# DIVISION 4
# MAYORS, WASHINGTON DELEGATE, CONSTITUTIONAL CONVENTION AND BOARDS AND COMMISSIONS

## CHAPTER 40
## MAYORS OF GUAM

**2024 NOTE:** Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means "Governor of Guam," I Maga'håga/Maga'låhi means "Governor," I Sigundo Maga'hågan/Maga'låhen Guåhan means "Lieutenant Governor of Guam," and I Sigundo Maga'håga/Maga'låhi means "Lieutenant Governor." Pursuant to 2 GCA § 1101, I Liheslaturan Guåhan/I Liheslatura means the "Guam Legislature"/"Legislature."

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**§ 40101. Number of Mayors and Vice Mayors.**

There shall be a Mayor and/or Vice Mayor for the municipalities and villages of Guam as indicated in the following table:

| Municipality | Mayor | Vice |
|---|---|---|
| Municipality of Hagåtña | 1 | 0 |
| Municipality of Sinajana (Sinajana Village) | 1 | 0 |
| Agana Heights | 1 | 0 |
| Chalan Pago and Ordot | 1 | 0 |
| Municipality of Yona | 1 | 0 |
| Municipality of Talo'fo'fo' | 1 | 0 |
| Municipality of Inalåhan | 1 | 0 |
| Municipality of Malesso' | 1 | 0 |
| Municipality of Humåtak | 1 | 0 |
| Municipality of Hågat | 1 | 1 |
| Sånta Rita-Sumai Village | 1 | 0 |
| Municipality of Piti | 1 | 0 |
| Municipality of Assan-Ma'ina | 1 | 0 |
| Municipality of Barrigada | 1 | 1 |
| Municipality of Mangilao | 1 | 1 |
| Village of Tamuning | 1 | 1 |



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| Municipality | Mayor | Vice |
|---|---|---|
| Municipality of Dededo | 1 | 1 |
| Municipality of Yigo | 1 | 1 |
| Mongmong, Toto, Maite | 1 | 0 |
| **[Total Number]** | **19** | **6** |

**SOURCE:** GC § 15000; amended by P.L. 2-076 (Feb. 18, 1954), P.L. 3-089 (July 18, 1956), P.L. 10-133 (Mar. 21, 1970), P.L. 10-167 (July 30, 1970) and P.L. 20-033:1 (Sep. 6, 1989). Amended by P.L. 28-102:2 (Apr. 14, 2006) and P.L. 37-059:1 (Jan. 30, 2024).

**2026 NOTE:** Reference to Asan replaced with Assan-Ma'ina pursuant to 1 GCA § 403(n).

**2024 NOTE:** P.L. 2-076 (Feb. 18, 1954) amended positions in Agana Heights, and Chalan Pago and Ordot from commissioners to assistant commissioners, and removed assistant commissioner of Tamuning. P.L. 3-089 amended positions in Agana Heights, and Chalan Pago and Ordot from assistant commissioners to commissioners. P.L. 10-133 added Dededo assistant commissioner. P.L. 10-167 added Agat assistant commissioner. P.L. 20-033 renamed position to mayor. P.L. 28-102 added vice mayor positions for Agat, Mangilao, Dededo, and Yigo. P.L. 37-059 removed vice mayor for Sinajana.

Reference to "Agana" replaced with Hagåtña pursuant to 1 GCA § 403(b). Reference to "Inarajan" replaced with Inalåhan pursuant to 1 GCA § 403(h). Reference to "Agat" replaced with Hågat pursuant to 1 GCA § 403(k). Reference to "Umatac" replaced with Humåtak pursuant to 1 GCA § 403(j). Reference to "Merizo" replaced with Malesso' pursuant to 1 GCA § 403(i). Reference to "Santa Rita" replaced with Sånta Rita-Sumai pursuant to 1 GCA § 403(l). Reference to "Talofofo" replaced with Talo'fo'fo' pursuant to 1 GCA § 403(g).

## § 40102. Definitions.

As used in this Chapter:

(a) "Mayor" means a municipal or village Mayor.

(b) "Vice Mayor" means the municipal or village Vice Mayor.

(c) "Municipality" or "Village" means that area delineated in 1 GCA § 403.

(d) "Council" means that entity composed of all Municipal Mayors and Vice Mayors, herein called the Mayors' Council.

(e) "Executive Director" means that staff person set forth in § 40107 of this Chapter.

(f) "Municipal Planning Council" means that entity appointed in their respective districts to assist the Municipal Mayor.

**SOURCE:** GC § 15000.1 added by P.L. 14-027:1 (May 26, 1977). Amended by P.L. 20-033:1 (Sep. 6, 1989). Subsection (e) amended by P.L. 22-050:1 (Dec. 2, 1993).

## § 40103. Election.

Mayors and Vice Mayors as indicated in § 40101, shall be elected by popular vote of the area which such Mayors are to represent. In districts where there are Vice Mayors, the Mayor and Vice Mayors shall be chosen separately.

**SOURCE:** GC § 15001 amended by P.L. 14-027:2 (May 26, 1977) and P.L. 20-033:1 (Sep. 6, 1989).

**COMMENT:** GC § 15001.1, setting forth the boundaries of each municipality, has been transferred to 1 GCA § 403, and is now found as the definition for villages for all purposes.



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### § 40103.1. Transition for Mayor and Vice Mayor.

After the Certification of Election of newly elected Mayors, and Vice Mayors, as applicable, there shall exist a transition period ending on the day of the oath of office of the newly elected Mayors and Vice Mayors. During this transition period, the incumbent Mayor, and incumbent Vice Mayor as applicable, shall provide assistance to the Mayor-elect and Vice Mayor-elect to acquaint the latter with the operations and functions of the Offices, including, but not limited to, pending invoices and purchase orders, office budget, financial reports, appropriations, expenditure reports, staffing pattern, financial obligations, and the inventory of equipment, furniture, and vehicles belonging to the Municipality of such Mayor. Such transition period shall be coordinated by the Executive Director of the Mayors' Council of Guam who shall also be responsible for the transitions of each Mayoral Office. Should an incumbent Mayor and an incumbent Vice Mayor not be successful in an election, all property, equipment, and documents belonging to the Office shall not be removed by the exiting Mayor or Vice Mayor.

**SOURCE:** Added by P.L. 29-031:4 (Oct. 25, 2007), amended by P.L. 30-047:3 (July 14, 2009).

### § 40104. Terms of Office.

There shall be an election of Mayors and Vice Mayors at the regular general election in November, 1952, and at the regular general election in every fourth year thereafter, and they shall serve for a period of four years.

**SOURCE:** GC § 15002 amended by P.L. 4-001 (Feb. 13, 1957) and 20-033:1 (Sep. 6, 1989).

### § 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 (⅔) 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.

**SOURCE:** GC 15003. Repealed and reenacted by P.L. 14-027:3 (May 26, 1977), effective May 26, 1977. Amended by P.L. 20-033:1 (Sep. 6, 1989); P.L. 22-050:2 (Dec. 2, 1993); P.L. 31-241:1 (Dec. 6, 2012).

### § 40106. Staffing for Villages.

The Mayors' Council shall hire two (2) employees per Mayor, at the request of the Mayor, to do maintenance work in the village parks and community centers. The employees shall be unclassified employees. Two (2) employees shall be assigned to each village to work under the supervision of the Mayor and Vice Mayor.

**SOURCE:** GC 15003.1 added by P.L. 18-015:X:17 (Sept. 28, 1985). Amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40107. Council Staffing.

(a) Subject to budgetary limitations, the Council may hire personnel necessary to carry out the purposes of this Chapter. The staff shall include an Executive Director, who shall be the Executive Secretary of the Council, who shall be responsible for the day-to-day operations of the staff and shall also be the Certifying Officer for the Council and the nineteen (19) municipal funds. The Executive Director shall be responsible for the transitions of each Mayoral Office subject to § 40103.1 of this Chapter. The Executive Director shall, during such transition, provide to all Mayors and Vice Mayors a compilation of laws



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applicable to such office detailing the duties, responsibilities, sources of funding, limitations, and powers of the Office of the Mayor. The staff of the Council shall be paid such compensation as shall be determined by the Civil Service Commission within ninety (90) days of the enactment of this Section; provided, however, that such compensation shall be comparable to equivalent position classifications within the government of Guam.

(b) Executive Director; unclassified. The position of Executive Director shall be in the unclassified service and he shall serve at the pleasure of the Council.

**SOURCE:** GC § 15004 repealed and reenacted by P.L. 14-027:3 (May 26, 1977). Repealed and reenacted by P.L. 22-050:3 (Dec. 2, 1993). Subsection (a) amended by P.L. 30-047:4 (July 14, 2009).

**CROSS-REFERENCES:** *See* 5 GCA § 30117 for provision for attorney (Attorney General) of the Mayors' Council.

**COMMENT:** Effective January 1, 2006, the Civil Service Commission's duties herein were effectively transferred to the Director of Administration pursuant to P.L. 28-068:IV:45 (Sept. 30, 2005).

## § 40108. Mayors and Vice Mayors: Qualifications.

The Mayors' and Vice Mayors' of Guam shall be citizens of the United States who have attained the age of twenty-one (21) years and shall not have been convicted of a felony or any crime involving moral turpitude. Each Mayor and Vice Mayor candidate must be registered to vote in and have resided within the municipality or area which they are to represent for a period of one (1) year immediately preceding the date of any special or general election at which they are candidates for election and shall continue to reside therein throughout their term of office.

**SOURCE:** GC § 15005 amended by P.L. 11-176 (Oct. 10, 1972), P.L. 14-027:4 (May 26, 1977) and P.L. 20-033:1 (Sep. 6, 1989). Final sentence amended by P.L. 22-050:4 (Dec. 2, 1993).

## § 40109. Compensation.

(a) The compensation of the Chief Mayor, Mayors and Vice Mayors shall be that provided in 4 GCA § 6206.

(b) From the date of enactment of this Subsection (b) and until the end of Fiscal Year 2003, the Chief Mayor, Mayors, and Vice Mayors are authorized to reduce their salaries down to eighty percent (80%) of the amount as computed according to Subsection (a) of this Section, for a maximum reduction of twenty percent (20%).

(c) A village mayor or vice-mayor who has retired from the government of Guam who is eligible to receive retirement benefits from the Government of Guam Retirement Fund under either the Defined Benefit Plan created by Title 4 GCA Chapter 8, Article 1, or the Defined Contribution System created by Title 4 GCA Chapter 8, Article 2, shall not relinquish, forfeit or have such benefits suspended during the periods said official holds his respective office; provided, however, that such a mayor or vice mayor, if he is a member of the Defined Benefit Plan, shall not be deemed an active member of that Plan during his service in that office, and shall be eligible to contribute to the Defined Contribution System.

**SOURCE:** GC § 15006 modified to reflect current code citations. Amended by P.L. 20-033:1 (Sep. 6, 1989); P.L. 27-005:IV:10, effective Feb. 28, 2003. Subsection (c) added by P.L. 28-141:10 (July 18, 2006), retroactive to Oct. 1, 2005 pursuant to P.L. 28-141:11.

## § 40110. Vacancies.

(a) Vice Mayors. A vacancy in the office of the Vice Mayor less than two hundred forty (240) days before the date of the next general election for Mayors and Vice Mayors shall be filled for the unexpired term by a majority vote of the municipal planning council of the municipality in which the vacancy occurs, subject to the advice and consent of I Liheslatura.



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(b) Mayors. If by reason of death, resignation, removal from office, inability or failure to perform, there shall be a vacancy in the office of the Mayor less than two hundred forty (240) days before the date of the next general election for Mayors and Vice Mayors, it shall be filled by the Vice Mayor in a municipality where there is a Vice Mayor, and there shall be a vacancy in the position of Vice Mayor until the end of the term. In a municipality where there is no Vice Mayor and the vacancy is less than two hundred forty (240) days before the date of the next general election for Mayors and Vice Mayors, the vacancy shall be filled by a majority vote of the municipal planning council of the municipality in which the vacancy occurs, subject to the advice and consent of I Liheslatura.

**SOURCE:** GC § 15007. Amended by P.L. 4-002:3 (Feb. 11, 1957), P.L. 14-027:5 (May 26, 1977); Subsection (b) amended by P.L. 15-074:1 (Oct. 24, 1974) and P.L. 20-033:1 (Sep. 6, 1989). Repealed and reenacted by P.L. 22-050:5 (Dec. 2, 1993). Subsection (a) and (b) amended by P.L. 30-160:1 (July 14, 2010), and P.L. 32-129:4 (Feb. 10, 2014). Subsection (c) repealed by P.L. 32-129:3 (Feb. 10, 2014).

## § 40111. Term of Office; Commencement.

(a) Term of office; commencement. The term of office of Mayors and Vice Mayors shall commence on the first Monday in January following their election, and upon taking of the Oath of Office, and shall expire at on the first Monday in January following the next regular general election of Mayors and Vice Mayors and upon the taking of the Oath of Office of the incoming Mayor and Vice Mayor.

(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.

**SOURCE:** GC § 15008. Amended by P.L. 4-002:4 (Feb. 11, 1957), and P.L. 20-033:1 (Sep. 6, 1989). Subsection (b) added by P.L. 20-183:3 (May 30, 1990) and amended by P.L. 31-241:2 (Dec. 6, 2012). Subsection (a) amended by P.L. 37-068:2 (Mar. 6, 2024).

**2024 NOTE:** In past publications of the GCA, this provision was entitled "Term of Office; Ceremony." Review of legislation revealed that this provision had not been renamed; therefore, the title has been corrected.

## § 40112. Powers, Duties and Responsibilities.

A Mayor shall perform the following duties and responsibilities in his district:

(a) Serve as the direct administrative representative of the people of the district from which he is elected.

(b) Plan and implement a street name and house numbering system.

(c) Oversee, coordinate or undertake beautification programs including a clean-up and removal of public nuisance and debris, and, to this end, is hereby authorized to officially utilize, establish regular and consistent working relations and effectively coordinate with the Department of Public Works, the Department of Parks and Recreation and any other entity within the government of Guam and may also work with non-profit organizations.

(d) In cooperation with the appropriate department or agency conduct or cause to be conducted a periodic sanitary, health and environmental inspection in accordance with guidelines set forth by the appropriate public agency. He may issue a warning for a first violation or report the same to the appropriate government agency for action.

(e) Be responsible for the maintenance and security of the Mayor's Office in his district.



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(f) Be responsible for maintenance of village streets, parks and recreation facilities, in conjunction with the Department of Public Works and Department of Parks and Recreation pursuant to § 40113 of this Chapter.

(g) Assist appropriate government agencies in implementing social services and public assistance programs within his jurisdiction.

(h) Serve as peace officer and assist in the maintenance of law and order in his district.

(i) Act as an official representative of his district at legislative and executive public hearings involving matters affecting his district.

(j) Assist in coordinating the civilian emergency preparedness system in time of emergency or disaster.

(k) Submit an annual written report to I Maga'hågan/Maga'låhen Guåhan and I Liheslaturan Guåhan on the activities of his office, expenditure of funds allotted and make general comments and recommendations relative to the state of his district.

(l) Make a report to the residents of his district on a quarterly basis at a properly noticed public meeting to be held within the district.

(m) Conduct an annual census and maintain a current listing of names of all residents in his jurisdiction; and as part of the process of conducting the annual census, verify veteran status of residents, if any, and submit a separate annual report of the names and total number of veterans residing in his/her jurisdiction to the Office of Veterans Affairs for the purpose of updating the Guam Veterans Registry.

(n) Cooperate with any agency and department of the government of Guam in matters pertaining to his district and work jointly with officials of the government of Guam toward the attainment of peace, order, justice and the general economic and social welfare of the people of Guam.

(o) To issue citations to owners of property for failure to remove property deemed unsafe by building officials pursuant to §§ 66501 through 66507 of Title 21, Guam Code Annotated. In the event that the owner does not remove the unsafe structure, the Mayor or Vice Mayor may have the structure cleared and submit the bill to the owner for payment. In the event that the Mayor or Vice Mayor takes action to clear the unsafe structure, a ten percent (10%) surcharge shall be added to the bill, and the surcharge shall be deposited into the Municipal Fund. Should the owner refuse to pay, the Mayor or Vice Mayor shall forward the claim to the Attorney General requesting that steps be taken to record a lien against the property in the amount of the unpaid bill.

(p) Coordinate with the Department of Public Works (DPW) and the Guam Police Department (GPD) in determining where speed bumps should be located in their village streets. DPW shall construct and maintain such speed bumps after their location is so determined and after obtaining the concurrence of GPD. DPW shall post warning signs on such streets with speed bumps cautioning drivers to beware of pedestrians and to slow down.

(q) To administer the Oath of Office to Municipal Planning Council members, and to officers-elect and board members-elect of organizations and associations. This authority may be delegated to a village Vice Mayor upon the discretion of that same village's Mayor.

(r) To block or close off non-routed streets and roadways in their villages during village funerals, fiestas, and other events without obtaining any highway encroachment permit from the Department of Public Works. The Mayor shall post notice at the site indicating when the road closure is pursuant to the authority granted herein.



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(s) To serve on the Hybrid Guam Land Use Commission as "Municipal Commissioners" pursuant to 21 GCA § 60401.

(t) Solicit veteran status (if any) of constituents applying for a verification of residency and offer the option of listing veteran status on the verification of residency form, upon presentation of a DD214 form.

(1) Constituents may provide a copy of their DD214 form or other proof of veteran status as a qualifying document.

(2) With the documented consent of the party of interest, Mayors shall transmit a copy of the DD214 form or other proof of veteran status to the Office of Veteran Affairs no later than thirty (30) days after residency verification for the purpose of updating the Guam Veterans Registry and connecting veterans to available services.

(3) If constituent is unable to provide a DD214 form or other proof of veteran status, Mayors shall indicate on constituent's verification form that qualifying documents were not provided.

(4) With the documented consent of the party of interest, Mayor shall transmit a copy of the Mayor's Verification to the Office of Veteran Affairs. Transmission of forms may be made by electronic means over a secured network as prescribed by the Office of Technology and the Office of Veterans Affairs.

(5) The Office of Veteran Affairs shall have the authority to adopt regulations to implement and administer the provisions of this Subsection.

**SOURCE:** GC § 15009 repealed and reenacted by P.L. 14-027:6 (May 26, 1977); subsection (c) further amended by P.L. 15-085:1 (Jan. 2, 1980). Subsection (f) amended by P.L. 18-015:X:18 (Sept. 28, 1985). Subsection (o) added by P.L. 21-119:3 (July 20, 1992). Subsection (p) added by P.L. 22-061:2 (Dec. 6, 1993). Subsection (q) added by P.L. 27-050:2 (Dec. 17, 2003). Subsection (r) added by P.L. 31-188:1 (Feb. 27, 2012); amended by P.L. 31-224:1 (June 15, 2012). Subsection (s) added by P.L. 33-219:4 (Dec. 17, 2016). Subsection (m) amended by P.L. 34-130:2 (Oct. 17, 2018). Subsection (t) added by P.L. 34-130:3 (Oct. 17, 2018).

**2024 NOTE:** Reference to "Governor of Guam" replaced with I Maga'hågan/Maga'låhen Guåhan pursuant to 5 GCA § 1510. Reference to the "Guam Legislature" replaced with I Liheslaturan Guåhan pursuant to 2 GCA § 1101.

**2018 NOTE:** Subitem designations added to subsection (t) pursuant to the authority of 1 GCA § 1606.

**NOTE:** P.L. 22-061:1 (Dec. 6, 1993), Legislative finding, states:

> The Legislature finds that in view of the distressingly high number of pedestrian accidents on village streets, it is critical that something be done to slow the speed of vehicles on such streets that all too frequently are filled with cars exceeding the speed limits. The Mayors of each municipal district are charged with the responsibility of maintaining their village streets and know which streets have a need for such speed bumps, and therefore the Legislature finds the Mayors are best suited to work with the Department of Public Works and the Guam Police Department in determining which village streets need speed bumps and where.

## § 40113. Mayors: Maintenance Functions and Areas of Responsibility.

(a) Mayors shall have exclusive responsibility, in the areas defined in Subsection (b) of this Section, for performing general minor repair and maintenance work which may include, but is not necessarily limited to, cleaning, painting, plumbing, trash collection, landscape maintenance, upkeep of drainage facilities, planting of trees, plants and flowers, maintenance of street signs and replacement of streetlights. For purposes of this Section, "minor repair and maintenance work" shall include only work for which the combined costs of supplies and labor does not exceed Five Thousand Dollars ($5,000.00) for any particular repair or maintenance project or activity.



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(b) The Mayors are responsible for general minor repair and maintenance of village public streets and roads, public streetlights, public buildings being used to house the Mayor's Office, and community centers in their respective districts, and the following areas:

(1) The Mayor of Hågat is responsible for the Hågat Recreation Area, San Jose Circle, and the former Hågat Fire Station located on Lot # 443 Part 1-2 New 1.

(2) The Mayor of Hagåtña is responsible for the Hagåtña basketball court;

(3) The Mayor of Agana Heights shall be responsible for the Agana Heights Recreation Area and the care and administration of Lot No. 64-3, Agana Heights, Guam, containing an area of 5,120.23± square meters, as shown in Instrument No. MA11092, Department of Land Management, and Document No. 340078, Department of Land Management, the former site of the United States Naval Hospital incinerator, which shall be utilized for public recreation purposes;

(4) The Mayor of Assan-Ma'ina is responsible for the Assan Recreation Area and the Ma'ina Recreation Area;

(5) The Mayor of Barrigada is responsible for the Barrigada Recreation Area;

(6) The Mayor of Chalan Pago and Ordot is responsible for the Jose U. Atoigue Memorial Park and Lot No. 3458-R1;

(7) The Mayor of Dededo is responsible for the Astumbo Recreation Area, Central Park, the Civic Center, the Dededo Recreation Area and the Dededo Municipal Building;

(8) The Mayor of Inalåhan is responsible for Recreation Area I, Recreation Area II, the Malojloj Recreation Area, and the Inalåhan Community Center. Administrative jurisdiction over the Inalåhan Community Center is hereby transferred from the Department of Parks and Recreation to the Inalåhan 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;

(9) The Mayor of Mangilao is responsible for Plumeria Park, Mangilao Park and the Mangilao Playground;

(10) The Mayor of Malesso' is responsible for the Malesso' Recreation Area, the Tot Lot, and the Merlyn G. Cook Schoo1;

(11) The Mayor of Mongmong-Toto-Maite is responsible for the Mapas Recreation Area and the Toto Recreation Area;

(12) The Mayor of Piti is responsible for the Piti Community Ball Park and the Pedro C. Santos Memorial Park;

(13) The Mayor of Sånta Rita-Sumai is responsible for the Sånta Rita-Sumai Recreation Area and the Jose (Icha) M. Guzman Baseball Field;

(14) The Mayor of Sinajana is responsible for the Community Parks A, B, and C;

(15) The Mayor of Talo'fo'fo' is responsible for the Talo'fo'fo' Recreation Area;

(16) The Mayor of Tamuning-Tumon is responsible for the Tamuning and Tumon Recreation Areas;

(17) The Mayor of Humåtak is responsible for the Humåtak Recreation Area;



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(18) The Mayor of Yigo is responsible for the Agafa Gumas Recreation Area and the Yigo Recreation Area;

(19) The Mayor of Yona is responsible for Blas Park, Pangelinan Park, Quichocho Park, Violet Park, and the Yona Community Park. The Office of the Mayor shall also have administrative authority of the Taga'chang Beach Park and shall adopt the Department of Parks and Recreation rules and regulations and the fee schedule for the use of the Park, any of its recreation shelters or any activity within the premises of the Park; and shall allocate a portion of the proceeds, which shall be deposited subject to the provisions of § 40135 of this Chapter, received for such use, for the maintenance and upkeep of the Taga'chang Beach Park.

(20) The Mayor of Malesso' is responsible for the Malesso' Pier Park. The authority for allowing use of the facility and assessment of authorized fees, as currently exercised by the Department of Parks Recreation, shall be made a part of the granting of this responsibility, in the interim, until the Mayor, through the AA process, formulates a new fee structure or new rules and regulations.

(c) Nothing in this Chapter shall be interpreted as limiting the power of Mayors to enter into contracts for the performance of repair and maintenance functions.

(d) All Mayors' Offices shall be allowed to dump for free their Village trash or debris at the Ordot dump, the Hågat transfer station and any other permitted dump site operated by the Department of Public Works (DPW). This trash or debris shall come strictly from their duties in maintaining Village streets and public buildings, parks or facilities in their Villages, including the clean-up and removal of public nuisances and debris.

(e) Transfer of the Baza Gardens Baseball Field from the Department of Parks and Recreation to the Office of the Mayor of Yona. The Baza Gardens Baseball Field located at the entrance of the Baza Gardens housing area, designated as Lot No. 95 REM 2C 1, Municipality of Yona, Guam, containing an area of two (2) acres, is hereby officially transferred from the control of the Department of Parks and Recreation to the control of the Office of the Mayor of Yona. The Office of the Mayor of Yona shall be responsible for the overall administration, operation and maintenance of the baseball field for use by the residents of Yona and the island community.

**SOURCE:** GC § 15009.5 added by P.L. 18-015:X:19 (Sept. 28, 1985). Amended by P.L. 20-033:1 (Sep. 6, 1989). Subsection (b)(3) repealed and reenacted by P.L. 24-133:2 (Feb. 16, 1998). Subsection (d) added by P.L. 26-035:III:23(b) (Sept. 28, 2001). Subsection (e) added by P.L. 27-039:2 (Nov. 11, 2003). Subsection (b)(3) amended by P.L.27-073:2 (Feb. 10, 2004). Subsection (b)(10) amended by P.L. 28-153:2 (Nov. 22, 2006). Subsection (b)(7) amended by P.L. 29-049:3 (Jan. 2, 2008). Subsection (b)(20) added by P.L. 30-078:3 (Jan. 22, 2010). Subsection (b)(19) amended by P.L. 31-162:1 (Jan. 4, 2012). Subsection (b)(8) amended by P.L. 31-241:3 (Dec. 26, 2012). Subsection (b)(1) amended by P.L. 32-014:3 (Apr. 11, 2013). Subsection (b)(6) amended by P.L. 37-137:3 (Dec. 27, 2024).

**2026 NOTE:** Reference to Asan replaced with Assan-Ma'ina pursuant to 1 GCA § 403(n).

**2024 NOTE:** Reference to "Agana" replaced with Hagåtña pursuant to 1 GCA § 403(b). Reference to "Inarajan" replaced with Inalåhan pursuant to 1 GCA § 403(h). Reference to "Agat" replaced with Hågat pursuant to 1 GCA § 403(k). Reference to "Umatac" replaced with Humåtak pursuant to 1 GCA § 403(j). Reference to "Merizo" replaced with Malesso' pursuant to 1 GCA § 403(i). Reference to "Santa Rita" replaced with Sånta Rita-Sumai pursuant to 1 GCA § 403(l). Reference to "Talofofo" replaced with Talo'fo'fo' pursuant to 1 GCA § 403(g).

The reference to "the AA process" in subsection (b)(20) was added by P.L. 30-078:3 (Jan. 22, 2010); however, it is unclear whether this is a reference to the Administrative Adjudication Law codified at Title 5 GCA, Chapter 9.

## § 40114. Hagåtña Mayor: Sagan Dinaña.

(a) The Mayor of Hagåtña may set a reasonable fee for the use of Sagan Dinaña, according to the provisions of the Administrative Adjudication Law, and shall collect the fee.



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(b) There is created a revolving fund within the General Fund, which is to be accounted for separate from other accounts within the General Fund, to be known as the Sagan Dinaña Revolving Fund. The fees collected pursuant to Subsection (a) of this Section shall be placed into this revolving fund.

(c) The funds placed in the Sagan Dinaña Revolving Fund shall be used for maintenance and repair of Sagan Dinaña, upon certification for the expenditure of the funds by the Mayor of Hagåtña.

**SOURCE:** GC § 15009.6 enacted by P.L. 18-040:37 (Nov. 6, 1986).

**2024 NOTE:** Reference to "Agana" replaced with Hagåtña pursuant to 1 GCA § 403(b).

### § 40114.1. Hagåtña Community Sports and Recreation Facilities.

(a) Notwithstanding any other provision of law including, but not limited to, the Government of Guam Reserved Lands List adopted in P.L. 22-018, a portion not to exceed 18,000 square meters of the property identified as Lot No. 87-5-R2 consisting of approximately 49,777 square meters (referenced in Parceling Survey Map – Department of Land Management Instrument Number 989376 recorded on August 1, 2023, attached hereto as Exhibit "A"), previously identified in P.L. 22-018 as Lot No. 87-5-R1, Municipality of Hagåtña, as described herein, is hereby placed under the administrative jurisdiction of the Hagåtña Mayor's Office for the purposes authorized by this Act.

(b) The Hagåtña Mayor's Office shall utilize the property solely for the development of a football pitch and community sports and recreation facilities including, but not limited to, beach volleyball facilities which shall be made available for public use.

(c) The Hagåtña Mayor's Office shall ensure that the property remains accessible to the public and that no portion of the land is used for commercial purposes inconsistent with community recreation use.

(d) The Hagåtña Mayor's Office shall have full authority over the planning and public procurement of construction, operation, repair, and maintenance of the facilities if public or grant funds are to be utilized. All upkeep, improvements, and related work shall further be carried out under the direction and supervision of the Hagåtña Mayor's Office.

(e) The Hagåtña Mayor's Office is authorized to seek funding from public and private sources, including grants, appropriations, and donations, for the purpose of developing, maintaining, and repairing community sports and recreation facilities established on the property pursuant to this Act.

(f) Notwithstanding 5 GCA § 5127, but subject to 21 GCA § 60114(c), the Hagåtña Mayor's Office is authorized to enter into separate lease agreements for a portion of the land identified herein to the Guam Football Association and the Guam Volleyball Federation for a period to be mutually agreed upon between the Hagåtña Mayor's Office and the aforementioned organizations, but not to exceed thirty (30) years. Such lease agreements shall be limited to construction, management, and maintenance requirements; the scheduling of games and events; the sale of advertising signage; and facility improvements, structures, lighting, and other provisions mutually agreed upon between the Hagåtña Mayor's Office and the Guam Football Association, and the Hagåtña Mayor's Office and the Guam Volleyball Federation, not inconsistent with existing laws. The Guam Football Association and the Guam Volleyball Federation shall not have the authority to sublet, transfer or assign such lease to other parties without prior approval of I Liheslatura.

(g) The Department of Land Management shall cause a survey of the property identified as Lot No. 87-5-R2, previously identified in P.L. 22-018 as Lot No. 87-5-R1, Municipality of Hagåtña, to be conducted in order to establish and confirm the metes and bounds and to prepare an official survey map of said property. The Director of Land Management is hereby authorized to undertake such actions as may be necessary to complete the survey, subdivide the property if necessary and to coordinate with the Department of Public Works or any other relevant agencies as needed.



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(h) If space permits, the Hagåtña Mayor's Office may include additional community amenities such as walking paths, a children's playground, and a community pavilion or covered gathering area to enhance recreation opportunities and encourage community engagement. All such improvements shall be designed and constructed in harmony with the primary purpose of the property as a football pitch and community sports and recreation area.

(i) Reversionary Clause 1. In the event the property identified in paragraph (g) of this Section, *supra*, is not utilized for the purposes authorized by this Act within ten (10) years of enactment, said lot shall revert to the Government of Guam.

(j) Reversionary Clause 2. If, at any time, the recreational facilities (after the facilities are built) cease to be utilized for purposes intended by this Section for least three (3) consecutive years, said lot shall revert to the Government of Guam.

**SOURCE:** Added by P.L. 38-116:2 (Apr. 8, 2026). Subsection (i) amended by P.L. 38-136:XII:34 (Aug. 28, 2026).

**2026 NOTE:** Exhibit A, referenced in subsection (a), is attached to P.L. 38-116:2 (Apr. 8, 2026).

## § 40115. Authority of Mayors and Vice Mayors.

Mayors and Vice Mayors are authorized and empowered:

(a) To act as the executive head for the administration of the laws of Guam in his jurisdiction.

(b) To act as a peace officer in his jurisdiction.

(c) To fine violators of sanitary and health laws and to cite violators of litter and defacement laws and regulations. Such citations shall be accompanied by an order to appear at the Traffic Court Division of the Superior Court of Guam, pursuant to 10 GCA § 51206. The Traffic Court shall have the authority to impose a fine to those found guilty of violating such laws and regulations.

(1) [No text]

(A) Any person in violation of 10 GCA § 51205(a) shall be fined Two Hundred Dollars ($200.00) for the first offense, Three Hundred Dollars ($300.00) for the second offense, and Five Hundred Dollars ($500.00) for the third and subsequent offenses.

(B) In addition to the fine pursuant to Subsection (c)(1) of this Section, the court shall require the offender to pick up litter or perform community service, or both, under the supervision of the Mayor, or in the Mayor's absence, the Vice Mayor, for eight (8) hours for the first offense, sixteen (16) hours for the second offense, and thirty-two (32) hours for the third and subsequent offenses.

(2) [No text]

(A) A person in violation of 10 GCA § 51205(b) shall be fined Five Hundred Dollars ($500.00) for the first offense, Seven Hundred Fifty Dollars ($750.00) for the second offense, and One Thousand Dollars ($1000.00) for the third and subsequent offenses.

(B) In addition to the fine pursuant to Subsection (c)(2) of this Section, the court shall require the offender to pick up litter or perform community service, or both, under the supervision of the Mayor, or in the Mayor's absence, the Vice Mayor, for forty (40) hours for the first offense, sixty (60) hours for the second offense, and one hundred twenty (120) hours for the third and subsequent offenses.

(3) A person convicted of any litter offense under this Section may also be required by the court to pay the cost of removing the litter they caused.



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(d) The Superior Court of Guam shall transfer all money collected to pay fines imposed under this Section in the following manner: fifty percent (50%) to the Litter Control Revolving Fund established in 10 GCA § 51204, and fifty percent (50%) to the Municipal Litter and Defacement Fund.

(e) The community service may include cleaning of roadsides and public grounds, and the cleaning of public buildings and facilities; anti-littering and recycling educational outreach; and assisting with recycling efforts within the municipality in which the violation took place. Such community service shall be assigned by the Mayor, or in the Mayor's absence, by the Vice Mayor. Any decision or action of the Mayor or Vice Mayor pursuant to the authority of this Section may be appealed to the Superior Court of Guam within thirty (30) days of the date of such decision or action.

**SOURCE:** GC § 15010. Amended by P.L. 20-033:1 (Sept. 6, 1989). Subsection (c) amended by P.L. 21-126:3 (Jul 28, 1992) and P.L. 21-141:1 (Oct. 2, 1992). Subsection (d) added by P.L. 21-141:2 (Oct. 2, 1992). Subsection (c) amended by P.L. 25-119:4 (Mar. 25, 2000); P.L. 25-170:6 (Oct. 19, 2000); and P.L. 36-061:6 (Oct. 18, 2021).

**2024 NOTE:** The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered. Subsection designations added pursuant to authority granted by 1 GCA § 1606.

**2021 NOTE:** Subsection designations in subsection (c) added/altered pursuant to the authority of 1 GCA § 1606.

**COMMENT:** When interrogating a person the Mayors are subject to the requirement of giving a person his "Miranda rights" just as is any other peace or police officer, and under the same circumstances. *Rosario v. People of the Territory of Guam*, 391 F.2d 869 (1968).

## § 40115.1. Mayors Empowered with Approving Authority.

(a) Notwithstanding any other provisions of law, individual Mayors are granted authority to sponsor and to approve concessions, festivals, fiestas, or other village events associated with the promotion of the Chamorro culture, tradition, heritage and tourism, and officially sponsored by their mayoral office, or by the Mayors' Council of Guam, to be held within village property under the jurisdiction and control of the Mayor or Municipal Planning Council of that village. The names of the events shall be at the discretion of the Mayor. The net proceeds of such concessionary activity shall be given to the Municipal Planning Council of the Village in which the activity is held.

(b) The Village Mayor or Vice Mayor will provide a report of the amount of the proceeds that is transmitted to the Municipal Planning Council not more than thirty (30) days from the last day of such event to the Department of Revenue and Taxation, I Maga'hågan/Maga'låhen Guåhan, the Speaker of I Liheslatura, and the Office of Public Accountability.

(c) This special authority granted to Mayors does not negate any other governmental requirement from being met, including, but not limited to, health and sanitary permits if such concessionary activities involve the handling of consumables, or the approval and permitting for gambling and cockfighting activities, or other permit or licensing requirements. A Certificate of Approval affixed with the approving Mayor's signature shall constitute the official authorization for a concessionary activity not to exceed a period of thirty (30) days. Such document shall indicate the nature of the activity and the activity's duration, which shall not exceed sixty (60) days from issuance of approval. A copy of the certificate shall be transmitted to the Speaker of I Liheslaturan Guåhan. The funds and activities generated in this Section shall be subject to annual audit by the Office of Public Accountability.

**SOURCE:** Added as § 40115.A by P.L. 30-068:2 (Nov. 27, 2009). Renumbered by Compiler to harmoniously fit this chapter.

**2021 NOTE:** Subsection designations added pursuant to the authority of 1 GCA § 1606.

## § 40116. Duties of the Vice Mayor.

The Vice Mayor shall assist the Mayor in the discharge of his duties as prescribed in § 40112 of this Chapter, and to perform other related duties as may be assigned by the Mayor. In the event of the absence



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of the Mayor from Guam or his incapacity due to illness or injury, the Vice Mayor shall serve as Acting Mayor for the duration.

**SOURCE:** GC § 15011 repealed and reenacted by P.L. 14-027:7 (May 26, 1977).

**2024 NOTE:** Reference to "the Territory" replaced with "Guam" pursuant to 1 GCA § 420.

### § 40117. Provision for Office Space.

The government of Guam shall provide adequate office space for every Municipal Mayor and Vice Mayor, such offices to be within the municipalities served by the respective Mayors and Vice Mayors. In the event private property is needed for such office, the government shall lease the same only after public bidding.

**SOURCE:** GC § 15012 added by P.L. 10-013 (Feb. 25, 1969) and amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40118. Municipal Fund.

There is hereby created a Municipal Fund in the amount no less than Twenty-five Thousand Dollars ($25,000.00) for each Mayor. Said fund may be used for any of the following purposes:

(a) To defray the cost of providing group transportation for legitimate district participation in programs and activities involving the residents of his district.

(b) To defray the cost of services and equipment, including food purchased for official functions, which are essential to promoting or undertaking organized sports, recreation, cultural and civic activities in his district.

(c) To defray the cost of providing immediate humanitarian services in case of emergency or unforeseen circumstances. In no case shall such service exceed Five Hundred Dollars ($500) in cash or materials, or services rendered.

(d) To defray the cost of services, logistics and supplies in the discharge of his duties as prescribed in § 40112 of this Chapter exclusive of salaries of the Mayor, Vice Mayor and office personnel as prescribed in § 40121. No portion of this fund shall be committed or spent without the approval of the Municipal Planning Council, as created under the provisions of § 40124 of this Chapter. Furthermore, no portion of the Municipal Fund shall be committed or spent unless the availability of funds is certified by the Certifying Officer of the Mayors' Council.

**SOURCE:** GC § 15012 added by P.L. 14-027:8 (May 26, 1977); amended by P.L. 18-015:X:21 (Sept. 28, 1985) and P.L. 20-033:1 (Sep. 6, 1989). Subsection (b) amended by P.L. 22-050:6 (Dec. 2, 1993). Subsection (e) added by P.L. 22-050:7 (Dec. 2, 1993). Subsection (e) repealed by P.L. 23-045:IV:3 (Oct. 18, 1995).

### § 40119. Community Development Fund.

(a) Community Development Fund Use Option. Each Mayor may expend funds appropriated from the Community Development Fund for personnel services, contractual services or a combination thereof.

(b) Mayoral Administration. Each Mayor is hereby authorized to directly solicit and administer contracts for construction, road repair and beautification projects in accordance with procurement laws, and procurement rules and regulations, and availability of funds not to exceed a cost of Fifty Thousand Dollars ($50,000.00) per contract. Such projects are to be reviewed by the Department of Public Works for compliance assurance within five (5) working days. The issuance and administration of purchase orders for items approved by the Department of Public Works for procurement herein shall be the responsibility of the Mayors' Council.

(c) Procurement.



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(1) The Mayors' Council of Guam is authorized under § 6959.3 of the Procurement Law to procure supplies or services of less than Fifteen Thousand Dollars ($15,000.00) without the approval of the General Services Administration.

(2) Mayors are authorized to use the fees collected and deposited in accordance with 19 GCA § 3202(j) and (k), to procure services and supplies for the maintenance of parks as listed in § 40113 of this Chapter; for the planting of trees, plants, and flowers; for maintenance of street signs; for replacement of street lights; and for landscape maintenance.

(d) There is established a Community Development Fund which shall be maintained separate and apart from any other funds within the Government of Guam and independent records and accounts shall be maintained in connection therewith. Money in the Community Development Fund shall be allocated by the Mayors' Council of Guam to Mayors for payment of salaries of employees performing minor repairs and maintenance in accordance with § 40113 of this Chapter and for purchase of equipment and supplies necessary for performing minor repairs and maintenance in accordance with § 40113 of this Chapter. The Mayors' Council also may use money in the Community Development Fund to purchase equipment and supplies for the general use of all the Mayors in the performance of minor repairs and maintenance pursuant to § 40113 of this Chapter.

**SOURCE:** GC § 15012.5 added by P.L. 18-015:X:22 (Sept. 28, 1985). Amended by P.L. 25-118:2-4 (Mar. 24, 2000), which added subsections (a)-(c); existing language renumbered to (d) by the Compiler pursuant to the authority of 1 GCA § 1606.

### § 40120. Transfer of Existing Programs, Assets and Unexpended Funds from the Chief Mayor's Office to the Council.

Upon the effective date of this Law, I Maga'håga/Maga'låhi shall authorize the immediate and orderly transfer of existing programs and functions, personnel, equipment, furniture, supplies, records, documents and unexpended funds from the Office of the Chief Mayor for purposes of this Chapter to the full control and administration of the Council.

**SOURCE:** GC § 15013 added by P.L. 14-027:9 (May 26, 1977).

**2024 NOTE:** Reference to "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510.

### § 40121. Personnel for Individual Mayors.

Subject to budgetary limitations, each Mayor is authorized to hire such personnel as are necessary to effectuate the purposes of this Law, who shall serve as unclassified employees of the Government. Their rate of compensation shall be fixed by the Council at the rate comparable to that paid a government employee serving in similar position within the classified service.

**SOURCE:** GC § 15014 added by P.L. 14-027:9 (May 26, 1977). Amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40122. Capital Projects Participation.

The Mayors shall be authorized to participate in the annual consideration of capital improvements program by the Executive Branch. They shall be allowed to express their views, make recommendations and propose projects for their respective districts.

**SOURCE:** GC § 15015 added by P.L. 14-027:9 (May 26, 1977). Amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40123. Advising the Mayor.

All government of Guam departments and agencies shall advise in writing and appraise the Mayor of any public works project or activity to be undertaken in his district at least five days prior to the start of said project or activity. In case of an emergency, said department or agency shall advise the Mayor of the same immediately.



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**SOURCE:** GC § 15016 added by P.L. 14-027:9 (May 26, 1977) and amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40124. Municipal Planning Council: Establishment.

There is established a Municipal Planning Council within each of the districts of Guam.

**SOURCE:** GC § 15017 added by P.L. 14-027:9 (May 26, 1977).

**2024 NOTE:** Reference to "of the territory" deleted and omitted pursuant to 1 GCA § 420.

### § 40125. Composition and Eligibility of Council Members.

(a) A Municipal Planning Council shall be composed of ten (10) members to be appointed by the Mayor from among the residents of the district who are registered voters, who are U.S. citizens, and who are at least eighteen (18) years of age. In addition, the Mayor may appoint one (1) additional member to the Municipal Planning Council for every one thousand (1,000) residents of the district in excess of ten thousand (10,000); provided, that the total membership shall not exceed twenty (20) members.

(b) A Mayor and a Vice Mayor shall be ex officio members of their respective Municipal Planning Councils, may participate in all proceedings, and shall be eligible to vote thereat. The Mayor shall be chairman of the Municipal Planning Council.

**SOURCE:** GC § 15018 added by P.L. 14-027:9 (May 26, 1977). Amended by P.L. 20-033:1 (Sep. 6, 1989); amended by P.L. 21-069:2.

**2021 NOTE:** Subsection designations added pursuant to the authority of 1 GCA § 1606.

### § 40126. Municipal Planning Council: Term of Office.

Each member of the Municipal Planning Council shall hold office for a period of two (2) years, said term to begin on the first Monday in January following his or her appointment.

**SOURCE:** GC § 15019 added by P.L. 14-027:9 (May 26, 1977).

### § 40127. Municipal Planning Council: Vacancy.

In case of a vacancy on the Municipal Planning Council by reason of death, resignation or incapacity, said vacancy shall be filled by appointment of the Mayor.

**SOURCE:** GC § 15020 added by P.L. 14-027:9 (May 26, 1977) and amended by P.L. 20-033:1 (Sep. 6, 1989).

### § 40128. Municipal Planning Council: Powers, Duties and Responsibilities.

The Municipal Planning Council in each district shall work closely with the district Mayor and shall perform the following duties and responsibilities:

(a) Advise the Mayor on all matters affecting the well-being of the community.

(b) Review and approve the Mayors' requests for expenditures of money from the Municipal Fund as established by § 40118 of this Chapter.

(c) Hold joint public hearings with the Mayor and Vice Mayor, if applicable, on matters affecting the community.

(d) Cooperate with the Mayor and Vice Mayor, if applicable, in whatever manner appropriate to ensure the well-being of the residents of the community.

(e) Promulgate such rules and regulations as necessary for the proper operation of the programs under the jurisdiction of the Mayor, provided however, that said rules and regulations do not infringe on the authority of the Mayor as provided in § 40115 of this Chapter.

(f) [No text]



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(1) Review and express its support or opposition on all variance applications, zone changes, and government leases involving land within their districts, pursuant to §§ 61623, 61638, and 60115 of Title 21, Guam Code Annotated. The Municipal Planning Council of each municipal district to be affected by other proposed projects reviewed by the Guam Land Use Commission shall review the request and express its support or opposition thereon by resolution adopted by a majority of its members, and such resolutions shall be forwarded to the Guam Land Use Commission.

(2) For each variance application, zone change, government lease, conditional use application, and other proposed project reviewed by the Guam Land Use Commission involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall conduct a minimum of two (2) separate public meetings, pursuant to the requirements of Chapter 8, Title 5 Guam Code (Open Government Law).

(g) The Guam Environmental Agency (GEPA) and all other government entities authorized to issue citations for violations of litter and defacement laws may deputize persons, after training from the Guam Community College Pro-Tech Institute, to fine violators of litter and defacement laws in the same manner that Mayors and Vice Mayors are empowered in 5 GCA § 40115.

(h) The Municipal Planning Council shall act as the body politic with the power to make its own rules, establish committees, hold hearings, and to prepare, pass, and adopt resolutions. If a resolution from a Municipal Planning Council requests action from I Liheslaturan Guåhan, the resolution shall be received by the Rules Committee, or its equivalent, of I Liheslaturan Guåhan.

(i) Each Municipal Planning Council shall, on or before July 30 of each year, submit a status report on the Municipal Litter and Defacement Fund to I Liheslaturan Guåhan.

**SOURCE:** GC § 15021 added by P.L. 14-027:9 (May 26, 1977) and amended by P.L. 20-033:1 (Sep. 6, 1989). Subsection (f) added by P.L. 20-217:7 (Aug. 22, 1990), amended by P.L. 33-068:2 (Sept. 15, 2015), and P.L. 33-129:1 (Mar. 4, 2016). Subsection (g) added by P.L. 25-119:2. Subsection (h) added by P.L. 30-088:1 (Feb. 8, 2010). Subsection (i) added as uncodified law by P.L. 25-119:5 (Mar. 24, 2000) and codified to this section by the Compiler.

**NOTE:** In adding this section, P.L. 14-027:9 (May 26, 1977) contained erroneous references to GCA in subsections (b) and (e). Pursuant to the authority granted by 1 GCA § 1606, these references have been altered to refer to the correct GCA provisions.

**2024 NOTE:** The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

## § 40129. School Bus Shelters.

School bus shelters shall be placed at necessary places within each of the 19 municipal districts of Guam and such placement shall be in accordance with the decision of each municipal council, subject to the availability of funds and requirements of public safety as determined by the Chief of Police and Director of Public Works and the President of the Mayors' Council. Once placed, school bus shelters shall not be removed, dismantled, or relocated without the consent of the village council of the municipal district involved.

**SOURCE:** GC § 15021.1 added by P.L. 17-029:9 (Nov. 9, 1983). Amended by P.L. 20-033:1 (Sep. 6, 1989).

**COMMENT:** Chief of Police substituted for Director of Public Safety pursuant to P.L. 17-078:1 (Dec. 12, 1984).

**2024 NOTE:** Reference to "the Territory" replaced with "Guam" pursuant to 1 GCA § 420.

## § 40130. Municipal Planning Council: Meetings.

(a) Each Municipal Planning Council shall meet regularly, at least once a month, or more often as necessary. A two (2) day notice shall be given for a special meeting; provided, that the members may waive



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notice by all executing a written waiver. A quorum, which consists of a majority of the members, is required for any action by the Council.

(b) Each Council member, except the Mayor and Vice Mayor, shall be eligible to receive a stipend of Fifty Dollars ($50) for every regular and special meeting attended; provided, however, that such stipend shall not exceed One Hundred Dollars ($100) in any one (1) calendar month.

**SOURCE:** GC 15022 added by P.L. 14-027:9 (May 26, 1977); amended by P.L. 21-069:3 (Nov. 26, 1991).

### § 40131. Municipal Litter and Defacement Fund.

There is established a Municipal Litter and Defacement Fund for each municipality which shall be maintained separate and apart from any other funds of the government of Guam and shall be controlled and administered by the Municipal Planning Council of each municipality. Independent records and accounts shall be maintained in connection therewith by each Municipal Planning Council. Monies received from 5 GCA § 40115(c), or 5 GCA § 40128(g), shall be deposited into the Municipal Litter and Defacement Fund of the municipality of the Mayor, Vice Mayor or Municipal Planning Council member issuing the citation. The monies shall be used by the Mayor with the approval of the Municipal Planning Council for beautification and safety projects, including, but not limited to, the purchase of supplies.

**SOURCE:** Added by P.L. 21-126:4 (July 28, 1992). Amended by P.L. 25-119:3 (Mar. 28, 2000).

### § 40132. Effective Date.

This Act shall take effect immediately upon enactment, but I Maga'håga/Maga'låhi may postpone the actual transfer of all or a portion of such functions to be transferred by this law until such time as the organization provided for can be put in full force and effect but not later than January 1979. Except as otherwise provided herein, all officers, their subordinates and employees whose functions are covered by this Act, shall continue to perform their duties from the date this Act takes effect.

**SOURCE:** GC § 15023 added by P.L. 14-027-9 (May 26, 1977). Renumbered to § 40132 by P.L. 21-126:4 (July 28, 1992).

**2024 NOTE:** Reference to "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510.

### § 40133. Establishment and Use of the Agana Heights Gymnasium Fund.

There is established, separate and apart from any other government fund, an Agana Heights Gymnasium Revolving Fund. The Agana Heights Municipal Planning Council is authorized to establish, charge, collect and approve money for the use of the Agana Heights village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Agana Heights Gymnasium. The Agana Heights Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 23-045:IV:1 (Oct. 18, 1995).

### § 40134. Establishment and Use of the Tamuning Gymnasium Fund.

There is established, separate and apart from any other government fund, a Tamuning Gymnasium Revolving Fund. The Tamuning Municipal Planning Council is authorized to establish, charge, collect and approve money for the use of the Tamuning village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Tamuning Gymnasium. The Tamuning Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 23-045:IV:2 (Oct. 18, 1995).

### § 40135. Creation of the Municipal Planning Council Revolving Fund.

There is hereby established nineteen (19) Municipal Planning Council Revolving Funds under the control and custody of the respective village Municipal Planning Councils. Each village shall establish their



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own fund that will be separate and apart from other funds, including the General Fund. The Mayors' Council of Guam is hereby authorized to set charges for the use of community centers and all sports facilities, except village gymnasiums. These proposed fees shall be submitted to I Liheslaturan Guåhan for approval. The Mayor and the Municipal Planning Councils of each village are hereby authorized to raise funds through charging commercial enterprises to advertise on the walls of their sports facilities, raise funds through fund-raising efforts to include approving concessionaire activities within each municipality as approved by its Municipal Planning Council, solicit corporate sponsorship, and to accept contributions that are solely beneficial to the sports facilities or village. These revenues shall be deposited into the Municipal Planning Council Funds of each village, and shall be used for the operation and maintenance of these facilities, and to fund special projects identified by the Municipal Planning Councils.

(a) The Mayors shall take all action to ensure that the Revolving Funds are 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 Funds. Any balance remaining in the funds at the end of the fiscal year shall carry over into the next fiscal year or until expended.

(b) All disbursement transactions on the Revolving Funds shall be as stipulated herein:

(1) the Municipal Planning Council of each village shall approve all expenditures for that particular village;

(2) the minutes of the meetings must verify the authorization given by the Municipal Planning Council;

(3) there must be two (2) authorized signatures; authorized signatures shall be determined by the Mayor and the Chairperson of the Municipal Planning Council, or a member designee;

(4) the Mayor shall be responsible for receipts and other substantiation as determined by the Municipal Planning Council for all checks issued; and

(5) each Mayor shall submit a financial statement at the end of each fiscal year to the Mayors' Council of Guam.

**SOURCE:** Added by P.L.24-097:1 (Oct. 23, 1997). Amended by P.L. 31-178:2 (Feb. 3, 2012).

**2024 NOTE:** Subsection designations added/altered pursuant to authority granted by 1 GCA § 1606.

### § 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;



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(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.

**SOURCE:** Added by P.L.31-241:4 (Dec. 6, 2012).

## § 40136. Direct Purchase.

The Mayors' Council is hereby authorized to purchase equipment, supplies and services not to exceed One Thousand Dollars ($1,000.00) per purchase, provided the Mayors' Council solicits a minimum of three (3) informal written or telephonic quotations from vendors able to supply the equipment, supplies or services sought provided; however, for purchases under Five Hundred Dollars ($500.00), the Mayors' Council is authorized to procure equipment, supplies or services without the necessity of going through the normal government procurement procedures. Mayors shall ensure that none of the purchases under this Section shall be artificially divided to meet the requirements of this Section. Any violation by any Mayor shall cause that Mayor to lose the right to purchase under this Section. A determination of whether a violation of this Section occurred will be made by the Chief Procurement Officer of the government of Guam's General Services Agency.

**SOURCE:** Added by P.L. 22-050:8 (Dec. 2, 1993); amended by P.L. 24-059:IV:11 (Sept. 12, 1997); amended by P.L. 24-184 (May 5, 1998), all uncodified sections. Because this is clearly a permanent provision of the law relative to the Mayors' Council, the Compiler has added this uncodified section to the Guam Code Annotated as a codified section of the law.

## § 40137. Establishment and Use of the Hågat Gymnasium Revolving Fund.

There is established, separate and apart from any other government fund, an Hågat Gymnasium Revolving Fund. The Hågat Municipal Planning Council is authorized to establish, charge, collect, and approve money for the use of the Hågat village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Hågat Gymnasium. The Hågat Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 31-178:3 (Feb. 3, 2012).

**2024 NOTE:** Reference to "Agat" replaced with Hågat pursuant to 1 GCA § 403(k).

## § 40138. Establishment and Use of the Dededo Gymnasium Revolving Fund.

There is established, separate and apart from any other government fund, a Dededo Gymnasium Revolving Fund. The Dededo Municipal Planning Council is authorized to establish, charge, collect, and approve money for the use of the Dededo village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Dededo Gymnasium. The Dededo Mayor shall be the custodian and certifying officer of the Fund.



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**SOURCE:** Added by P.L. 31-178:4 (Feb. 3, 2012).

### § 40139. Establishment and Use of the Talo'fo'fo' Gymnasium Revolving Fund.

There is established, separate and apart from any other government fund, a Talo'fo'fo' Gymnasium Revolving Fund. The Talo'fo'fo' Municipal Planning Council is authorized to establish, charge, collect, and approve money for the use of the Talo'fo'fo' village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Talo'fo'fo' Gymnasium. The Talo'fo'fo' Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 31-178:5 (Feb. 3, 2012).

**2024 NOTE:** Reference to "Talofofo" replaced with Talo'fo'fo' pursuant to 1 GCA § 403(g).

### § 40140. Establishment and Use of the Yigo Gymnasium Revolving Fund.

There is established, separate and apart from any other government fund, a Yigo Gymnasium Revolving Fund. The Yigo Municipal Planning Council is authorized to establish, charge, collect, and approve money for the use of the Yigo village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Yigo Gymnasium. The Yigo Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 31-178:6 (Feb. 3, 2012).

### § 40141. Establishment and Use of the Yona Gymnasium Revolving Fund.

There is established, separate and apart from any other government fund, a Yona Gymnasium Revolving Fund. The Yona Municipal Planning Council is authorized to establish, charge, collect, and approve money for the use of the Yona village gymnasium. The Fund shall be used for personnel, operations, and maintenance of the Yona Gymnasium. The Yona Mayor shall be the custodian and certifying officer of the Fund.

**SOURCE:** Added by P.L. 31-178:7 (Feb. 3, 2012).

### § 40142. Gymnasium Revolving Fund.

(a) There are hereby established Gymnasium Revolving Funds for eligible municipalities, in accordance with this Chapter, which will be separate and apart from other funds, including the General Fund. The Mayors' Council of Guam is hereby authorized to set charges for the use of village gymnasiums. These proposed fees shall be submitted to I Liheslaturan Guåhan for approval. The Mayor and the Municipal Planning Councils of each village are hereby authorized to raise funds through charging commercial enterprises to advertise on the walls of their gymnasium, raise funds through fund-raising efforts, to include approving concessionaire activities within each municipality's gymnasium as approved by its Municipal Planning Council, and to accept contributions that are solely beneficial to the gymnasium. These revenues shall be deposited into the Gymnasium Revolving Fund of each eligible municipality and shall be expended in accordance with the provisions of this Chapter.

(b) The Mayors shall take all action to ensure that the Gymnasium 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 Gymnasium Revolving Funds. Any balance remaining in the funds at the end of the fiscal year shall carry over into the next fiscal year or until expended.

(c) All disbursement transactions on the Gymnasium Revolving Fund shall be as stipulated herein:

(1) the Municipal Planning Council of each village shall approve all expenditures for that particular village;



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(2) the minutes of the meetings must verify the authorization given by the Municipal Planning Council;

(3) there must be two (2) authorized signatures; authorized signatures shall be determined by the Mayor and the Chairperson of the Municipal Planning Council, or a member designee;

(4) the Mayor shall be responsible for receipts and other substantiation as determined by the Municipal Planning Council for all checks issued; and

(5) each Mayor shall submit a financial statement at the end of each fiscal year to the Mayors' Council of Guam.

(d) This Section shall be applicable to municipalities which have established a Gymnasium Revolving Fund in accordance with the provisions this Chapter.

**SOURCE:** Added by P.L. 31-178:8 (Feb. 3, 2012).

**2013 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were added to adhere to the Compiler's alpha-numeric scheme.

### § 40143. Transfer of F.Q. Sanchez Elementary School Facility.

(a) The land and buildings that comprise the former F.Q. Sanchez Elementary School in the village of Humåtak is transferred to the administrative jurisdiction of the Humåtak Mayor's office.

(b) The facility may be used for any of the following purposes:

(1) Mayor's office;

(2) Municipal Planning Council office;

(3) youth center or for recreational youth activities;

(4) senior citizens center;

(5) healthcare facility; and

(6) educational facility.

(c) The Humåtak Municipal Planning Council is authorized to lease portions of the facility, pursuant to 21 GCA § 60114, relative to the leasing of government properties, to for-profit or not-for-profit entities to carry out the purposes of Subsection (b) of this Section.

(d) All revenues derived from the leasing or other activities generated from the use of the facility shall be deposited in the Humåtak Municipal Planning Council Fund for the maintenance of the facility and for village activities or improvements.

(e) The Humåtak Mayor may enter into a memorandum of understanding with the Department of Administration for the management of accounts related to the activities of this Section. Administrative fees to the Department of Administration shall not exceed two percent (2%) of the revenues.

(f) The financial operations of the facility shall be subject to audit/review by the Office of Public Accountability.

(g) All uses, renovations and improvements to the facility shall comply with federal historic preservation laws and regulations applicable to Guam, and Chapter 76 of Title 21, Guam Code Annotated.

(h) In the event that the Humåtak Municipal Planning Council determines in the future that they no longer have a need for the facility, title to the facility shall revert to the Chamorro Land Trust Commission and be added to the available lands inventory of the Chamorro Land Trust Commission.



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**SOURCE:** Added by P.L. 32-011:1 (Apr. 11, 2013).

**2024 NOTE:** Reference to "Umatac" replaced with Humåtak pursuant to 1 GCA § 403(j).

### § 40144. Transfer of the Former Hågat Fire Station Property.

(a) The former Hågat Fire Station, located on Lot # 443 Part 1-2 New 1, Route 2, Hågat, is hereby transferred from the administrative jurisdiction of the Guam Fire Department to the administrative jurisdiction of the Office of the Mayor of Hågat. The transfer of said administrative jurisdiction shall become effective upon the enactment of this Act.

(b) A memorandum of agreement shall be signed by the Hågat Mayor and any organization wishing to utilize the existing Hågat Mayor's Office located at the Hågat Community Center Complex, addressing terms and conditions, to include releasing the government from liability.

(c) Nothing herein is intended to relinquish any rights or remedies available to the families pursuant to inclusion of the property in the Declaration of Taking, District Court Case No. 5-49.

**SOURCE:** Added by P.L. 32-014:2 (Apr. 11, 2013).

**2024 NOTE:** Reference to "Agat" replaced with Hågat pursuant to 1 GCA § 403(k).

## ARTICLE 2
## THE COMMUNITY PARTNERSHIP COUNCIL (CPC)

**SOURCE:** Article 2 added by P.L. 30-213:2 (Dec. 13, 2010).

§ 40201. Creation of the Community Partnership Council (CPC).
§ 40202. Membership of Council.
§ 40202.1. Municipal Subcommittees.
§ 40203. Eligibility; Terms of Service.
§ 40204. Convening and Meetings.
§ 40205. Goals and Purposes of the CPC.
§ 40206. Action Plan.
§ 40206.1. Design Recommendations and Financing Options.
§ 40206.2. Maintenance, Staffing Projections and Review of Existing Village Facilities.
§ 40207. Logistical Needs, Support Structure and Coordination of the CPC.

### § 40201. Creation of the Community Partnership Council (CPC).

There is hereby established a Community Partnership Council for the purposes of identifying sites and funding for the construction of multipurpose centers in respective municipalities.

### § 40202. Membership of Council.

The Community Partnership Council (CPC) shall consist of ten (10) members, who shall serve at the pleasure of the appointing authority, as follows:

(a) a member of the Mayors' Council of Guam (MCOG) or its President, appointed by the Officers of the MCOG, shall serve as the Chairperson;

(b) a representative from the Office of the Mayors' Council of Guam (MCOG), appointed by the Executive Director of the MCOG, who may appoint himself, shall serve as the Executive Secretary;

(c) a representative from the Department of Education (DOE), appointed by the Superintendent of DOE, who may appoint himself;



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(d) a representative from the Guam Homeland Security Office of Civil Defense (GHS/OCD), appointed by the Homeland Security Advisor, who may appoint himself;

(e) a representative from the Department of Parks and Recreation (DPR), appointed by the Director of DPR, who may appoint himself;

(f) a representative from the Guam Housing and Urban Renewal Authority (GHURA), appointed by the Director of GHURA, who may appoint himself;

(g) a representative from the Guam Economic Development Authority (GEDA), appointed by the Administrator of GEDA, who may appoint himself;

(h) two (2) volunteer members of the general public, appointed by I Maga'hågan/Maga'låhen Guåhan, who shall serve at the pleasure of I Maga'håga/Maga'låhi; and

(i) a representative from the Chamorro Land Trust Commission (CLTC), appointed by the Board.

**SOURCE:** Added by P.L. 30-213:2 (Dec. 13, 2010).

### § 40202.1 Municipal Subcommittees.

Individual municipalities shall appoint a subcommittee from among its Municipal Planning Council with one (1) representative serving as the Chairperson, who shall also serve as a liaison between the community and the CPC.

### § 40203. Eligibility; Terms of Service.

Members may be employees of the government of Guam, appointed by their respective organization head as directed in § 40202 (a), (b), (c), (d), (e), (f), (g) and (i), unless otherwise delineated. Upon acceptance, appointees, and their appointing authority, shall consider the members' service on the Council as a part of the prescribed duties relative to their regular position within the government of Guam. Members shall serve so long as they retain the position within the organization from which they were appointed.

### § 40204. Convening and Meetings.

(a) The President of the Mayors' Council shall convene the Community Partnership Council and shall administer the oath of office of the chairperson, and members, unless the President is also a member and chairperson of the Council. In such case, the President shall make arrangements with the Office of I Maga'hågan/Maga'låhen Guåhan, or I Sigundo Maga'hågan/Maga'låhen Guåhan so that I Maga'håga/Maga'låhi or I Sigundo Maga'håga/Maga'låhi may administer the oath to members of the Community Partnership Council. The governance of the Council shall be determined by its membership.

(b) Meetings shall be held during regular business hours of the government of Guam, Mondays through Fridays, and shall be held no less than once monthly. No stipends shall be paid if the members pursuant to § 40202 (a), (b), (c), (d), (e), (f), (g) and (i) are employed by the government of Guam. Members pursuant to § 40202(h) shall be volunteer members.

**2024 NOTE:** As added by P.L. 30-213:2 (Dec. 13, 2010), this section referred to I Segundo Na Maga'låhen Guåhan/Segundo Na Maga'låhi. Pursuant to 5GCA § 1510(b), references have been replaced with I Sigundo Maga'hågan/Maga'låhen Guåhan and I Sigundo Maga'håga/Maga'låhi. References to I Maga'låhen Guåhan/Maga'låhi replaced with I Maga'hågan/Maga'låhen Guåhan and I Maga'håga/Maga'låhi pursuant to 5GCA § 1510(a).

**2013 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were added to adhere to the Compiler's alpha-numeric scheme.

### § 40205. Goals and Purposes of the CPC.

The Mayors' Council of Guam, together with the Department of Education, the Guam Homeland Security Office of Civil Defense, the Department of Parks and Recreation, the Guam Housing and Urban



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Renewal Authority, the Guam Economic Development Authority, and the Chamorro Land Trust Commission shall convene a Council as prescribed in § 40202. The CPC shall develop a feasibility study that will outline marked timelines and proposed funding sources or financing proposals for the construction of a multipurpose center in each village by the year 2020, to serve as a central point for village functions, and other requested usage; and as the primary gymnasium of the village.

**§ 40206. Action Plan.**

The CPC shall create an action plan with the sequence of the order for consideration and construction of multipurpose centers in the respective municipalities and shall rotate the proposed construction schedule as follows:

(a) The CPC, in coordination with the respective village Mayors, shall, when available, identify within the confines or along the border of an existing public elementary school under the operation of the Department of Education, adequate property for the construction of a multipurpose center in every village.

(1) For the purposes of the location of a multipurpose center, when property is identified the Mayor of each respective village shall have the right of first refusal for said property, provided, that it is in the inventory of the government of Guam or listed as a parcel/s in the inventory of the Chamorro Land Trust Commission.

(b) Villages considered for construction of a multipurpose center shall be the most populous village without a gymnasium and rotate to villages without a gymnasium that have populations with less than five thousand five hundred (5500) residents recorded based on the most recent statistics (Year 2000) of the United States Census Bureau; and when available, data from the 2010 U.S. Census shall be used. Villages that currently have gymnasiums shall, by default, be moved to the second rotation for retrofitting, if necessary, to meet the purposes of a multipurpose center.

(1) According to the 2000 U.S. Census, Dededo had a population of forty-two thousand nine hundred eighty (42,980) residents; Yigo had a population of nineteen thousand four hundred seventy-four (19,474) residents; and the tri-village of Tamuning, Tumon and Harmon had eighteen thousand twelve (18,012) residents. However, all three (3) municipalities already possess village gymnasiums, thus in this instance, based on the U.S. Census of 2000, the village of Mangilao, with a recorded population of thirteen thousand three hundred thirteen (13,313) residents, shall be the first qualified village for the construction of a multipurpose center.

(2) Concurrently, according to the 2000 U.S. Census, Agana Heights had a population of five thousand two hundred (5,200) residents, and Talo'fo'fo' had a population of three thousand two hundred forty-five (3,245) residents. However, both municipalities already possess village gymnasiums, thus in this instance, based on the U.S. Census of 2000, the village of Inalåhan, with a recorded population of three thousand fifty-two (3,052) residents shall be the second qualified village for the construction of a multipurpose center.

(c) The cycle of consideration for the rotation of the construction of multipurpose centers in villages without gymnasiums shall continue in the order as formulated in § 40206 (b)(1) and (2).

(d) The CPC shall also incorporate a sequencing formulation, at the discretion of the CPC, for the programming of the construction for multipurpose centers in each village that takes into account a fair rotation of northern villages, central villages and southern villages.

**2024 NOTE:** Reference to "Inarajan" replaced with Inalåhan pursuant to 1 GCA § 403(h). Reference to "Talofofo" replaced with Talo'fo'fo' pursuant to 1 GCA § 403(g).



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### § 40206.1. Design Recommendations and Financing Options.

(a) The CPC shall include in its plans, the basic design and requirements of a multipurpose facility by utilizing proven "cookie cutter" design concepts. Designs considered shall be for "Hardened Facilities" able to withstand typhoon strength winds.

(b) The CPC shall research all known available grants and funds as recommended:

(1) United States Department of Housing and Urban Development, through GHURA

(2) United States Department of Agriculture for Rural Development, through GEDA

(3) United States Department of Homeland Security

(4) A Finance, Build, Operate and Leaseback Option, through GEDA

(5) Any available or known availability of funds or revenue sources, or recommended revenue sources of the government of Guam.

(c) The CPC shall include in its recommendations, proposals for the financing and construction of these facilities to include necessary collateral equipment to ensure a fully operational facility upon completion of construction.

**2013 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were added to adhere to the Compiler's alpha-numeric scheme.

### § 40206.2. Maintenance, Staffing Projections and Review of Existing Village Facilities.

The CPC as part of its planning process shall also take into account the maintenance, staffing needs, and future projections for the upkeep of the newly constructed facilities; as well the CPC shall, at its discretion, conduct a review of existing village facilities and make recommendations on retrofitting or expanding the purpose and service of each facility in the respective municipalities of Guam.

### § 40207. Logistical Needs, Support Structure and Coordination of the CPC.

The logistical needs, support structure, and coordination of the Council shall be underwritten by the MCOG at the direction of the chairperson.

## ARTICLE 3
## COMMUNITY WIFI ACT

**SOURCE:** Article 3 added by P.L. 33-039:1 (June 10, 2015), effective 90 days after enactment.

§ 40301. Legislative Statement.
§ 40302. Broadband Access at Community Facilities.
§ 40303. Access Control.
§ 40304. Immunity from Liability.
§ 40305. Authorization to Solicit and Accept Donations.
§ 40306. Severability.
§ 40307. Notification.

### § 40301. Legislative Statement.

It is the intent of I Liheslaturan Guåhan to authorize the village Mayors to provide free wireless internet access at village community facilities.



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**§ 40302. Broadband Access at Community Facilities.**

Each Mayoral office is authorized to expend funds under its control, subject to the regulations set forth in Chapter 5 of Title 5, Guam Code Annotated, for the purchase of equipment and services necessary to provide free wireless internet access at any of their respective community facilities.

**§ 40303. Access Control.**

Upon enactment of this Act, the Mayors' Council of Guam shall determine the policies, terms of use and conditions for access to wireless internet services at community facilities. Such guidelines shall be approved by the Attorney General and ensure that these internet services are appropriate for minors. Each Mayoral office shall have the authority to determine the hours of operation for wireless internet services at respective community facilities in their villages and to refuse access to internet services to any person, provided there is just cause in the refusal of such service. All policies, terms of use and conditions shall be posted at the community facilities where wireless internet services are offered.

**§ 40304. Immunity from Liability.**

Each Mayoral office, the government of Guam, and the ISPs shall be immune from civil and criminal liability for any tort or crime committed by patrons of internet services provided pursuant to this Article. Each Mayoral office, the government of Guam and the ISPs shall be immune from civil and criminal liability due to patrons who use wireless internet services provided pursuant to this Article. There is no immunity from criminal or civil liability for any employee or agent of a Mayoral office, the government of Guam, or the ISPs who directly commits a crime or tort, or is complicit in the commission of a crime or tort in the use of wireless internet services provided pursuant to this Article.

**§ 40305. Authorization to Solicit and Accept Donations.**

Notwithstanding the provisions of 5 GCA § 22408, each Mayoral office is authorized to solicit and accept donations of cash, equipment and services, for the purposes of providing internet services pursuant to this Article, so long as such services are provided without any written or implied conditions in the acceptance of these donations. All cash donations are subject to the rules and regulations governing non-appropriated funds. The name of the donor, the date of donation and a description of donation(s), with a value in excess of One Hundred Dollars ($100), for equipment and services, and for any amount in monetary donations, shall be posted on the Mayors' Council of Guam website, and at the Mayoral office receiving the donation, for a period of not less than three (3) years from the date of donation. The Mayors' Council of Guam shall develop and post guidelines, subject to the approval of the Attorney General's Office, on the solicitations and acceptance of donations to be uniformly applied to all Mayoral offices and other designated public facilities.

**§ 40306. Severability.**

If any provision of this Article or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or application of this Article which can be given effect without the invalid provisions or application, and to this end the provisions of this Article are severable.

**§ 40307. Notification.**

The Mayors' Council of Guam shall notify all existing service providers of the stipulations of this Act, and ensure compliance with the rules and guidelines set forth.

**SOURCE:** Added as uncodified law by P.L. 33-039:2 (June 10, 2015), and codified to this section by the Compiler.

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