

EDDIE BAZA CALVO
Governor



2011 APR 20 PM 8:18
RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 19, 2011

31-11-437

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

4/19/11
5:04pm
remel

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 57-31 (COR) "AN ACT TO AMEND §§1013 AND 1013.1(c) OF CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE MAYORS COUNCIL OF GUAM TO MAINTAIN OVERSIGHT OF THE GUAM ISLAND FAIR COMMITTEE AND ALL LIBERATION DAY FESTIVITIES; AND TO ADD NEW §§1013.6 AND 1013.7 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES AND BROADCAST PRIVILEGE", which I signed into law on April 18, 2011 as **Public Law 31-25**.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO *IMAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 57-31 (COR)**, “AN ACT TO *AMEND* §§1013 AND 1013.1(c) OF CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE MAYORS COUNCIL OF GUAM TO MAINTAIN OVERSIGHT OF THE GUAM ISLAND FAIR COMMITTEE AND ALL LIBERATION DAY FESTIVITIES; AND TO *ADD* NEW §§1013.6 AND 1013.7 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES, AND BROADCAST PRIVILEGE”, was on the 4th day of April, 2011, duly and regularly passed.



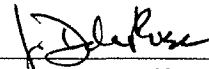
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7th day of April, 2011, at 09:50 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 18 2011

Public Law No. 31-25

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 57-31(COR)

As substituted by the Committee on Municipal Affairs,
Tourism, Housing, and Recreation, and amended on the Floor.

Introduced by:

T. R. Muña Barnes
Judith T. Won Pat, Ed.D.
Sam Mabini, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

**AN ACT TO *AMEND* §§1013 AND 1013.1(c) OF
CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED,
RELATIVE TO AUTHORIZING THE MAYORS
COUNCIL OF GUAM TO MAINTAIN OVERSIGHT OF
THE GUAM ISLAND FAIR COMMITTEE AND ALL
LIBERATION DAY FESTIVITIES; AND TO *ADD* NEW
§§1013.6 AND 1013.7 TO CHAPTER 10 OF TITLE 1,
GUAM CODE ANNOTATED, RELATIVE TO
ENSURING FISCAL ACCOUNTABILITY FOR ALL
FUNDS EARNED DURING LIBERATION DAY
FESTIVITIES, AND BROADCAST PRIVILEGE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that in the December 2010 performance audit of the Liberation Day Committee,

1 the Public Auditor found that, “for the past six years, from 2004 to 2009, the Guam
2 Island Fair Committee, better known as the Liberation Day Committee (LDC), was
3 *not* held accountable for the funds raised during the annual Liberation Day
4 festivities. Since committee membership is subject to change annually, each LDC
5 is distinct from its predecessor. Without oversight and continuity, the LDCs were
6 lax about accountability and transparency. We found no evidence that proper
7 financial reports were prepared and submitted to any oversight body.”

8 The Public Auditor also found that, “the lack of oversight has allowed for
9 poor record-keeping, negligence regarding tax-exempt filing requirements, and
10 failure to comply with orders to establish a special textbook fund.”

11 *I Liheslaturan Guåhan* finds that during these difficult financial times all
12 entities empowered by the laws of Guam must function within the boundaries of
13 proper management and fiscal control. It is necessary to enact laws which ensure
14 this outcome and safeguard the public trust.

15 **Section 2.** §1013 of Chapter 10 of Title 1, Guam Code Annotated, is
16 hereby *amended* to read:

17 **“§1013. Guam Island Fair Committee.**

18 The Mayors Council of Guam is authorized and requested to annually
19 appoint and maintain oversight of the Guam Island Fair Committee to plan
20 and make appropriate arrangements for the celebration of this Fair.

21 The Committee *shall* be composed of one (1) representative from the
22 Department of Administration (DOA), and one (1) representative from the
23 Office of Public Accountability (OPA), and the First Lady of Guam. The
24 Committee *shall* also include members of patriotic, religious, or other civic
25 organizations. In lieu of such Committee, the Mayors Council of Guam may
26 designate one (1) or more such civic organizations as sponsors to plan and
27 arrange for the Fair, *provided*, that one (1) representative from the

1 Department of Administration (DOA), one (1) representative from the
2 Office of Public Accountability (OPA), and the First Lady of Guam are
3 members of that Committee.

4 The net proceeds from the Guam Island Fair *shall* be divided in the
5 following manner:

6 (1) The Mayors Council of Guam *shall* be entitled to retain
7 fifty percent (50%) of the net proceeds and may convey any interest or
8 portion thereof to any charitable organization; and

9 (2) Fifty percent (50%) of the net proceeds *shall* be held in
10 trust by the Council and monies in this trust *shall* be donated to a
11 charity or worthy public cause as the First Lady *shall solely*
12 determine.

13 The government of Guam may furnish a suitable site, if needed, but
14 neither it nor any agencies, instrumentalities, nor employees may use
15 government supplies or equipment in the planning and preparation for the
16 Island Fair. Unless appropriated by *I Liheslatura* (the Legislature), or
17 approved by the governing board of applicable autonomous agencies, *no*
18 government funds or materials shall be used in the preparation of floats.

19 Any casino gambling activity must be approved by *I Maga'lahi* (the
20 Governor) in writing.”

21 **Section 3.** §1013.1(c) of Chapter 10 of Title 1, Guam Code

22 Annotated, is hereby *amended* to read:

23 “(c) The net proceeds from the Liberation Day Carnival *shall* be
24 divided in the following manner:

25 (1) The Mayors Council of Guam *shall* be entitled to retain
26 fifty percent (50%) of the net proceeds and may convey any interest or
27 portion thereof to any charitable organization; and

1 (2) Fifty percent (50%) of the net proceeds *shall* be held in
2 trust by the Council and monies in this trust *shall* be donated to a
3 charity or worthy public cause as the First Lady *shall solely*
4 determine.

5 The Mayors Council of Guam *shall* be subjected to an audit by
6 the Public Auditor in calculating the net proceeds.”

7 **Section 4.** A new §1013.6 is hereby *added* to Chapter 10 of Title 1, Guam
8 Code Annotated, to read:

9 **“§1013.6. Financial Reporting and Accountability.**

10 The Guam Island Fair Committee *shall* ensure:

11 (a) that there is an open bidding process for all projects,
12 goods, services, or activities that involve Fifteen Thousand Dollars
13 (\$15,000) or more, pursuant to Guam procurement law;

14 (b) that there are *at least* three (3) price quotes for all
15 projects, goods, services, or activities involving Fourteen Thousand
16 Nine Hundred Ninety-nine Dollars (\$14,999) or less;

17 (c) that all bids and price quotes be available for
18 examination anytime it is requested to be examined by the Office of
19 Public Accountability (OPA) representative;

20 (d) that a single, exclusive operating account be established
21 and maintained at an accredited financial institution, to be used for
22 deposit of any and all funds received, and upon which any and all
23 issued checks *shall* be drawn;

24 (e) that *no* payment is made, nor check issued, before the
25 open bid process has first been completed and fully complied with;

1 (f) that all payments to vendors *shall* be in the form of a
2 check that must be co-signed by the Guam Island Fair Executive
3 Committee Chairman;

4 (g) that the DOA representative *shall* ensure that all checks
5 are deposited in a timely and appropriate manner. The representative
6 *shall* keep a ledger of all revenues and expenses; and

7 (h) that the Council submits a final report by September 15th
8 following the closure of Liberation Day festivities, and provides a
9 copy to *I Maga'lahaen Guåhan* (the Governor of Guam) and the Office
10 of Public Accountability.”

11 **Section 5.** A new §1013.7 is hereby *added* to Chapter 10 of Title 1, Guam
12 Code Annotated, to read:

13 “§1013.7. **Broadcast Privilege.** The Guam Island Fair
14 Committee *shall* ensure the official Broadcast Media Partner for the live
15 coverage of the Liberation Day Parade *shall* be PBS Guam (KGTF-TV12).”

10

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

VOTING SHEET

SBill No. 57-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.					EA
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

13 1 _____ _____ 1

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Handwritten notes in the top right corner, including the date "March 16, 2011" and other illegible markings.

March 16, 2011

The Honorable Judith T. Won Pat, Ed.D.
 Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
 155 Hesler Place
 Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio *nr*
 Chairperson, Committee on Rules

RE: Committee Report on Bill No. 57-31 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Substitute Bill No. 57-31 (COR) – **"AN ACT TO AMEND §1013 and §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES"**.

Committee votes are as follows:

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

Sincerely,

Senator Tina Rose Muña Barnes



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

**COMMITTEE
REPORT
ON**

SUBSTITUTE BILL NO. 57-31 (COR)

**AN ACT TO AMEND §1013 and
§1013.1 OF CHAPTER 10 OF TITLE
1 OF THE GUAM CODE
ANNOTATED; RELATIVE TO
DELEGATING ALL LIBERATION
FESTIVITIES TO THE MAYOR'S
COUNCIL OF GUAM, AND TO
ADDING A NEW §1013.1.1 OF
CHAPTER 10 OF TITLE 1 OF THE
GUAM CODE ANNOTATED;
RELATIVE TO ENSURING FISCAL
ACCOUNTABILITY FOR ALL
FUNDS EARNED DURING
LIBERATION DAY FESTIVITIES**



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

March 16, 2011

MEMORANDUM

To: All Members
Committee on Municipal Affairs, Tourism, Housing and Recreation

From: Senator Tina Rose Muña Barnes ✕
Committee Chairperson

Subject: Committee Report on Substitute Bill No. 57-31 (COR)

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 57-31 (LS/COR) – **“AN ACT TO AMEND §1013 and §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR’S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES”.**”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 57 (COR)
- Copy of Bill No. 57 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 57(COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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'!



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

COMMITTEE VOTING SHEET

SUBSTITUTE BILL 57-31 (COR)—“ AN ACT TO AMEND §1013 and §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES”

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN DUE TO CONFLICT OF INTEREST	TO PLACE IN INACTIVE FILE
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Chairperson		✓				
SPEAKER JUDITH T. WON PAT, Ed.D. Vice-Chairperson		✓				
VICE SPEAKER BENJAMIN J.F. CRUZ Member						
SENATOR RORY J. RESPICIO Member						
SENATOR THOMAS C. ADA Member		3/17/11 ✓				
SENATOR DENNIS G. RODRIGUEZ, JR. Member						
SENATOR JUDITH P. GUTHERTZ, DPA Member						
SENATOR ADOLPHO B. PALACIOS Member		3/17/11 ✓				
SENATOR VICENTE C. PANGELINAN Member						
SENATOR FRANK F. BLAS, JR. Minority Member		3/17/11				
SENATOR ALINE YAMASHITA Minority Member		3/17/11				
SENATOR V. ANTHONY ADA Minority Member		3/17/11				
SENATOR MANA SILVA TAIJERON Minority Member		3/17/11				
SENATOR CHRISTOPHER M. DUEÑAS Minority Member		3/17/11 ✓				

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting

155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 57-31(COR) was introduced on January 28, 2011 by Senator Tina Rose Muña Barnes, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Recreation on January 28, 2011.

The Committee on Municipal Affairs, Tourism, Housing and Recreation convened a public hearing on Bill No. 57-31(COR) on March 11, 2011 at 9:00 AM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on March 04, 2011 (5-Day Notice), and again on March 09, 2011 (48-Hour Notice).

Senators Present

Vice Speaker Benjamin J.F. Cruz, Acting Chairperson
Senator Aline Yamashita, Committee Member
Senator Chris Duenas, Committee Member
Senator V. Tony Ada, Committee Member

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:00 AM.

Senator Cruz announced that the Committee on Municipal Affairs will open the floor to discuss 57-31.

Executive Director of Mayor's Council of Guam, **Angel Sablan**, provided testimony **in support** of Bill 57-31. Sablan said that for the last two years, the MCOG has handled the Liberation Day Festivities, and that this year, with the Executive Order 2011-04, Governor Calvo has granted the MCOG the responsibility of taking care of the Liberation Day Festivities this year which will mark the Council's third year. He also said that the Governor wanted to make sure that the planning of the festivities was done well ahead of time, and that he was very thankful and confident in the Mayors Council's ability to handle the Liberation Day activities once again.

Sablan said that he has communicated with the Office of Public Accountability and that they have established that there needs to be permanency. Sablan explained that the agent in charge of these festivities changes from year to year, and that it is ultimately up to the Governor. He noted that it is very difficult to make recommendations to make the event better from year to year because there is no permanency, and so it makes adequate planning difficult.



I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

Sablan said that if the agent is the Mayor's Council, accountability is assured and that all record keeping will be maintained at the central office in Hagåtña. He also said that the MCOG does have a revolving fund in place. He acknowledged that the Governor's office would like the legislation to be amended to include for members of the Governor's office in the planning committee, and Sablan noted for the record that the MCOG has no objection to that request.

Ivan Carbullido started to give testimony that it would be good to have a casino because it would generate money for the MCOG, and First Lady Calvo. Senator B.J. Cruz clarified that his testimony was thankfully not part of this legislation, and if it were, he would have an entirely different sentiment, but thanked Carbullido for his comments.

Sablan expressed his concern that if other entities decide they want it elsewhere (besides Paseo), he was worried that the MCOG will be in competition with other entities. Sablan also said that it needs to be determined whether or not the carnival should be kept at Paseo. He further expressed that the MCOG has no desire to be in competition with other entities if they are in charge of the Liberation Day festivities.

Senator B.J. Cruz stated for the record that the Governor's office submitted an e-mail testimony via the Governor's Legislative Liaison, Former Senator Telo Taitague, in favor of Bill 57-31, with two recommendations for the Committees consideration: 1. To adopt procurement and reporting methods described in the Executive Order 2011-04 which would turn Liberation Day Festivities to the MCOG; and 2) 50% of all proceeds gathered at the carnival to be in trust for non-profit organizations (at the discretion of First Lady Christine Camacho). E-mail testimony is transmitted herewith.

Senator Chris Duenas thanked Angel Sablan and congratulated him for running such an excellent carnival the last few years and said that the planning of Liberation Day really does bring together the Executive Branch and the MCOG. Senator Duenas said for the record that he was in full support of this legislation.

Sablan requested that the legislation allow for the Mayor's Council and other committee members to meet during working hours because as it stands, all members of the planning committee meet at 5:30p.m. Sablan said that he had discussed this matter with the Office of Public Accountability and they agreed that Liberation Day Festivity is a semi-government function and that this should be considered. Senator Cruz suggested that Angel Sablan meet with the Chairperson perhaps sometime early next week to discuss this matter with Chairperson (Senator Tina Muña Barnes) for further consideration, and Sablan responded that he would.

The public hearing was adjourned at 11:16 AM.



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

III. FINDINGS & RECOMMENDATIONS

The Committee on Municipal Affairs, Tourism, Housing, and Recreation finds that recommendations by the Office of the Governor of Guam to strengthen the fiscal accountability measures adopted in Bill 57-31(COR) should be adopted. These and other revisions meant to clarify Bill 57-31(COR), and guarantee the strength of the of the Committee's fiscal processes, operations, and membership are contained in substitute Bill 57(COR) as follows:

Substitute Bill No 57-31(COR)

The following revisions to Bill 57-31(COR) are contained in Substitute Bill No. 57-31(COR).

- At the recommendation of the Office of the Compiler of laws the section originally proposed as §1013.1 has been renumbered to §1013.1.1.
- A representative from the Department of Administration and the Office of the Public Auditor respectively, has been permanently added to the Island Fair Committee
- Section 2 of Executive Order 2011-04 attached which requires a delineated procurement process was adopted in totality at the request of the Office of the Governor
- Section 3 of Executive Order 2011-04 which requires that the Mayor's Council of Guam hold up to 50% of all net proceeds from the Island Fair Committee and Liberation Day Carnival be held in trust for a charity as the First Lady of Guam shall determine. The statute as presently constructed requires that 50% of all net proceeds from the Island Fair Committee and Liberation Day Carnival be deposited into a textbook fund which has never been created

The Committee on Municipal Affairs, Tourism, Housing and Recreation hereby reports out Substitute Bill No. 57-31(COR), with the recommendation to pass.

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 57-31 (COL)

Introduced by:

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

2011 JAN 28 PM 2:04

AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES

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

2 **Section 1. Legislative Intent:**

3 *I Liheslaturan Guåhan* finds that in her December 2010 performance
4 audit of the Liberation Day Committee, the Public Auditor found that, “for
5 the past six years, from 2004 to 2009, the Guam Island Fair Committee,
6 better known as the Liberation Day Committee (LDC), was not held
7 accountable for the funds raised during the annual Liberation Day festivities.
8 Since committee membership is subject to change annually, each LDC is
9 distinct from its predecessor. Without oversight and continuity, the LDCs
10 were lax about accountability and transparency. We found no evidence that
11 proper financial reports were prepared and submitted to any oversight body.”

1 The Public Auditor also found that, “the lack of oversight has allowed
2 for poor record-keeping, negligence regarding tax-exempt filing
3 requirements, and failure to comply with orders to establish a special
4 textbook fund.”

5 *I Liheslaturan Guåhan* finds that during these difficult financial times
6 all entities empowered by the laws of Guam, must function within the
7 boundaries of proper management and fiscal control. It is necessary to enact
8 laws which ensure this outcome and safeguard the public trust.

9 **Section 2.** §1013 of Chapter 10 of Title 1, Guam Code Annotated is
10 hereby amended to read:

11 **“§1013 Guam Island Fair Committee.**

12 The ~~Governor~~ Mayor's Council of Guam is, authorized and requested
13 to annually appoint ~~a~~ and maintain oversight of the Guam Island Fair
14 Committee to plan and make appropriate arrangements for the celebration of
15 this Fair.

16 The Committee shall be composed of members of patriotic, religious,
17 or other civic organizations. In lieu of such Committee, the ~~Governor~~
18 Mayor's Council of Guam may designate one or more such civic
19 organizations as sponsors to plan and arrange for the Fair.

20 All net proceeds shall be donated to a worthy public cause or causes
21 as the committee or the sponsoring organization(s), as the case may be,
22 determine.

23 The government may furnish a suitable site, if needed, but neither it
24 nor any agencies, instrumentalities, nor employees may otherwise participate
25 in the planning and preparation for the Island Fair during work hours or use
26 government supplies or equipment; provided, that employees or participating
27 departments or agencies may be given a limited time to prepare departmental

1 or agency floats for the designated parades. Unless appropriated by the
2 Legislature, or approved by the governing board of applicable autonomous
3 agencies, no government funds or materials shall be used in the preparation
4 of these floats."

5 **Section 3.** A new §1013.1 is hereby *added* to Chapter 10 of Title 1,
6 Guam Code Annotated to read:

7 **“§1013.1 Financial Reporting and Accountability.**

8 The Island fair committee shall annually, and by no later than sixty
9 (60) business days after the close of Liberation Day festivities submit a
10 financial report relative to the status and activities of the Island Fair
11 Committee. The annual report shall be submitted to the office of the
12 Governor and to the Speaker. The Island Fair Committee shall maintain all
13 financial records related to the operation of Liberation Day festivities, and
14 forward a copy of the same to the Governor of Guam. The annual report
15 shall, at a minimum, contain:

16 (a) All expenditures and encumbrances' (year-to date);

17 Funds received and source(s);

18 (b) Status of accounts payable and receivable for outstanding debts and/or
19 delinquent payment obligations owed by and to the Island Fair
20 Committee; &

21 (c) The amount donated to the charitable cause required under §1013 of
22 this chapter; &

23 (d) Any and all other pertinent information relative to the Fund."

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 57-31(COR)

As substituted by the Committee on Municipal Affairs,
Tourism, Housing, and Recreation

Introduced by:

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

**AN ACT TO AMEND §1013 and §1013.1 OF CHAPTER
10 OF TITLE 1 OF THE GUAM CODE ANNOTATED;
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7 *I Liheslaturan Guåhan* finds that during these difficult financial times
8 all entities empowered by the laws of Guam, must function within the
9 boundaries of proper management and fiscal control. It is necessary to enact
10 laws which ensure this outcome and safeguard the public trust.

11 **Section 2.** §1013 of Chapter 10 of Title 1, Guam Code Annotated is
12 hereby amended to read:

13 **“§1013 Guam Island Fair Committee.**

14 The ~~Governor~~ Mayor's Council of Guam is, authorized and requested
15 to annually appoint a ~~and maintain oversight of the~~ Guam Island Fair
16 Committee to plan and make appropriate arrangements for the celebration of
17 this Fair.

18 The Committee shall be composed of ~~members of~~ one (1) representative
19 from the Department of Administration (DOA), and one (1) representative
20 from the Office of Public Accountability. The Committee shall also include
21 members of patriotic, religious, or other civic organizations. In lieu of such
22 Committee, the ~~Governor~~ Mayor's Council of Guam may designate one or
23 more such civic organizations as sponsors to plan and arrange for the Fair,
24 provided that of one (1) representative from the Department of
25 Administration (DOA), and one (1) representative from the Office of Public
26 Accountability are members of that Committee.

1 All net proceeds shall be donated to a worthy public cause or causes
2 as the committee or the sponsoring organization(s), as the case may be,
3 determine.

4 The government may furnish a suitable site, if needed, but neither it
5 nor any agencies, instrumentalities, nor employees may otherwise participate
6 in the planning and preparation for the Island Fair during work hours or use
7 government supplies or equipment; provided, that employees or participating
8 departments or agencies may be given a limited time to prepare departmental
9 or agency floats for the designated parades. Unless appropriated by the
10 Legislature, or approved by the governing board of applicable autonomous
11 agencies, no government funds or materials shall be used in the preparation
12 of these floats."

13 **Section 3.** §1013.1. (c) 2 of Chapter 10 of Title 1, Guam Code

14 Annotated is hereby amended to read:

15 "(c) The net proceeds from the Liberation Day Carnival shall be divided
16 in the following manner:

17 (1) ~~The sponsoring organization~~ The Mayor's Council of Guam shall be
18 entitled to retain fifty percent (50%) of the net proceeds and may convey any
19 interest or portion thereof to any charitable organization; and

20 (2) Fifty percent (50%) of the net proceeds
21 ~~into the 'Public School Library Resources Fund' and used solely for the~~
22 ~~purchase of public school library resources~~ shall be held in trust by the
23 Council and monies in this trust shall be donated to a charity or worthy
24 public cause as the First Lady shall solely determine.

25 ~~The sponsoring organization~~ The Mayor's Council of Guam shall be
26 subjected to an audit by the Public Auditor in calculating the net proceeds.

1 **Section 4.** A new §1013.1.1. is hereby *added* to Chapter 10 of Title 1,
2 Guam Code Annotated to read:

3 **“§1013.1.1. Financial Reporting and Accountability.**

4 The Island fair committee shall ensure:

5 (a) That there is an open bidding process for all projects, goods,
6 services, or activities that involve \$15,000 or more, pursuant to
7 Guam procurement law; and

8 (b) That there are at least three (3) price quotes for all projects,
9 goods, services, or activities involving \$14,999 or less; and

10 (c) That all bids and price quotes be available for examination
11 anytime it is requested to be examined by the OPA
12 representative; and

13 (d) That a single, exclusive operating account be established and
14 maintained at an accredited financial institution, to be used for
15 deposit of any and all funds received, and upon which any and
16 all issued checks shall be drawn; and

17 (e) That no payment is made, nor check issued, before the open bid
18 process has first been completed and fully complied with; and

19 (f) That all payments to vendors shall be in the form of a check
20 that must be co-signed by the Island Fair Executive Committee
21 Chairman; and

22 (g) That the DOA representative shall ensure that all checks are
23 deposited in a timely and appropriate manner. The
24 representative shall keep a ledger of all revenues and expenses;
25 and

26 (h) That the Council submits a final report by the September 15th
27 following the closure of Liberation Day festivities and provides

1 a copy to the Governor of Guam and the Office of the Public
2 Auditor."
3



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 FEB 17
PH 4: 11

February 17, 2011

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY MEMBERS:

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:

Senator
Thomas C. Ada

32-31 (COR)

Senator
Adolpho B. Palacios, Sr.

39-31 (COR)

42-31 (COR)

Senator
vicente c. pangelinan

43-31 (COR)

46-31 (COR)

57-31 (COR)

64-31 (COR)

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

FELIX P. CAMACHO
GOVERNOR

BERTHA M. DUENAS
DIRECTOR

MICHAEL W. CRUZ, M.D.
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

ATTENTION: _____

FACSIMILE NUMBER: 472-3547

FROM: DJPMR

Total Pages (Including Cover): - 9 -

RE: Fiscal Note of Bill NO. 34-31 (WR) waiver of Bill
Nos. 32-31 (WR), 42-31 (WR), 46-31 (WR), + 57-31 (WR),
cc: Fiscal Note of Bill Nos. 34-31 (WR) & 43-31 (WR)

COMMENTS:

Originals + copies of fiscal notes + waivers to be
picked up via central files.

Thank-you! ☺

NOTICE:

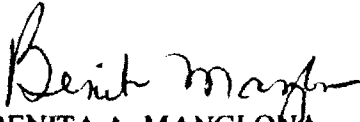
If you do not receive legible copies of all pages being transmitted, please contact the Bureau.
Our phone numbers are: (671) 475-9412 / 9106. Our fax number is: (671) 472-2825

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORRAY TENORIO
LIEUTENANT GOVERNORBENITA A. MANGLONA
ACTING DIRECTOR

FEB 17 2011

The Bureau requests that Bill No(s). 57-31 (COR) is/are granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The bill is administrative in nature and poses no impact to any government of Guam funds. The bill proposes to amend §1013 of Chapter 10, Guam Code Annotated relative to delegating all Liberation Day festivities to the Mayor's Council of Guam and to add §1013.1 of Chapter 10, Guam Code Annotated relative to ensuring fiscal accountability for all funds earned during Liberation Day festivities.


BENITA A. MANGLONA
Acting Director

9 9/2/10/14



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

**MAJORITY
MEMBERS:**

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

**MINORITY
MEMBERS:**

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 28, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 57-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 57-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'ãse!

(1) Attachments

2011 JAN 31 PM 3:08

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

January 28, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
57-31 (COR)	Tina Rose Muña Barnes, J.T. Won Pat	An Act To Amend §1013 Of Chapter 10 Of Title 1 Of The Guam Code Annotated; Relative To Delegating All Liberation Festivities To The Mayor's Council Of Guam, And To Adding A New §1013.1 Of Chapter 10 Of Title 1 Of The Guam Code Annotated; Relative To Ensuring Fiscal Accountability For All Funds Earned During Liberation Day Festivities	1/28/11 2:04 p.m.	1/28/11		Committee on Municipal Affairs, Tourism, Housing and Recreation			



Stephanie Cepeda <stephanie@tinamunabarnes.com>

Fwd: Bill 57

1 message

Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>
To: Stephanie Cepeda <stephanie@tinamunabarnes.com>

Fri, Mar 11, 2011 at 9:17 AM

please print the email and attachment. make 5 copies of each.

----- Forwarded message -----

From: **Telo Taitague** <telo.taitague@guam.gov>

Date: Thu, Mar 10, 2011 at 6:11 PM

Subject: Bill 57

To: carlo.branch@gmail.com, Chelsa Muña-Brecht <cmunabrecht@guamlegislature.org>, Senator Tina Muna-Barnes <tinamunabarnes@gmail.com>

Hi Everyone,

Hope all is well and your trip Senator was a memorable one.

Regarding Bill 57, if I may I would like to make a few requests and one possible number error.

I ask that you consider including section 2 of the EO I have attached, into the bill.

As you sees this not only gives you the accountability prospective but also keeps the executive branch involved when the mayors need the help from Government agencies.

Also if you would consider amending 1013.1 of Chapter 10 title 1 section c (2) and replacing it with section 3 of the EO Liberation 2011 I have attached. This will allow the flexibility for the first lady to contribute to other organizations or work in tandem with the mayors council's choice of charity.

Lastly, on page 3 of bill 57 section 3 please check if the numbers are correct. Referring to 1013.1 I think that number is already there.

Good luck tomorrow and if I can help in anyway please let me know. I have always felt Liberation should be in the Mayors hands.

You have my support.

Telo

--

Saina Ma'ase',

Chelsa D. Muña-Brecht
Chief of Staff

Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and Recreation

155 Hessler Place

Hagatña, GU 96910

(W) 671.472.3455/6

(F) 671.472.3400

email: cmunabrecht@guamlegislature.org

chelsa@tinamunabarnes.com

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EO Liberation 2011-04.pdf

937K



OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM
U.S.A.

EXECUTIVE ORDER NO. 2011-04

RELATIVE TO APPOINTING THE MAYORS' COUNCIL OF GUAM TO PLAN AND ORGANIZE THE 67th GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL AND PARADE 2011

WHEREAS, Liberation Day commemorates the anniversary of America's liberation of Guam from Japanese occupation on July 21, 1944; and

WHEREAS, before Guam was reclaimed and once again placed under American administration at the end of World War II, thousands of Chamorros, Americans and Japanese lost their lives; and

WHEREAS, our people must never forget the sacrifices of the thousands of servicemen and Chamorros who suffered during the occupation and the fierce battle for the liberation of Guam; and

WHEREAS, this year as we commemorate the 67th anniversary of Guam's liberation from Japanese occupation, our community remembers those who were killed and the upcoming generations of men and women in the armed forces, who continue to risk their lives to defend freedom and our way of life; and

WHEREAS, Liberation Day is not only a recognition of the anniversary of the liberation of Guam from Japanese occupation by American forces and the reestablishment of the U.S. military on Guam, but a celebration of the rich culture and history of our beautiful island and her people through the Guam Island Fair and Liberation Day Carnival and Parade; and

WHEREAS, there is a great need for transparency and accountability of funds generated by the Guam Island Fair and Liberation Day Carnival and Parade;

NOW THEREFORE, I, EDWARD J.B. CALVO, *I Maga'låhen Guahan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order as follows:

1. **Appointment of the Mayors' Council of Guam as the overall organizer of our island's Liberation Festivities.** The Mayors' Council of Guam ("Council") is hereby appointed to spearhead and take overall responsibility of planning, coordinating, and executing the 67th Liberation Day festivities. These responsibilities shall include, but not be limited to, the following:




- a. Undertake all efforts to plan and make arrangements for the celebration of the Guam Island Fair and Liberation Day Carnival, Queen Pageant and Parade. The Council shall name and oversee the progress of subcommittees tasked with various projects necessary for the commemoration of the anniversary of the liberation of Guam;
 - b. Be considered an independent and separate entity from other entities, however named, previously tasked with planning of the Guam Island Fair and/or Liberation day Carnival and Parade. As such, the Council shall not be responsible for any debts, obligations or liabilities of previous committees or entities. However, if funds are available, the Chairperson, at his discretion, may pay debts incurred by previous committees;
 - c. Record all meeting minutes and formalize plans in the execution of the Liberation Day festivities;
 - d. The Council, through a treasurer, shall keep a ledger of all revenues and expenses;
 - e. Ensure that the Guam Island Fair Non-Profit status is updated;
 - f. Ensure that a report regarding all revenues, expenses, problems and recommendations for improvement shall be completed no later than the September 15th following the closure of Liberation Day festivities, and submitted to the Island Fair Executive Committee and the Office of Public Accountability (OPA);
 - g. Ensure that the Island Fair Executive Committee has full access to records regarding all Liberation Day festivities.
2. **Island Fair Executive Committee.** For purposes of accountability, four (4) members of the Governor's Cabinet and/or Special Assistant Staff, one (1) representative from the Department of Administration (DOA), and one (1) representative from the Office of Public Accountability (OPA) shall form the Island Fair Executive Committee to ensure all governmental policies and local statutes are adhered to with the oversight of all of the 67th Liberation Day Festivities. The Committee's responsibilities shall include, but not be limited to, overseeing:
- a. That there is an open bidding process for all projects, goods, services, or activities that involve \$15,000 or more, pursuant to Guam procurement law.
 - b. That there are at least three (3) price quotes for all projects, goods, services, or activities involving \$14,999 or less.
 - c. That all bids and price quotes be available for examination anytime it is requested to be examined by the OPA representative.
 - d. That a single, exclusive operating account be established and maintained at an accredited financial institution, to be used for deposit of any and all funds received, and upon which any and all issued checks shall be drawn.




- e. That no payment is made, nor check issued, before the open bid process has first been completed and fully complied with.
- f. That all payments to vendors shall be in the form of a check (and not cash) that must be co-signed by the Island Fair Executive Committee Chairman.
- g. That the DOA representative shall ensure that all checks are deposited in a timely and appropriate manner. The representative shall keep a ledger of all revenues and expenses.
- h. That the Council submits a final report by the September 15th following the closure of Liberation Day festivities and provides a copy to the Governor of Guam and the OPA.

3. **Distribution of the 2011 Guam Island Fair and Liberation Day Carnival Proceeds.** Up to one-half (1/2) of all net proceeds from the 2011 Guam Island Fair and Liberation Day Carnival held at the Hagåtña Paseo grounds shall be held in trust by the Council and monies in this trust shall be donated to a charity as the First Lady shall determine as to recipient and amount donated. All remaining proceeds shall be donated to a worthy public cause or causes as the Council shall determine.

SIGNED AND PROMULGATED at Hagåtña, Guam this 02 day of **February, 2011.**


EDWARD J. B. CALVO
I Maga'låhen Guahan
Governor of Guam

COUNTERSIGNED:


RAYMOND S. TENORIO
I Segundu na Maga'låhen Guahan
Lieutenant Governor of Guam





I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

March 04, 2011

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes
Chairperson

SUBJECT: First Notice of Public Hearing
Friday, March 11, 2011

Hafa Adai!

The Committee on Municipal Affairs, Tourism, Housing and Recreation will be conducting a public hearing on Friday, March 11, 2011, beginning at 9:00a.m., in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following:

- The executive appointment of **Eduardo A. Calvo, Esq.** to serve as a member of the **Guam Visitors Bureau** Board of Directors.
- The executive appointment of **Nathan Taimanglo** to serve as a member of the **Guam Visitors Bureau** Board of Directors
- The executive appointment of **Jennifer R. Crisostomo** to serve as a member of the **Guam Visitors Bureau** Board of Directors
- The executive appointment of **Romeo A. Angel** to serve as a member of the **Guam Housing Corporation** Board of Directors
- Bill 57-31 (COR)- AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES.



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to tinamunabarnes@gmail.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations. Please contact our office at 472-3455/6 and speak with Rhea Taitano. I look forward to your attendance and participation.

Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS
All media



Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

1st Notice of Public Hearing Please disregard prior notice

1 message

Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

Fri, Mar 4, 2011 at 12:40 PM

To: Mary Fejeran <maryfejeran@gmail.com>, "Senator Adolpho B. Palacios" <senabpalacios@gmail.com>, Senator Adolpho Palacios <ABPalacios@gmail.com>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Chris Duenas <duenasenator@gmail.com>, "Senator Dennis Rodriguez Jr." <dgr.rodriguez@yahoo.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, Senator Judith Guthertz <senatorjudiguthertz@gmail.com>, Senator Mana Silva Taijeron <senatormana@gmail.com>, "Senator Rory J. Respicio" <rorryforguam@gmail.com>, Senator Sam Mabini <senatorsam@senatormabini.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Senator Tom Ada <tom@senatorada.org>, Senator Tony Ada <senatortonyada@guamlegislature.org>, Senator Tony Ada <vanthony@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin JF Cruz <senadotbjcruz@gmail.com>, Vice Speaker BJ Cruz <senadotbjcruz@aol.com>

Bcc: "A. Norma Alfague" <normaalfague@hotmail.com>, Amanda Shelton <ashelton.senatorrodriguez@gmail.com>, Angela Leon Guerrero <leonguerrero.angela@gmail.com>, Anjelica Okada <aokada@guamlegislature.org>, Audrey Ward <audrey@judiwonpat.com>, "Berlene R. Taitano" <berlenerenae@hotmail.com>, Bill Phillips <phillipsguam@gmail.com>, Bruce Lloyd <bruce.lloyd.media@gmail.com>, "Carlo J.N. Branch" <carlo.branch@gmail.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, Charisha Hualde <charisha.hualde@gmail.com>, Charles Ecret <cdecret@gmail.com>, Chris Budasi <chris.budasi@guamlegislature.org>, Chris Carillo <chris.carillo@senatorbjcruz.com>, Clerks <clerks@guamlegislature.org>, Clifton Herbert <cherbert.senatorrodriguez@gmail.com>, Coy Torres <coy@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Doc Wyttensbach-Santos <doc.wyttensbachsantos@gmail.com>, "Doreen T.C. Garcia" <doreen.garcia80@gmail.com>, Dorothy Cruz <dot@guamlegislature.org>, Ed Leon Guerrero <edleonguerrero@gmail.com>, Ed Pocaigue <edpocaigue@judiwonpat.com>, Eduardo Tuason <eduardo.t@senatormabini.com>, "Edward G. Lee" <edwardglee671@yahoo.com>, Elaine McDonald <elaine@tinamunabarnes.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Eugene Santos <santos.duenas@gmail.com>, Evelyn Claros <evelyn4families@gmail.com>, "Frank Aguon Jr." <aguon4guam@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, "GarrettKealoa M. Duenas" <garrett.duenas@senatorbjcruz.com>, Gavin Santos <gavin@tinamunabarnes.com>, Herbie Perez <herbie@judiwonpat.com>, "James P. Castro" <jamespcastro@gmail.com>, Jane Chargualaf <jane@tinamunabarnes.com>, Jason Tedtaotao <jstedtaotao@gmail.com>, Jeffrey Manibusan <jmanibusan.senatorrodriguez@gmail.com>, "Jennifer L. Dulla" <jennifer.lj.dulla@gmail.com>, Jermaine Alerta <alerta.jermaine@gmail.com>, Jimmy Camacho <jcamacho@senatorada.org>, Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>, "Julian C. Janssen" <julian.c.janssen@gmail.com>, Juliette Gillham <juliette@senatorada.org>, Kenny Leon Guerrero <kleonguerrero.senatorrodriguez@gmail.com>, Laurie Manibusan <laurielisla@gmail.com>, "Leslie E. Gatan" <leslie.g@senatormabini.com>, Lisa Cipollone <cipo@guamlegislature.org>, Lou Benavente <lou4families@gmail.com>, "Louise H. Aguon-Atalig" <louise_atalig@yahoo.com>, Maria Nieves Materne <nieves@guamlegislature.org>, "Mark D.S. Aflague" <markaflague@gmail.com>, Mark Sayama <sayama01@yahoo.com>, Mary Fejeran <maryfejeran@gmail.com>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Meia Torres <mtorres.senatorrodriguez@gmail.com>, Menchu Suarez <msuarez.senatorrodriguez@gmail.com>, Mike Carlson <mcarlson@ite.net>, Mike Lidia <mike.lidia@senatorbjcruz.com>, Myracle Mugol <myracle.m@senatormabini.com>, Napu Castro <tcastro@guam.net>, Nicole Santos <nsantos@senatorada.org>, Office of Finance & Budget <ofb@guamlegislature.org>, Office of Senator Sam Mabini <info@senatormabini.com>, Olivia Palacios <oliviampalacios@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Peter Leon Guerrero <peterlg@gmail.com>, "Priscilla T. Cruz" <pjtacruz@yahoo.com>, Rennae Perez <rennae@guamlegislature.org>, Rhea Aguon Taitano <rhea@tinamunabarnes.com>, Richard Dohrumal <richard@tinamunabarnes.com>, Rick Reyes <ricky@tinamunabarnes.com>, Ron Taitague <rtaitague@guamlegislature.org>, Sergeant at Arms <sgtarms@guamlegislature.org>, Stephanie Cepeda <stephanie@tinamunabarnes.com>, Stephanie Mendiola <smendiola@guamlegislature.org>, Steve Dierking <steve@believeinguam.com>, Tanya Mendiola

<tanya4families@gmail.com>, "Therese C. Santos" <chechsantos@gmail.com>, Tony Sanchez <guamnativesun@yahoo.com>, Val Gonzales <val.g@senatormabini.com>, Velma Komiyama <vkomiyama.senatorrodriguez@gmail.com>, Vicky Quenga <vquenga@judiwonpat.com>, William Castro <wilcastro671@gmail.com>, Yong Pak <yong@guamlegislature.org>, bmkelman@guampdn.com, carlene@guahanmagazine.com, cmurphy1@guam.gannett.com, dtamondong@guampdn.com, editor2@directionsguam.com, editor@mvguam.com, gerry@mvguam.com, hottips@kuam.com, john@kuam.com, koreannews@guam.net, kprg@guam.net, kstone@ite.net, life@guampdn.com, mabuhaynews@yahoo.com, news@k57.com, news@spbgum.com, publisher@glimpsesofguam.com, reporter1@glimpsesofguam.com, slimtiaco@guampdn.com, Bob Gaeth <bgaeth@k57.com>, Catriona Melyan <cmelyan@guampdn.com>, Clynt Ridgell <clynt@spbgum.com>, David Crisostomo <dcrisost@guampdn.com>, David Crisostomo <dcrisostomo@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Ed Davis <ed@guamtech.com>, Erin Thompson <egthompson@guampdn.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Hit Radio 100 <officemanager@hitradiio100.com>, Janela Buhain <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Josh Tyquiengco <jtyquiengco@spbgum.com>, Lannie Walker <lannie@kuam.com>, Laura Matthews <llmatthews@guampdn.com>, Marianas Variety <admin@mvguam.com>, Marvic Cagurangan <mar_vic_cagurangan@yahoo.com>, Marvic Cagurangan <marvic@mvguam.com>, Michael Rudolph <michael@marianasmedia.com>, Mindy Aguon <mindy@kuam.com>, Nick Delgado <nick@kuam.com>, Office of the Governor <governor@guam.gov>, "Office of the Lt. Governor" <ltgov.tenorio@guam.gov>, Patti Arroyo <parroyo@k57.com>, Phillip Leon Guerrero <phillip.leonguerrero@guam.gov>, Ray Gibson <rgibson@k57.com>, Rick Nauta <marketing@hitradiio100.com>, Rlene Steffy <rlene@rlenelive.com>, Robert Kelley <rkelly@guamtech.com>, Romeo Carlos <romeogfx@yahoo.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Shaun Bevan <smbevan@guampdn.com>, Telo Taitague <telo.taitague@guam.gov>, Therese Hart <therese@mvguam.com>, Travis Coffman <travis.coffman@gmail.com>, Troy Torres <troy.torres@guam.gov>, Zita Taitano <zita@mvguam.com>, crisostomo.jennifer@googlemail.com, "Eduardo \"Champ\" Calvo" <ecalvo@calvofisher.com>, Dee Hernandez <dhernandez@visitguam.org>, "Bruce E. Kloppenburg" <bek@keiguam.com>, Hayato Jack Yoshino <h-yoshino@ken-lease.co.jp>, Monte Mesa <monte@guam.net>, Carol Tayama <agatmayorsoffice@hotmail.com>, Theresa Arriola <tcarriola@yahoo.com>, Judy Flores <judyflores@guam.net>, Mark Baldyga <mbaldyga@baldyga.com>, Hope Cristobal <ecris64@teleguam.net>, Rizk Saad <rsaad@baldyga.com>, "N. Oscar Mlyashita" <oscar.miyashita@gmail.com>, Martin Benavente <martin2ndwind@gmail.com>, romeo-angel@bankofguam.com, nathan.taimanglo@asctrust.com, Angel Sablan <anget@hotmail.com>, MAYORS' COUNCIL OF GUAM <mcogadmin@teleguam.net>, "Agustin G. Quintanilla" <agatvicemayor@yahoo.com>, "Allan 'Al' R.G. Ungacta" <vicemayor_allan.ungacta@yahoo.com>, "Andrew 'Andy' C. Villagomez" <mtm_mayors_office@yahoo.com>, "Andrew 'Peter Daigo' A. Benavente" <msavares@guamcell.net>, "Dale E. Alvarez" <mayoralvarez@live.com>, "Dean D. Sanchez" <umatacmo@gmail.com>, "Ernest T. Chargualaf" <mayoremest@yahoo.com>, "Francisco 'Frank' C. Blas" <fcblas_tatuhamayor@hotmail.com>, "Franklin M. Taitague" <mayortai@yahoo.com>, "Jessie B. Palican" <broadadmin@teleguam.net>, "Jessy 'Jess' C. Gogue" <ocp.mayor@gmail.com>, "John A. Cruz" <hagatnamayor@hotmail.com>, "Jose 'Pedo' T. Terlaje" <yonamayor@guam.net>, "June U. Blas" <vmayorjublas@yahoo.com>, "Louise C. Rivera" <tatuhamo@eccomm.com>, "Nonito 'Nito' C. Blas" <nblas_mangilaomayor@yahoo.com>, "Paul M. McDonald" <mayormcdonald@hotmail.com>, "Robert 'Bob' S. Lizama" <rslizama@yahoo.com>, Robert Hofmann <vicemayor@gmail.com>, "Roke B. Blas" <rbblas@gmail.com>, "Ronald 'Ron' J. Flores" <vmyigo@yahoo.com>, "Vicente 'Ben' D. Gumataotao" <piti_mayor@yahoo.com>, "Vicente 'Benny' L. San Nicolas" <ammo@teleguam.net>, "Vicente S. Taitague" <talafofomayor@gmail.com>

Hafa Adai,

Please disregard the prior notice sent out for the public hearing scheduled on March 11, 2001.

Please see the attached memo for the 1st Notice of Public Hearing. If you are unable to open the memo, the information is below for your convenience.

March 04, 2011

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes
Chairperson

SUBJECT: First Notice of Public Hearing
Friday, March 11, 2011

Hafa Adai!

The Committee on Municipal Affairs, Tourism, Housing and Recreation will be conducting a public hearing on **Friday, March 11, 2011, beginning at 9:00a.m.**, in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following:

- The executive appointment of **Eduardo A. Calvo, Esq.** to serve as a member of the Guam Visitors Bureau Board of Directors.
- The executive appointment of **Nathan Taimanglo** to serve as a member of the Guam Visitors Bureau Board of Directors
- The executive appointment of **Jennifer R. Crisostomo** to serve as a member of the Guam Visitors Bureau Board of Directors
- The executive appointment of **Romeo A. Angel** to serve as a member of the Guam Housing Corporation Board of Directors
- **Bill 57-31 (COR)- AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES.**

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to tinamunabarnes@gmail.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations. Please contact our office at 472-3455/6 and speak with Rhea Taitano. I look forward to your attendance and participation.

Si Yu'os Ma'ãse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS
All media

--

Saina Ma'ase',

Chelsa D. Muña-Brecht
Chief of Staff
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and Recreation
155 Hessler Place
Hagatña, GU 96910
(W) 671.472.3455/6
(F) 671.472.3400
email: cmunabrecht@guamlegislature.org
chelsa@tinamunabarnes.com

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 **030411 1st Notice of Public Hearing Mar 11.pdf**

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Office of The Legislative Secretary

Tina Rose Muña Barnes

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com

March 09, 2011

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes 
Chairperson

SUBJECT: Second Notice of Public Hearing
Friday, March 11, 2011

Hafa Adai!

Please be reminded that the Committee on Municipal Affairs, Tourism, Housing and Recreation will be conducting a public hearing on Friday, March 11, 2011, beginning at 9:00a.m., in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following:

- The executive appointment of **Eduardo A. Calvo, Esq.** to serve as a member of the Guam Visitors Bureau Board of Directors.
- The executive appointment of **Nathan Taimanglo** to serve as a member of the Guam Visitors Bureau Board of Directors
- The executive appointment of **Jennifer R. Crisostomo** to serve as a member of the Guam Visitors Bureau Board of Directors
- ~~The executive appointment of **Romeo A. Angel** to serve as a member of the Guam Housing Corporation Board of Directors~~
- Bill 57-31 (COR)- AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERTION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES.

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to tinamunabarnes@gmail.com. We comply with Title II of the Americans with Disabilities Act (ADA). If you should require assistance or special



Rhea Taitano <rhea@tinamunabarnes.com>

Revised 2nd Notice of Public Hearing

Rhea Taitano <rhea@tinamunabarnes.com>

Wed, Mar 9, 2011 at 3:33 PM

To: Clerks <clerks@guamlegislature.org>, MIS <mis@guamlegislature.org>, Senator Adolpho Palacios <senabpalacios@gmail.com>, Senator Aline Yamashita <aline4families@gmail.com>, "Senator B.J. Cruz" <senadotbjcruz@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Chris Duenas <duenasenator@gmail.com>, "Senator Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, "Senator Frank Blas Jr." <frankblasjr@gmail.com>, Senator Judi Guthertz <senatorjudiguthertz@gmail.com>, Senator Mana Silva Taijeron <senatormana@gmail.com>, Senator Rory Respicio <rorryforguam@gmail.com>, Senator Sam Mabini <senatorsam@senatormabini.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Tom Ada <tom@senatorada.org>, Senator Tony Ada <senatorTonyada@guamlegislature.org>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Tom Unsioq <sgtarms@guamlegislature.org>, tterlaje@guam.net
Bcc: bmkelman@guampdn.com, carlene@guahanmagazine.com, cmurphy1@guam.gannett.com, dtamondong@guampdn.com, editor2@directionsguam.com, editor@mvguam.com, gerry@mvguam.com, hottips@kuam.com, john@kuam.com, koreannews@guam.net, kprg@guam.net, kstonews@ite.net, life@guampdn.com, mabuhaynews@yahoo.com, news@k57.com, news@spbg Guam.com, publisher@glimpsesofguam.com, reporter1@glimpsesofguam.com, slimtiaco@guampdn.com, Bob Gaeth <bgaeth@k57.com>, "Carlo J.N. Branch" <carlo.branch@gmail.com>, Catriona Melyan <cmelyan@guampdn.com>, Clynt Ridgell <clynt@spbg Guam.com>, David Crisostomo <dcrisost@guampdn.com>, David Crisostomo <dcrisostomo@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Ed Davis <ed@guamtech.com>, Elaine McDonald <elaine@tinamunabarnes.com>, Erin Thompson <egthompson@guampdn.com>, Gavin Santos <gavin@tinamunabarnes.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Hit Radio 100 <officemanager@hitradio100.com>, Jane Chargualaf <jane@tinamunabarnes.com>, Janela Buhain <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Josh Tyquiengco <jtyquiengco@spbg Guam.com>, Lannie Walker <lannie@kuam.com>, Laura Matthews <llmatthews@guampdn.com>, Marianas Variety <admin@mvguam.com>, Marvic Cagurangan <mar_vic_cagurangan@yahoo.com>, Marvic Cagurangan <marvic@mvguam.com>, Michael Rudolph <michael@marianasmedia.com>, Mindy Aguon <mindy@kuam.com>, Nick Delgado <nick@kuam.com>, Office of the Governor <governor@guam.gov>, "Office of the Lt. Governor" <ltgov.tenorio@guam.gov>, Patti Arroyo <parroyo@k57.com>, Phillip Leon Guerrero <phillip.leonguerrero@guam.gov>, Ray Gibson <rgibson@k57.com>, Rhea Aguon Taitano <rhea@tinamunabarnes.com>, Richard Dohrumal <richard@tinamunabarnes.com>, Rick Nauta <marketing@hitradio100.com>, Rick Reyes <ricky@tinamunabarnes.com>, Rlene Steffy <rlene@rlenelive.com>, Robert Kelley <rkelley@guamtech.com>, Romeo Carlos <romeogfx@yahoo.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Shaun Bevan <smbevan@guampdn.com>, Stephanie Cepeda <stephanie@tinamunabarnes.com>, Telo Taitague <telo.taitague@guam.gov>, Therese Hart <therese@mvguam.com>, Travis Coffman <travis.coffman@gmail.com>, Troy Torres <troy.torres@guam.gov>, Zita Taitano <zita@mvguam.com>, "A. Norma Alfague" <normaaflague@hotmail.com>, Amanda Shelton <ashelton.senatorrodriguez@gmail.com>, Angela Leon Guerrero <leonguerrero.angela@gmail.com>, Anjelica Okada <aokada@guamlegislature.org>, Audrey Ward <audrey@judiwonpat.com>, "Berlene R. Taitano" <berlenerenae@hotmail.com>, Bill Phillips <phillipsguam@gmail.com>, Bruce Lloyd <bruce.lloyd.media@gmail.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, Charisha Hualde <charisha.hualde@gmail.com>, Charles Ecret <cdecet@gmail.com>, Chris Budasi <chris.budasi@guamlegislature.org>, Chris Carillo <chris.carillo@senatorbjcruz.com>, Clerks <clerks@guamlegislature.org>, Clifton Herbert <cherbert.senatorrodriguez@gmail.com>, Coy Torres <coy@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Doc Wyttenbach-Santos <doc.wyttenbachsantos@gmail.com>, "Doreen T.C. Garcia" <doreen.garcia80@gmail.com>, Dorothy Cruz <dot@guamlegislature.org>, Ed Leon Guerrero <edleonguerrero@gmail.com>, Ed Pocaigue <edpocaigue@judiwonpat.com>, Eduardo Tuason <eduardo.t@senatormabini.com>, "Edward G. Lee" <edwardglee671@yahoo.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Eugene Santos <santos.duenas@gmail.com>, Evelyn Claros <evelyn4families@gmail.com>, "Frank Aguon Jr." <aguon4guam@gmail.com>, Frank Torres

<fbtorres@judiwonpat.com>, "GarrettKealoa M. Duenas" <garrett.duenas@senatorbjcruz.com>, Herbie Perez <herbie@judiwonpat.com>, "James P. Castro" <jamespcastro@gmail.com>, Jason Tedtaotao <jstedtaotao@gmail.com>, Jeffrey Manibusan <jmanibusan.senatordrodriguez@gmail.com>, "Jennifer L. Dulla" <jennifer.lj.dulla@gmail.com>, Jermaine Alerta <alerta.jermaine@gmail.com>, Jimmy Camacho <jcamacho@senatorada.org>, Joseph Mesngon <jmesngon.senatordrodriguez@gmail.com>, "Julian C. Janssen" <julian.c.janssen@gmail.com>, Juliette Gillham <juliette@senatorada.org>, Kenny Leon Guerrero <kleonguerrero.senatordrodriguez@gmail.com>, Laurie Manibusan <laurielisla@gmail.com>, "Leslie E. Gatan" <leslie.g@senatormabini.com>, Lisa Cipollone <cipo@guamlegislature.org>, Lou Benavente <lou4families@gmail.com>, "Louise H. Aguon-Atalig" <louise_atalig@yahoo.com>, Maria Nieves Materne <nieves@guamlegislature.org>, "Mark D.S. Aflague" <markaflague@gmail.com>, Mark Sayama <sayama01@yahoo.com>, Mary Fejeran <maryfejeran@gmail.com>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Meia Torres <mtorres.senatordrodriguez@gmail.com>, Menchu Suarez <msuarez.senatordrodriguez@gmail.com>, Mike Carlson <mcarlson@ite.net>, Mike Lidia <mike.lidia@senatorbjcruz.com>, Myracle Mugol <myracle.m@senatormabini.com>, Napu Castro <ncastro@guam.net>, Nicole Santos <nsantos@senatorada.org>, Office of Finance & Budget <ofb@guamlegislature.org>, Office of Senator Sam Mabini <info@senatormabini.com>, Olivia Palacios <oliviampalacios@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Peter Leon Guerrero <peterlg@gmail.com>, "Priscilla T. Cruz" <pjtcruz@yahoo.com>, Rennae Perez <rennae@guamlegislature.org>, Ron Taitague <rtaitague@guamlegislature.org>, Sergeant at Arms <sgtarms@guamlegislature.org>, Stephanie Mendiola <smendiola@guamlegislature.org>, Steve Dierking <steve@believeinguam.com>, Tanya Mendiola <tanya4families@gmail.com>, "Therese C. Santos" <chechsantos@gmail.com>, Tony Sanchez <guamnativesun@yahoo.com>, Val Gonzales <val.g@senatormabini.com>, Velma Komiyama <vkomiyama.senatordrodriguez@gmail.com>, Vicky Quenga <vquenga@judiwonpat.com>, William Castro <wilcastro671@gmail.com>, Yong Pak <yong@guamlegislature.org>, Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>

Hafa Adai.

Attached is a revised memo from Senator Muña Barnes relative to the public hearing on the 11th of March.

--

Saina Ma'åse',

Rhea Aguon Taitano
Research Analyst
Office of Senator Tina Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and Recreation
155 Hesler Place
Hagåtña, Guam 96910
(W) (671) 472-3455/6
(F) (671) 472-3400
Email: raquontaitano@gmail.com

 **2nd notice of Public Hearing, 3-11-2011.pdf**
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I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

PUBLIC HEARING
Friday, March 11, 2011

AGENDA

- I. Call to Order**
- II. Announcements**
- III. Items for Public Consideration**

9:00 AM

- A. Appointment: Mr. Eduardo A. Calvo, Esq.,** to serve as a member of the Board of Directors for the Guam Visitors Bureau
- B. Appointment: Mr. Nathan Taimanglo,** to serve as a member of the Board of Directors for the Guam Visitors Bureau
- C. Appointment: Ms. Jennifer R. Crisostomo,** to serve as a member of the Board of Directors for the Guam Visitors Bureau
- ~~D. Appointment: Mr. Romeo A. Angel,~~** to serve as a member of the Board of Directors for the Guam Housing Corporation
- E. Bill 57-31 (COR)- AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERTION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES.**

- IV. Remarks**
- V. Adjournment**



I Mina'Trentai Unu Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Electronic copies of the aforementioned items can be found on the Guam Legislature's website at www.guamlegislature.com. Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Tina Rose Muña Barnes, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96910, via e-mail to tinamunabarnes@gmail.com, or via facsimile to (671) 472-3400. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Richard Dohrumal or Rhea Taitano at our office. For further information, please call 472-3455/6. I look forward to your attendance and participation. *Si Yu'os Ma'åse'!*

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 57-31 (COR)

Introduced by:

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

2011 JAN 28 PM 2:04

AN ACT TO AMEND §1013 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO DELEGATING ALL LIBERATION FESTIVITIES TO THE MAYOR'S COUNCIL OF GUAM, AND TO ADDING A NEW §1013.1 OF CHAPTER 10 OF TITLE 1 OF THE GUAM CODE ANNOTATED; RELATIVE TO ENSURING FISCAL ACCOUNTABILITY FOR ALL FUNDS EARNED DURING LIBERATION DAY FESTIVITIES

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent:

I Liheslaturan Guåhan finds that in her December 2010 performance audit of the Liberation Day Committee, the Public Auditor found that, “for the past six years, from 2004 to 2009, the Guam Island Fair Committee, better known as the Liberation Day Committee (LDC), was not held accountable for the funds raised during the annual Liberation Day festivities. Since committee membership is subject to change annually, each LDC is distinct from its predecessor. Without oversight and continuity, the LDCs were lax about accountability and transparency. We found no evidence that proper financial reports were prepared and submitted to any oversight body.”

1 The Public Auditor also found that, “the lack of oversight has allowed
2 for poor record-keeping, negligence regarding tax-exempt filing
3 requirements, and failure to comply with orders to establish a special
4 textbook fund.”

5 *I Liheslaturan Guåhan* finds that during these difficult financial times
6 all entities empowered by the laws of Guam, must function within the
7 boundaries of proper management and fiscal control. It is necessary to enact
8 laws which ensure this outcome and safeguard the public trust.

9 **Section 2.** §1013 of Chapter 10 of Title 1, Guam Code Annotated is
10 hereby amended to read:

11 **“§1013 Guam Island Fair Committee.**

12 The ~~Governor~~ Mayor's Council of Guam is, authorized and requested
13 to annually appoint a and maintain oversight of the Guam Island Fair
14 Committee to plan and make appropriate arrangements for the celebration of
15 this Fair.

16 The Committee shall be composed of members of patriotic, religious,
17 or other civic organizations. In lieu of such Committee, the ~~Governor~~
18 Mayor's Council of Guam may designate one or more such civic
19 organizations as sponsors to plan and arrange for the Fair.

20 All net proceeds shall be donated to a worthy public cause or causes
21 as the committee or the sponsoring organization(s), as the case may be,
22 determine.

23 The government may furnish a suitable site, if needed, but neither it
24 nor any agencies, instrumentalities, nor employees may otherwise participate
25 in the planning and preparation for the Island Fair during work hours or use
26 government supplies or equipment; provided, that employees or participating
27 departments or agencies may be given a limited time to prepare departmental

1 or agency floats for the designated parades. Unless appropriated by the
2 Legislature, or approved by the governing board of applicable autonomous
3 agencies, no government funds or materials shall be used in the preparation
4 of these floats."

5 **Section 3.** A new §1013.1 is hereby *added* to Chapter 10 of Title 1,
6 Guam Code Annotated to read:

7 **“§1013.1 Financial Reporting and Accountability.**

8 The Island fair committee shall annually, and by no later than sixty
9 (60) business days after the close of Liberation Day festivities submit a
10 financial report relative to the status and activities of the Island Fair
11 Committee. The annual report shall be submitted to the office of the
12 Governor and to the Speaker. The Island Fair Committee shall maintain all
13 financial records related to the operation of Liberation Day festivities, and
14 forward a copy of the same to the Governor of Guam. The annual report
15 shall, at a minimum, contain:

16 (a) All expenditures and encumbrances' (year-to date);

17 Funds received and source(s);

18 (b) Status of accounts payable and receivable for outstanding debts and/or
19 delinquent payment obligations owed by and to the Island Fair
20 Committee; &

21 (c) The amount donated to the charitable cause required under §1013 of
22 this chapter; &

23 (d) Any and all other pertinent information relative to the Fund."