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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Substitute Bill No. 522-31 (COR), "AN ACT TO *AMEND* §§40105, 40111(b) AND 40113(b)(8), AND TO *ADD* A NEW §40135.1, ALL OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS COUNCIL OF GUAM", was on the 26th day of November 2012, 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'lahen Guåhan* this 28th day of Nov, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 522-31 (COR)
As substituted by the Author; and amended on the Floor.

Introduced By:

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

AN ACT TO *AMEND* §§40105, 40111(b) AND 40113(b)(8), AND TO *ADD* A NEW §40135.1, ALL OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS COUNCIL OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §40105 of Chapter 40, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 40105. Mayors Council.** There is established a Mayors Council comprised of all Mayors and Vice Mayors. The Officers of the Council *shall*

consist of a President, Vice-President, Secretary, Treasurer and a Sergeant-at-Arms. Elections *shall* be held every two (2) years, with the first election to be conducted on the first Tuesday in January following the General Election. The Council *shall* adopt its own rules and by-laws; provided, that such rules and by-laws *do not* impede, restrict or in any way limit the authority of each Mayor within his district. Such rules and by-laws may be amended or revised from time to time upon a vote of two-thirds (2/3) of the membership of the Council. A quorum of the Council *shall* consist of *not less than* sixty percent (60%) of the members, and no action of the Council shall be effective unless it shall be adopted by a majority of the membership."

Section 2. §40111 (b) of Chapter 40, Title 5, Guam Code Annotated, is hereby *amended* to read:

"(b) Ceremony. The oaths of office *shall* be taken by the respective Mayors and Vice Mayors at the time their terms commence and the Executive Director of the Mayors Council (the Council) *shall* organize a suitable ceremony at which such oaths of office *shall* be administered by a Judge of the Superior Court or an outgoing Mayor or Vice Mayor. The Council *shall* determine the site of such ceremony and is authorized to expend thereon not to exceed Twenty-Five Thousand Dollars ($25,000.00) from its annual budget. The Council (or its authorized representative) is hereby authorized to solicit monetary and in-kind donations for the purposes of defraying the cost of the ceremony."

Section 3. Subsection (b)(8) of §40113 of Chapter 40, Title 5, Guam Code Annotated, is hereby *amended* to read as follows:

"(8) The Mayor of *Inarajan* is responsible for Recreation Area I, Recreation Area II, the *Malojloj* Recreation Area, and the *Inarajan* Community Center. Administrative jurisdiction over the *Inarajan* Community Center is hereby transferred from the Department of Parks and Recreation to the *Inarajan* Mayor; provided, that the Mayor uses the Community Center for civic and community purposes. Such purposes may include, but are *not* limited to, a community and recreational center; a learning center; a museum; or a fishermen's and farmer's cooperative."

Section 4. A new §40135.1 is hereby *added* to Chapter 40, Title 5 Guam Code Annotated to read:

"**§ 40135.1. Creation of the Mayors Council of Guam (MCOG) Revolving Fund.** There is hereby established a Revolving Fund under the control and custody of the Mayors Council of Guam (the Council). The Mayors Council of Guam is hereby authorized to raise funds through fundraising efforts as approved by the Council, solicit corporate sponsorship, and to accept contributions that are *solely* beneficial to the Mayors Council of Guam. These revenues *shall* be deposited into the MCOG Revolving Fund, and *shall* be used to fund MCOG sanctioned programs, projects and special events. The Council *shall* take all necessary precautions to ensure that the Revolving Fund is operating in conformity with all existing statutes, rules and regulations, codes, executive orders, and any other authority which is applicable to the operations of the Revolving Fund. Any balance remaining in the funds at the end of the fiscal year *shall* carry over into the next fiscal year *or* until expended. All disbursement transactions on the Revolving Fund *shall* be as stipulated herein:

(a) the Mayors Council of Guam is hereby authorized to open a checking account for the purpose of establishing the Mayors Council of

Guam Revolving Fund, and for the purpose of keeping these funds separate and apart from the General Fund;

(b) the Council *shall* approve all expenditures for MCOG sanctioned programs, projects and special events;

(c) the minutes of the MCOG meetings must verify the authorization given by the Council;

(d) there must be two (2) authorized signatures; authorized signatures *shall* be that of the President and Treasurer of the Council. If a temporary absence occurs in either the office of the President or Treasurer, then the order of succession of the Officers who *shall* be eligible to serve in an acting capacity *shall* be recognized as an authorized signature;

(e) the Treasurer (or the Council's authorized representative) *shall* be responsible for receipts and other substantiation as determined by the Council for all checks issued.

(f) *No later than* thirty (30) days after the end of every fiscal quarter, the President of the Mayors Council of Guam *shall* submit to the Public Auditor of Guam and the Speaker of *I Liheslaturan Guåhan* and post on its website, in written and electronic format (including, but *not* limited to, diskettes, CDs and email) a report making full disclosure of the Mayors Council of Guam Revolving Fund. Said report *shall* be in the form of financial statements *or* revenue and expenditure reports for the Mayors Council of Guam Revolving Fund."

Section 5. Effective Date. The provisions of this Act *shall* be effective upon enactment.

Section 6. Severability. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity *shall* not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.