your proposals. I just think that if we all work together, we can come up with one that is going to be able to withstand constitutionality and legality and that we can move forward.

Speaker Tina Rose Muna Barnes: Thank you very much Mr. Chair for giving me the opportunity to further ask questions to the panel. Si Yu'us Maase'.

Chairman Jose "Pedo" Terlaje: Thank you very much Madam Speaker. From here on, I'm going to start with my immediate right. For each of the Senators if they have some inquiries or whatever they need to find out, go ahead and do that now.

Senator Therese M. Terlaje: Thank you Mr. Chair. Thank you Mayor Savares, and Mr. Sablan. Director Sablan. I just want to note that so currently the law says the municipal planning council will appoint if there's, in the absence of the Mayor after two hundred and forty days, right? Prior to the election. Prior to two hundred and forty days if there's a vacancy, automatic special election. So, and then there's also a law that the mayors are going to be the one to appoint this MPC and no one is going to challenge that as being unconstitutional or anything right? As far as you know.

Angel Sablan, Executive Director (Mayors' Council of Guam): It was signed into law.

Senator Therese M. Terlaje: Yes, so was the other one.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes.

Senator Therese M. Terlaje: So is the other existing law that the MPC appoints the mayor in the vacant, if there's a vacancy. After two-hundred forty days.

Angel Sablan, Executive Director (Mayors' Council of Guam): Right.

Senator Therese M. Terlaje: That's also law, that was also signed into law. Right? Okay so on January 15, for me what I'm kind of waiting for is on January 15, the Vice Speaker sent an inquiry to the AG asking whether Mayor Blas could appoint the MPC while on administrative leave, and incarcerated. On the same day, I also wrote a letter to the Attorney General asking formally for a legal opinion as to, the status of incarcerated Yona Mayor Jesse Blas' inability. And I am quoting from the statute here, "inability or failure to perform" pursuant to 40110B of Title 5 of Guam Code annotated. And that says that if the mayor has an inability or failure to perform, then you know it kicks in. What's going to happen next, so that's why I feel like we want that question answered and it hasn't been answered yet. So those inquiries were made since January, those requests or opinions were made since January 15. That's all I have for now but thank you again for your input.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah, Senator. The inability to function or perform the duties, that's in title 5 chapter 40 under the Mayor's Council of Guam. Unfortunately, it is not in the Guam Election provisions. And I think both, we have to do something to make it consistent. Because it can not be one or the other, the AG basically came



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back and said we followed the Guam Election provisions. Inability to perform or function is not one of those in the Guam Election Commission. It's only in the Mayor's Council statute. And that's what I tried to ask the AG, and they couldn't give an answer.

Senator Therese M. Terlaje: Well I thought they opined that according to title 3 Guam Election code, that it did not meet any of those criteria. So now we want to know according to the title 5 whether it meets that criteria. That's what we want to know. And by the time that the AG had opined the circumstances were not very clear for example, he wasn't on, I don't know whether he was on leave, or you know whether those things have changed.

Angel Sablan, Executive Director (Mayors' Council of Guam): He was already in detention at that time.

Senator Therese M Terlaje: Right.

Chairman Jose "Pedo" Terlaje: Vice Speaker, go ahead.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah, we can just provide testimony on all three bills, and questions will come up.

Vice-Speaker Telen Cruz Nelson: Okay. That seems sufficient. Thank you, Mr. Chair, so Mr. Director Angel Sablan, thank you and President Savares of the Mayor's Council, thank you for being here today to provide testimony and insight. I think this is very important. We've been struggling with how to address this issue and also to ensure that the mayor's council is imitable to the statutes that we look to implement. And I appreciate your recommendation for the Municipal Planning Council, for the mayor's to appoint them and to have two alternate members should any of them leave and I appreciate also the expeditious timeline rather than sixty days we have to consider the vacancy to be immediate filled perhaps, when the MPC members aren't able to perform their duty. So, I look forward to that. The Bill 262 addresses the procedures to fill a vacancy of the Mayor, and vacancies in the Municipal Planning Council. So, I know that this has been quite a contentious topic in the past several months. We are waiting for the AG to opine on Bill 259 which provides an avenue for the Mayor to be appointed by the Municipal Planning Council, verified by the Mayor's Council of Guam, and advise a consent of the Legislature. What's also in that Bill is the implementation of requiring every Mayor to appoint a Municipal Planning Council within ninety days after taking office, and some of the reinforcements to ensure that they do that is the Director would come down if they don't appoint the MPC, and the Director would appoint the MPC for the Mayor if they don't perform that duty. So, I'm thinking if I'm a Mayor, I don't want the Director to come down and tell me who I can appoint for my village. So I figured that would be enough reinforcement rather than to put a monetary fine towards the Mayors because we know that even though that they will be paying out of pocket, we know that the Mayors also put in a lot of their own hard earned money back into the village. And so, I hope if that would be okay if the Executive Director would come down and appoint as a reinforcement rather than a fine.



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Angel Sablan, Executive Director (Mayors' Council of Guam): Well I was going to make comments on 262. Then I'll come to that.

Vice-Speaker Telena Cruz Nelson: Okay. Another issue on 262 is the two-third votes for the Mayor's Council of Guam so Mayor Savares mentioned something of a seven-vote body but I don't think that was for the Mayor's Council.

Mayor Melissa Savares: That was for a ten member MPC.

Vice-Speaker Telena Cruz Nelson: For the MPC? So, I would like to know on the two-thirds vote on the Mayor's Council of Guam, what is your recommendation? Do you agree with this two-thirds vote or should there be a specific concrete number?

Angel Sablan, Executive Director (Mayors' Council of Guam): Okay. Vice-Speaker for your bill on 262 on page two, your amending current statute to say the remaining term shall be filled by a majority vote of the Municipal Planning Council, in which the vacancy occurs. Subject to the approval of (*Chamorro Translated to English*) the Legislature. First majority vote of who. Is it of the MPC members? Within the MPC, you choose one of them to be? I think you have to clarify that there. Or is it anyone within the village, that's kind of, that's not very clear.

Vice-Speaker Telena Cruz Nelson: So in the amended version we put if there's no Vice-Mayor, this is referring to the Vice-Mayor position, and the vacancy is less than two hundred and forty days before the next date of the general election for Mayor's and Vice Mayor's the vacancy of the remaining term for Vice-Mayor should be a majority vote of the Municipal Planning Council of the municipality in which the vacancy occurs subject to approval of (*Chamorro Translated to English*) the Legislature. So really, it's more of a Confirmation measure to go through for the vacancy of the Vice-Mayor. So, if there's a, I think that's what's being questioned right now.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes. Yes.

Vice-Speaker Telena Cruz Nelson: And so really, what I wanted to focus on because that's in question that's a lot of contention there. I really wanted to see the movements of the MPC on item number three. But if there's a recommendation on item number two please.

Angel Sablan, Executive Director (Mayors' Council of Guam): On the, I noticed that you changed advise and consent and made it approval, so I don't know, is it different?

Vice-Speaker Telena Cruz Nelson: No actually, when the bill was wrote up, we were having issues determining what advise and consent is, but advise and consent is basically the same thing as approval so it would make a more, everyone feel a little bit more comfortable we would inject the advise and consent.

Angel Sablan, Executive Director (Mayors' Council of Guam): Now on three, where the MPC is non-existent within the municipality of the Executive Director of the Mayor's Council of Guam shall be appointed as the acting Mayor up to ninety calendar days. The acting mayor shall nominate members to fill all vacancies with the MPC or set municipality with approval of two



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thirds of the Mayor's Council of Guam. I think if we amend it four zero one two seven with the having the alternate members there, and if we really enforce the statute where the incoming Mayor on his inauguration or her inauguration appoints his or her MPC, I don't think we'll have a case where the MPC will be non-existent. Within any municipality. I appreciate the intent to have the E.D of the Mayor's Council be appointed as the acting Mayor for ninety days. I mean it's a savings, cost savings. We wouldn't have to be paying another person a salary because the Executive Director already earns a salary. So, it would be additional appropriation. Our problem would be on the two-thirds vote of the Mayor's Council of Guam. I believe there is a bill now being proposed, cause currently the statute says the Mayor's Council of Guam is compromised of Mayors and Vice Mayors. There's twenty-six of them if you add it up. We've been looking at this and we feel in some cases there is not a parody. Cause in cases where there is a Vice-Mayor, you would have two votes. In cases where you only have a Mayor, you only have one vote. So, we're trying to work it to make it just the nineteen villages, each village has one vote. The Mayor's vote, the Vice-Mayor's will vote if the Mayor is not there for their village. But it's still nineteen votes. That will make it easier for us to get a quorum because the statute says two-thirds of the members constitute a quorum, and we've been having a difficult time trying to get sixteen of them to come in on time to make a quorum. If we change it nineteen, I believe it's down to twelve and you can easily get twelve votes either way to for any action get taken but it's very difficult to get all those additional, and I'm sure, Senator, Mr. Chair you experienced this, you've been on the Mayor's Council of Guam, and you've seen how difficult sometimes it is to get the quorum and to get the two-thirds vote. And so, if it's two-thirds of the nineteen villages, that will probably work.

Vice-Speaker Telena Cruz Nelson: Okay so your recommendation is to also implement a policy or amend a statute to ensure that each village, nineteen villages gets one vote.

Angel Sablan, Executive Director (Mayors' Council of Guam): Right.

Vice-Speaker Telena Cruz Nelson: Okay.

Angel Sablan, Executive Director (Mayors' Council of Guam): And even if they have a Vice Mayor.

Vice-Speaker Telena Cruz Nelson: And so out of twenty-six, we will have nineteen?

Angel Sablan, Executive Director (Mayors' Council of Guam): Nineteen villages, yes. And where the Vice Mayor comes into vote is when the Mayor is not there.

Vice-Speaker Telena Cruz Nelson: Absent? Okay so the Vice Mayor can be -

Angel Sablan, Executive Director (Mayors' Council of Guam): Can also be a voting member.

Vice-Speaker Telena Cruz Nelson: Okay.



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Angel Sablan, Executive Director (Mayors' Council of Guam): And we've talked about this at the council meeting and there was no objection from the members. In fact, they wanted to see a fairer way, and one vote per village is the fairest way.

Vice-Speaker Telena Cruz Nelson: Okay, and so the, just to reiterate on item three of the Municipal Planning Council's non-existent within the municipality we can put this upon inauguration piece and that would be the requirement. Are you okay with the acting Mayor shall nominate members to fill all vacancies of the Municipal Planning Council with the approval of two thirds of the votes?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah.

Vice-Speaker Telena Cruz Nelson: We're okay with that?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes. Either that or you make the President of the Council. Either way, it doesn't matter.

Vice-Speaker Telena Cruz Nelson: Okay, and then we tried to incorporate additional MCP establishment timelines in the second piece of forty-one twenty-four and we tried to give ninety calendar days after taking office but again we're going to do immediately on inauguration.

Angel Sablan, Executive Director (Mayors' Council of Guam): I believe we need to shorten that because there's actions to be taken approving their budget and things like that has to be done, and I don't think they can wait ninety days to have, the village have an approved budget.

Vice-Speaker Telena Cruz Nelson: And are you okay with the Municipal Planning Council vacancy we will amend this piece to word it properly where we incorporate ten official members, two alternate members, upon immediate vacancy.

Angel Sablan, Executive Director (Mayors' Council of Guam): Mhm.

Vice-Speaker Telena Cruz Nelson: Okay. And we'll make sure the immediate vacancy is defined because that's the challenge we're having now right? Okay. Then on the next page, oh that's it. So, I understand, so we'll make the corrections in regard to your recommendations and thank you very much Mr. Executive Director, and Madam President for being here today to offer testimony. Thank you, Mr. Chair.

Chairman Jose "Pedro" Terlaje: Senator Terlaje do you have any?

Senator Therese M. Terlaje: Can I just clarify on the current law that mandates how a vacancy will be filled, a Mayor's vacancy after two-hundred and forty days, that's been in place since 2014, so six years. But this allows for the Municipal Planning Council to be the one that's going to fill that vacancy.

Angel Sablan, Executive Director (Mayors' Council of Guam): There's never been a challenge because we never used it.



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Senator Therese M. Terlaje: Right but you seem to not want that kind of language, is that, am I interpreting that correctly? Because when I first looked at it I thought oh this must be because that's what the Mayors want, or what the villagers want that the Municipal Planning Council in their village is going to be the one to appoint a replacement Mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): Back then when we testified on that proposal, I believe it was Senator Rory Respicio's bill. And we testified that yes, give the village an opportunity to select their own Mayor, and make the recommendation, and have the Legislature do the advice and consent. The question of the authority of the Governor was never brought up at that time. I guess it's never been brought up because we never used the statute because we never had the vacancy.

Senator Therese M. Terlaje: Alright so that was, it looks like the Governor's authority was in 2010, was changed 2014, and has been in place for the last six years without challenge, and yeah, I agree with that.

Mayor Melissa Savares: We never had to use it after it was changed.

Senator Therese M. Terlaje: Yeah, but how do you alright well it made sense to me that the villagers would want to be the one that their Municipal Planning Council would be the one to appoint a vacant Mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): But just like the Vice-Speaker mentioned, will we await the AG's opinion to see whether or not the provision of law as it is right now is organic.

Senator Therese M. Terlaje: I think that provision is not being challenged at this point either.

Angel Sablan, Executive Director (Mayors' Council of Guam): But it's almost the same provision as two five nine.

Senator Therese M. Terlaje: Perhaps. He'd have to say that. But yeah. So, then you're saying that he might opine that this law that has been in place for six years is also inorganic. That is what you're saying?

Angel Sablan, Executive Director (Mayors' Council of Guam): Maybe.

Senator Therese M. Terlaje: I guess I wanted to know how the Mayors feel about that, I mean which one do you prefer as Mayors? What do you think your people, or the people in the villages want?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah well if the MPC is going to come up with the recommendation and send it to the Governor, we don't see any problems with that either because it still has to come here for advice and consent. Yeah.

Senator Therese M. Terlaje: Are you saying that the Mayor's are in agreement with you on that? That they prefer-



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Angel Sablan, Executive Director (Mayors' Council of Guam): Well we were trying to figure this out on the Yona case, and they mentioned well why couldn't you go back to the way it was before and we won't be in this position where the Governor did the appointing.

Mayor Melissa Savares: I've been in office long enough to experience where the Mayor of Merizo had passed away and the recommendation of three names that came, and she didn't have a Vice-Mayor, and the recommendations was the three names recommended by the Municipal Planning Council went to the Governor, and it's really, the Governor can choose to appoint that person, or one of the three recommended or select someone on their own. Then a few years later, before the change, two Vice-Mayor's of Agat passed away and because they were Vice-Mayors, still a recommendation went in and fortunately enough there was an upcoming general election coming up, it wasn't a Mayor's election, but the next general election and so the appointment from the Governor, kind of came at the same time. The Governor at the time said we'll let the people choose at the general election, so that's how it was done prior to the change and we never really had problems as Mayors and other villages we let the recommendation come in and the Mayor's Council actually helped and you know colleagues we all help each other to make sure that that went through with their MPC and waited for the sitting Governor to make that appointment. Again, we continue to say that Yona is an isolated case where the incident you know, happened, but Mr. Chairman, you were there those three times when we had incidents with the vacancies. And I think it went smoothly.

Senator Therese M. Terlaje: But my question is despite having that experience, the law was changed about four years later or you know somewhere in that four years the law was changed and the Mayors seemed to be in support in the change of the law and it looked like people in the village must have also been in support. I guess that's what I'm trying to gage today. Because my guess is that the people of Yona appreciate being the one to select. Yes.

Angel Sablan, Executive Director (Mayors' Council of Guam): I was here for that time when they changed the law in fact we testified and we you know supported it and if it is can pass muster organic muster then we still support the way the provision is. I think what we can do instead of not having the people of any village being able to select who their Mayor will be and have somebody else do the appointing is remove the 240-day rule.

Senator Therese M. Terlaje: Perhaps.

Angel Sablan, Executive Director (Mayors' Council of Guam): and that way they are going to have to vote.

Senator Therese M. Terlaje: Thank you.

Angel Sablan, Executive Director (Mayors' Council of Guam): additional expenditure but you're giving the people the power to select their own Mayor instead of somebody naming for them.

Senator Therese M. Terlaje: Thank you very much thank you. Mr. Chair.



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Chairman Jose "Pedro" Terlaje: I just wanted to kind of just because I heard that you know one of the Senators have gone to the Mayors Council and was recommending that the Mayors Council should appoint a Mayor a temporary Mayor and I was totally against that because I always feel that whoever is going to be chosen to be Mayor of that particular district it should come by the people of that district. So, I really went against that I you know I didn't want to put it out because that was just a proposal from this one Senator but I would've totally have challenged that because the people of that residence should have that choice. Um, just before we go through the other Senators here and Mr. Director and Madam President, I just wanted to going back to the situation in Yona, you do have the numbers of municipal planning council in place right? The ten members that have been chosen by not chosen but you know the Mayor Blas already assigned that assignment designation on appointment right. So, what I'm gonna in the situation of Yona, how are you gonna set up the rules in as far as how are you gonna come out with a temporary Mayor? Are you gonna come out with those that are running for Yona Mayor or are you just gonna go and kind of just have the municipal planning council get the listing of Yona residents who they would like to be Mayor? Those are the things that's the thing that I we want clarification on if you initiate the rules on how they are gonna choose the temporary mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): Actually Mr. Chair, we don't have to initiate any rules. It's already in statue. Right now, just like the Vice Speaker we're also awaiting because she requested for the opinion on whether or not the Mayor can appoint from detention and so we're awaiting for that before we even if he can then we will have the Presidents swear them in as members. We already have you've declined, and another member has declined so the Mayor has requested to have two other people appointed and so we sent those letters over to him. But this the statute already says what's gonna happen. I mean after March 08 then the MPC will send those names to the legislature for advice and consent. They wouldn't be appointing an acting mayor they will send the name over to the legislature for advice and consent. Now if it's before March 08 let's say the trial is over and whatever his status is if he's acquitted then he's still the Mayor. If he's not acquitted and he's removed from office, then the election commission has to declare a vacancy and we will have a special election.

Chairman Jose "Pedro" Terlaje: What I'm getting at Mr. Director is that there's six seven individuals that are running for Mayor for Mayor of Yona. What I'm saying is that is that choice gonna be from those that are gonna be running for Mayor or within the residents of Yona.

Angel Sablan, Executive Director (Mayors' Council of Guam): and that's the point I brought up from Vice Speakers bill is majority vote I don't know majority vote of the MPC the current existing members or is it anybody? It doesn't define that in the proposal. Even in the current statute it doesn't define it either and so do we have to come up with criteria I'm sure we do but I don't think we want to limit it to just the people appointed as MPC members to have their name sent over to

Chairman Jose "Pedro" Terlaje: So, my understanding is that it's gonna be an open thing for the MPC to do that right.



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Angel Sablan, Executive Director (Mayors' Council of Guam): I think that's the fairest way.

Chairman Jose "Pedo" Terlaje: oh okay.

Angel Sablan, Executive Director (Mayors' Council of Guam): Even the current statute doesn't say. Yeah.

Chairman Jose "Pedo" Terlaje: Senator Marsh.

Senator Kelly Marsh (Taitano), PhD.: *Hafa adai* and good to see both of you here. So, we've covered really some of the thoughts that I had. So, I just wanted to give a few comments. Given our recent work on fixing the gaps of filling vacancies and ensuring that the Municipal Planning Council is in place and so forth it was important to me to come and attend these public hearings for these bills I especially wanted to listen to the Mayors and Mayors Council um their understandings and their experiences and their perspectives because that's so important to hear on the ground what has been happening and your understandings of everything. So, I am glad that I attended because you each had a lot to share. You've pointed out that this is an isolated case but also that it's one that we're using to find some of those gaps and to be addressing them as these bills are attempting to do and you offered many solutions for us to consider and some of the issues with the bills as written that can help strength them. We also get to hear about the work of the Municipal Planning Council and understand that in some if not most villages they are very active and they're a very important part of the work that the Mayor's office does. So, that for me was really important to hear because I think a lot of people on Guam perhaps are not familiar with that part of the Mayor's Office and so this is maybe something new for them to be hearing about. So, there is that tendency perhaps for people who aren't as aware about the Municipal Planning Council to have been thinking throughout all of this discussion over the last weeks to be thinking lightly of them to not understand the seriousness which they approach their work and their level of familiarity with the village and the work of the village. I'm hoping that what you've been able to share here and in our discussions before the hearing that helps people understand that a planning council more so understand the role that they can be playing in this filling in the vacancies or appointing acting mayors and so forth. So, I really appreciate this hearing I really appreciate the authors who have worked on these bills I think all of it together has really provided insight into how to think about these situations that have come up more recently. So, I just want to thank all of the Authors I wanna thank the Chair I wanna thank the both of you for coming and taking the time to help us understand some of these issues concerns and perspective from the Mayor's point of view. *Si Yu'os Ma'ase*.

Chairman Jose "Pedo" Terlaje: Thank you very much, Senator. If there are no other testimony, we are done with Bill Nos. 260-35, 262-35, 263-35. In addition to that if there's any written testimony that Angel or Madam President you want to provide later on to invigorate the process you can send it to my office at 140 Aspinall Ave. Bridge Pointe Building Hagatna, Guam 96910 the time is currently 5:55.



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Angel Sablan, Executive Director (Mayors' Council of Guam): Mr. Chair, I don't think we've discussed 263 yet. 263 temporary vacancy.

Chairman Jose "Pedo" Terlaje: I thought we were gonna include 262 263.

Angel Sablan, Executive Director (Mayors' Council of Guam): that's also in 262 but you also have your own bill 263 which is different from 262 and if we go to 263 temporary vacancy 45 consecutive days I Maga Haga Guahan shall appoint an Acting Mayor with the advice of the Municipal Planning Council of the affected village and the consent of *I Liheslaturan Guahan* within 30 days of the temporary vacancy being identified. My question is who is identifying the vacancy?

Chairman Jose "Pedo" Terlaje: Who is going to identify the vacancy?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes. Is it going to be the election commission? Is it going to be the Mayors Council of Guam? What entity is going to identify the vacancy?

Senator Therese M. Terlaje: That's a very good question. That was one of the questions that was brought up on the floor because this is one of the provisions that we included in the bill that we did pass. So, in that bill we did designate because we also thought there was a gap in other statutes as to who's going to make a determination that meets these criteria. So, in that bill we had put it on the Guam Election Commission but who do you recommend.

Angel Sablan, Executive Director (Mayors' Council of Guam): We can certify that there is a vacancy through these provisions and the send it to the Election Commission.

Senator Therese M. Terlaje: You mean the Mayors Council.

Angel Sablan, Executive Director (Mayors' Council of Guam): We certify that there is, and we can send it to Election Commission they can declare the vacancy.

Senator Therese M. Terlaje: Those are the things that we consider the Mayor's Council or the Municipal Planning Council again or the Guam Election Commission. So, your recommendation is the Mayors Council.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes.

Mayor Melissa Savares: It should be the Mayors Council because they are certifying officers for the Council and which encompasses all the villages and then they would certify that there is a vacancy and then send that certification to the Election Commission.

Chairman Jose "Pedo" Terlaje: ok. So, I think we initiated a bill to mention the Guam Election Commission to make that determination but Madam President if that's your recommendation we can always change that.

Angel Sablan, Executive Director (Mayors' Council of Guam): and then the other question that I have is it's a temporary vacancy. So, let's say the person is incapacitated because, of health issues



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or detention or whatever you're still in the payroll as a Mayor. What's the compensation of an Acting Mayor? Where is that compensation?

Vice Speaker Telen Cruz Nelson: Can you repeat the last piece of what you were saying?

Angel Sablan, Executive Director (Mayors' Council of Guam): If the temporary vacancy that person is, because of health because of their long-term vacation because they're in detention or incarcerated. They're still the Acting Mayor I mean is there still the elected Mayor. So, when we appoint an Acting Mayor based on this provision of law if it becomes law the Mayor's still getting their salary. Where do we get the salary for the Acting Mayor?

Senator Therese M. Terlaje: I think, that's also a good question that was also you know that was I thought just a question we did not answer when we talked about this bill before, but we're having the hearing now it is a question that lingers. We need to look to you, because you're the ones who know it seemed obvious of course if a Vice-Mayor fills the position, he's gonna get paid. Anyone who's working for example just a volunteer and the Municipal Planning Council they may not get paid for the rest of the term and that was not clear and if you have any recommendations. Yeah! I'd welcome it thank you.

Angel Sablan, Executive Director (Mayors' Council of Guam): I know that in the vice speakers bill if it's just that certain short span of time if the executive director is appointed acting mayor there's no need for additional funding, because he or she will be having a salary anyway but in this case. Where it's a temporary vacancy and the elected mayor still is receiving a salary. So how do we compensate an acting mayor? We need to have an appropriation.

Senator Jose "Pedo" Terlaje: Well!

Angel Sablan, Executive Director (Mayors' Council of Guam): Or do we make it voluntary?

Chairman Jose "Pedo" Terlaje: If we have a Vice Mayor, we don't have a problem.

Angel Sablan, Executive Director (Mayors' Council of Guam): Right!

Chairman Jose "Pedo" Terlaje: The vice mayor is gonna become an acting mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): But we want to cover it all, so we don't have to come back into these situations again. Where we have to start questioning what we're going to do.

Chairman Jose "Pedo" Terlaje: Your inside how we're gonna pay this acting mayor if there's no vice mayor and you know strength the bill based on your recommendation.

Angel Sablan, Executive Director (Mayors' Council of Guam): Maybe if they're a retiree they can just take it on a volunteer basis to be an acting mayor.

Chairman Jose "Pedo" Terlaje: Or maybe we can just get the Director of the Mayor's Council.



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Mayor Melissa Savares: Or it can be the rotation on the Municipal Planning Council members every 30 days until this temporary vacancy.

Angel Sablan, Executive Director (Mayors' Council of Guam): Or!

Mayor Melissa Savares: The mayor comes back.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah, so these are ideas that we can come up with without spending more money.

Mayor Melissa Savares: Okay!

Vice Speaker Telena Cruz Nelson: Can you restate that. What did you recommend?

Mayor Melissa Savares: Or my recommendation would be to get the members of a Municipal Planning Council they are appointed by the mayor to do a rotation as acting mayor might be every 15 days you have ten mayor's every 15 work days there will be a different acting mayor until the return of the mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): The other suggestion aside from that is you know every mayor has an administrative assistant who knows the ins and outs of that office. That's what mayor's do now if they're the ones that don't have vice mayor see if they're gonna be gone for a certain amount of time they appoint the administrative assistant to be the person responsible for the village sign documents you know certified funds and all of that there could also be a provision that instead of having to opponent a acting mayor.

Chairman Jose "Pedo" Terlaje: There you go you just solved the problem of not having you know.

Angel Sablan, Executive Director (Mayors' Council of Guam): AA way!

Chairman Jose "Pedo" Terlaje: Yeah, because you're right an AA in the mayor's office is full of knowledge and the protocols and whatever administrators that needs to be done. I would agree with your recommendation.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yes!

Chairman Jose "Pedo" Terlaje: To have the AA an acting mayor.

Angel Sablan, Executive Director (Mayors' Council of Guam): Not only that Mr. Chair we also protect the employees that are there, because if you put in an acting mayor what's gonna stop that acting mayor from terminating everybody in that office and hire his/her own people.

Vice Speaker Telena Cruz Nelson: But if you have a member from the NPC rotating out you wouldn't have to change that option or the AAA option.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah!



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Chairman Jose "Pedo" Terlaje: So are we done with 263, because I thought we in the beginning we were gonna include all the three bills.

Angel Sablan, Executive Director (Mayors' Council of Guam): No well we had to testify on your bill.

Chairman Jose "Pedo" Terlaje: For sure.

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah, so we're done!

Chairman Jose "Pedo" Terlaje: We're done?

Angel Sablan, Executive Director (Mayors' Council of Guam): Yeah!

Chairman Jose "Pedo" Terlaje: Well let me repeat myself Mr. Director there has been no other testimony we are done with bill 260-35, 262-35 and we will have another day 263-35 or we're done with 263-35 that's fine. Ok we're done with 263-35.

Angel Sablan, Executive Director (Mayors' Council of Guam): Unless you want to see us again. Yes, we basically provided testimony for all three bills. Thank all of you and if we can probably combine all three and make it into one proposal.

Chairman Jose "Pedo" Terlaje: I'd like to thank all of you for your participation on today's public hearing on Bill No. 260-35, 262-35 and 263-35 (COR) and if you have any written testimony you can email it thought I mentioned this already my email address senatorpedo@senatorjpterlaje.com or hand-delivered to my office at 140 Espanola Avenue Bridge Point Building Agana Guam, 96910 and the time now is I mentioned 5:55 so now it's 5:57 no 6:08 the Committee of Public Safety, Border Safety, Military and Veterans Affairs, Mayor's Council of Guam, Infrastructure and Public Transit is now adjourned.

The public hearing was adjourned at: 6:08 p.m.

III. FINDINGS & RECOMMENDATIONS

After the public hearing and discussions with the various affected parties, the committee has produced a measure that all parties are amenable to.

The Mayors Council of Guam as the approving authority for the individual mayors' offices shall be the agency that will determine if there is a "temporary vacancy".

Should there be declared a "temporary vacancy", the Municipal Planning Council of the affected village shall forward to the Governor the names of three village residents for consideration to serve as a temporary mayor until the duly elected mayor can resume his duties or until a new mayor is elected in general election.



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Within 30 days, the Governor shall submit a name for confirmation to the Legislature.


The Committee on Public Safety, Border Safety, Military and Veteran's Affairs, Mayors' Council, Infrastructure, and Public Transit hereby reports out **Bill No. 263-35 (COR) As Amended by the Committee on Public Safety, Border Safety, Military and Veteran's Affairs, Mayors' Council, Infrastructure, and Public Transit - Senator Jose "Pedro" Terlaje - " AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13."** with the recommendation to do report out only.

I MINA'TRENTAI SINGKO NA I LIHESLATURAN GUÅHAN
2020 (SECOND) REGULAR SESSION

Bill No. 263 35(COR)

Introduced By:

Jose "Pedo" Terlaje



AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13

2020 JUN -2 PM 3:47 *ve*

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

2 **Section 1.** §13106(a) of Chapter 13, Title 5, Guam Code Annotated, is hereby
3 *added* to read:

4 **§ 13106 (a) Temporary Vacancy**

5 If the Mayor is unable to perform his/her duties as prescribed in 5 GCA § 40112 of
6 Division 4 of Chapter 40, for more than 45 (forty-five) consecutive days due to any
7 circumstance not described in 3 GCA § 13106 Chapter 13, *I Maga Haga Guahan shall*
8 appoint an Acting Mayor with the advice of the Municipal Planning Council of the
9 affected village and the consent of *I Liheslaturan Guahan* within 30 days of the
10 temporary vacancy being identified. This Acting Mayor *shall* serve until the duly
11 elected Mayor can return to his/her official duties, or a new Mayor is duly elected by
12 the people of Guam in a general election.

1 **Section 3. Effective Date.** This Act *shall* become effective upon enactment.

2 **Section 4. Severability.** *If* any provision of this Act or its application to any person
3 or circumstance is held invalid, the invalidity *shall not* affect other provisions or
4 applications of this Act that can be given effect without the invalid provision or
5 application and to this end the provisions of this Act is severable.

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

Bill No. 263-35(COR)

As amended by the Committee on
Public Safety, Border Safety, Military and
Veterans Affairs, Mayors Council, Infrastructure,
and Public Transportation.

Introduced by:

Jose "Pedo" Terlaje

**AN ACT TO *ADD* A NEW § 13106.1 OF CHAPTER 13,
TITLE 3, GUAM CODE ANNOTATED TO CREATE A
TEMPORARY VACANCY SHOULD A MAYOR BE
UNABLE TO PERFORM THE DUTIES OF HIS OFFICE
FOR REASONS OTHER THAN THOSE EXPLICITLY
PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §13106~~(a)~~.1 of Chapter 13, Title 5, Guam Code Annotated, is hereby *added* to read:

§ 13106 ~~(a)~~.1 Temporary Vacancy

If the Mayors Council of Guam determines that a If the Mayor is unable to perform his/her duties as prescribed in 5 GCA § 40112 of Division 4 of Chapter 40, for more than thirty (30) ~~45 (forty five)~~ consecutive days due to any circumstance not described in 3 GCA § 13106 Chapter 13, the Municipal Planning Council of the affected village shall submit three (3) names to *I Maga Haga Guåhan* for consideration, of those names, *I Maga Haga Guahan* shall appoint an Acting Mayor with the advice of the ~~Municipal Planning Council of the affected village and the~~ and consent of *I Liheslaturan Guahan* within 30 days of the temporary vacancy being identified. This

1 Acting Mayor shall serve until the duly elected Mayor can return to his/her official
2 duties, or a new Mayor is duly elected by the people of Guam in a general election.

3 **Section 3. Effective Date.** This Act *shall* become effective upon enactment.

4 **Section 4. Severability.** *If* any provision of this Act or its application to any person
5 or circumstance is held invalid, the invalidity *shall not* affect other provisions or
6 applications of this Act that can be given effect without the invalid provision or
7 application and to this end the provisions of this Act is severable.

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

January 13, 2020

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedo" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Fiscal Notes

Buenas yan Háfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 246-35 (LS)
Bill No. 256-35 (COR)
Bill No. 259-35 (COR)
Bill No. 263-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 263-35 (COR)**

AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Maria Pangelinan, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$1,399,414
Department's Other Fund appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$1,399,414

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2019 Unreserved Fund Balance	\$0	\$0	\$0
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2020 Appro. (P.L. 35-36 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / X / No
If no, what is the additional amount required? / X / N/A
- Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / X / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: <u>Abigail Reyes, BMA III</u>	Date: _____	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>JAN 13 2020</u>
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Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 263-35 (COR)

The proposed legislation intends to establish "Temporary Vacancy" in the Municipal Offices of Mayor. By adding a new § 13106(a) to Chapter 13 of 3 GCA, the proposed legislation allows the Governor to appoint an Acting Mayor, with advisement from the Municipal Planning Council of the affected village and the consent of the Legislature, within 30 days should a temporary vacancy be identified. Temporary vacancy is defined in this proposed legislation as the inability of the Mayor to perform his official duties and responsibilities, as enumerated in § 40112 of Chapter 40 of 5 GCA, for more than forty-five (45) consecutive days for reasons not already specified in the existing § 13106 of Chapter 13 of 3 GCA. The appointed Acting Mayor is to serve in such capacity until the elected Mayor returns, or a new Mayor is duly elected in a general election.

This proposed legislation does not specify the funding mechanism for the acting appointment such as the appropriate remuneration and funding source. Further, the proposed legislation does not clarify if the incumbent Mayor will still have the ability to draw from accrued annual leave and continue to be paid while the Acting Mayor is also receiving compensation. Considering a current situation with one of the incumbent Mayors, compensation is still ongoing as of the most recent pay period ending January 4, 2020 due to the availability of accrued annual leave, per the AS400. It needs to be clarified if the incumbent Mayor will still get paid, using over 100 hours of remaining annual leave, while the Acting Mayor is appointed.

Given the uncertainties aforementioned, a fiscal impact cannot be fully determined.



COMMITTEE ON

PUBLIC SAFETY, BORDER SAFETY, MILITARY AND VETERANS AFFAIRS,
MAYORS' COUNCIL, INFRASTRUCTURE AND PUBLIC TRANSIT



I Mina' Trentai Sinko Na Liheslaturan Guahan • 3rd Guam Legislature

COMMITTEE VOTING SHEET

BILL NO. 263-35 (COR) AN ACT TO ADD A NEW § 13106.1 OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.

As amended by the Committee, Senator Jose "Pedo" Terlaje

Senator
JOSE "PEDO" TERLAJE
Chairman

Speaker
Tina Muña Barnes
Ex-Officio member
Vice Chair
Military, Veterans Affairs
And Mayors' Council of
Guam

Vice Speaker
Telena Cruz Nelson
Vice Chair
Public Safety

Senator
Joe S. San Agustin
Vice Chair
Infrastructure

Senator
William M. Castro
Vice Chair
Border Safety

Senator
Therese M. Terlaje
Member

Senator
Régine Biscoe Lee
Member

Senator
Mary Camacho Torres
Member

Senator
Louise B. Muña
Member

Senator
James Moylan
Member

Senator
Amanda L. Shelton
Member

COMMITTEE MEMBERS	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT	ABSTAIN	INACTIVE FILE
TERLAJE, JOSE "PEDO" Committee Chairman		1/30/2020 ✓				
MUÑA BARNES, TINA Committee Member						
NELSON, TELENA CRUZ Committee Member				1/30/20 ✓		
LEE, RÉGINE BISCOE Committee Member						
SHELTON, AMANDA L. Committee Member						
TERLAJE, THERESE M. Committee Member						
SAN AGUSTIN, JOE S. Committee Member		✓				
TORRES, MARY CAMACHO Committee Member		4/30/2020		✓		
MUÑA, LOUISE B. Committee Member						
MOYLAN, JAMES Committee Member		1/30/20 ✓		1/30/20 ✓		
CASTRO, WILLIAM M. Committee Member		1/30/20 ✓				