



Commonwealth of the Northern Mariana Islands
Department of Public Health & Environmental Services
Office of the Director
Saipan, Mariana Islands 96950

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PH NO. 1

June 26, 1985

Mr. Paul A. Manglona
Chairman, Committee on
Local Government
Second Northern Marianas
Constitutional Convention
House of Taga, San Vicente
Saipan, CM 96950

Dear Mr. Chairman:

Thank you for your invitation to testify on Delegate Proposal Nos. 73-85, 109-85, 118-85, 151-85 and 154-85. My comments on the various proposals are as follows:

I. Delegate Proposal No. 73-85 "To repeal Article III, Section 17(b) of the Constitution of the Northern Mariana Islands relative to Resident Department Heads for Rota and Tinian."

This proposal calls for abolishment of the Office of the Resident Department Heads; however, it does not provide an alternative solution with respect to the responsibility for administration of public services on Rota and Tinian. To simply propose to abolish an office without providing a viable alternative is an irresponsible act and a disservice to the people, especially when dealing with the delivery of public services.

II. Delegate Proposal No. 109-85 "To amend Section 2 of Article VI of the Northern Marianas Constitution relating to Election of Mayor."

While there may be little argument that this provision provides the village people better access to government service and a place at which to air local problems, we must weigh this against creating bigger and costlier government. In addition, existing precincts on Saipan already have two, three and four representatives along with their community workers who are now serving the people with their varying local needs as well as places to air their problems. Does Saipan really need another strata of government bureaucracy? Think about it. The people of the NMI, based on numbers, are already over-governed and the cost of running the government seems to be doubling every year. I respectfully request this Committee to consider the above points during their deliberation.

III. Delegate Proposal No. 118-85 "To amend Article VI of the Northern Marianas Constitution regarding Local Government."

In reading the provisions of this delegate proposal, it calls for creating another strata of government bureaucracy. It also gave a very clear indication of peoples' search for power and reluctance to be governed. Furthermore, it provides an avenue for people to be taxed on top of the already heavy tax

structure.

Again, this entire proposal is perhaps a self-serving search for more power of people who are already in power. It may also be a search for creating a mini-government within the structure of government, and with corresponding authority to exert its power to levy taxes to support its creation.

I hope this Committee in its wisdom will review this entire proposal very carefully, for if adopted, it will definitely cause irreparable consequences not only for the established government structure, but also for the people who will be burdened with being overly governed and heavily taxed.

IV. Delegate Proposal No. 151-85 "To delete Article VI of the Northern Marianas Constitution in its entirety relating to Local Government."

This proposal calls for the abolishment of the Offices of the Mayor. While this proposal has merit, especially when we speak of less government and less cost, there should be a provision however, to provide for someone to take charge in time of emergency. Perhaps Delegate Proposal No. 154-85 Section 17(a) of Article III may be the alternative; however, it should be spelled out.

V. Delegate Proposal No. 154-85 "To amend Section 17(a) of Article III; to delete Section 17(b) and (c) of Article III of the Northern Marianas Constitution in their entirety relating to Public Services."

This proposal certainly has merit and it should be looked into more favorably, especially as it relates to carrying out the execution of Commonwealth Laws and the administration of public services. This office will definitely provide for consistency in the execution of the policies of the Governor and will also minimize the tensions and disagreements that have been and continue to prevail between the past and present Governors and the Mayors of Rota and Tinian. The solution, however, must go further than what was provided for in the proposal. It must further clarify the provisions of authority and responsibility for delivery of public services. In this respect, no one person is familiar with all aspects of public services. In addition, what authority and responsibility does the Director of the Executive Branch Department have over the public service that s/he has been entrusted, as provided inherently in Article III Sections 14 and 15 of the Constitution of the Northern Marianas, and as further provided in Public Law 1-8.

Does Delegate Proposal No. 154-85 mean that the Governor's Representative is the supervisor of all the activities of delivery of public services? Or does it mean that s/he will supervise the supervisors appointed by the Director of the Executive Branch Department? What is the intent of this proposal? Furthermore, will there be a provision for clarification between technical supervision versus line supervision and a clear delineation of authority and responsibility between the Governor's Representative and the Department Director? If the delineation of responsibility and authority is not clarified, this proposed section will definitely cause unnecessary friction and may also give rise to inconsistencies in carrying out policies of the Department Director. Furthermore, the Department Director may not give direct orders to people providing public services under his department without clearing first with the Governor's Representative.

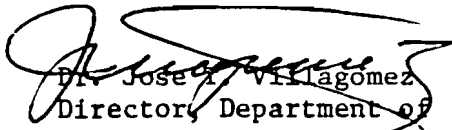
At this time I would like to venture a recommendation that the Governor's Representative be given the responsibility as a coordinating officer who would be the eyes and ears of the Governor over the execution of Commonwealth Laws and delivery of public services. He may also be given the responsibility and authority to sign government travel orders, time-sheets and to act as Liaison Officer,

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greet and entertain official guests, and finally, to be the principal coordinator in time of disaster. Further authority beyond that indicated above would be usurping the legal bounds of authority and responsibility entrusted to the Executive Branch Department Director.

Mr. Chairman, and members of this Committee, I wish to thank you for inviting me to present my comments on the various proposals. I trust that you will view these comments with open minds, and I hope that during your deliberations you will consider what is best for our Constitutional Government. Most of all, I would like you to consider that we are now saddled with a government which is growing in size and cost. Our people will most certainly appreciate a simple government structure, less costly, and taxation commensurate with our local economy.

Sincerely,


Dr. Jose L. Villagomez
Director, Department of
Public Health and
Environmental Services