



TINIAN RECD 7/1/85
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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF COMMERCE AND LABOR
SAIPAN, MARIANA ISLANDS 96950
4TH FLOOR, NAURU BUILDING

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June 28, 1985

Paul A. Manglona
Chairman
Committee on Local Government
2nd NMI Constitutional Convention
House of Taga, San Vicente
Saipan, CNMI 96950

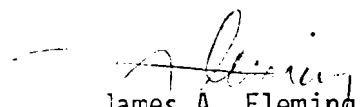
Dear Mr. Chairman:

Submitted herewith for review and consideration by you and/or your committee members are my comments regarding the proposed amendments relative to such matters that are within the jurisdiction of your committee.

I very seriously believe that the topics proposed for considerations are of such importance especially to our local community which is incidentally identical to yours that it merits nothing less than our most careful scrutiny. Hence, I hereby implore you and/or your committee members to absolve any personal prejudice(s) that may impair the objectivity required throughout your deliberations for some of the comments offered herein are rather tempered with sarcasm. This however was not intended to antagonize any one at all. Instead, it is merely presented in that tone to further demonstrate its very existence. Consequently, this provides you and your committee with the recourse to make proper settlement(s) that of, a system of local government that lends itself to the current and long term requirements of its community. This I trust, is what you and your committee, have aspired to achieve.

May I therefore take this opportunity to express my gratitude to you and those in your committee for soliciting our comments. SI YU'US MA'ASE. Finally, I wish to make additional comments at the Public Hearing when it convenes on July 1st.

Very Sincerely,


James A. Fleming
Resident Department Head
Dept. of Commerce & Labor - Tinian

Enclosures

cc: William S. Torres
Luis M. Limes
Francisco Tomokane
Rota Delegates
Tinian Delegates

2nd CONSTITUTIONAL CONVENTION
PROPOSALS & COMMENTS
FROM
DEPT. OF COMMERCE & LABOR - TINIAN

Proposal NO. 73-85

To repeal the Article III, Section 17(b) of the Constitution of the NMI relative to Resident Department Heads for Rota and Tinian.

COMMENTS

The repeal of such a provision clearly transfers the complete responsibility and authority of the respective offices in Tinian and Rota to the Mayors of those island. Hence the Mayors would have complete control over the entire functions of our local government. While this proposal would certainly be embraced rather triumphantly by those elements who favor giving more power to that office (Mayor), let us first examine some advantages and disadvantages that such a proposal would have upon the general public whose right and privileges must take precedence over any matter or office.

To list the advantages and the disadvantages would take perhaps longer than is practical. Therefore, let us only peruse the matter in a consolidated form which can still serve as the basis of our analysis in order to help us determine what, and/or how the amendments would best benefit our community.

First, as we begin to examine the pros of the proposal the advantages seem more and more to be that the benefits that are being recognized are mostly those that benefit the Office of the Mayor. More over, since the Mayor's Office will have the same power as that of the Governor although scaled down to the limits of his island community. In other words, the Mayor would assume a more direct role with regards to individual departmental matters. The question therefore that merits a complete disclosure is that does the Mayor's Office under its present set up able to fulfill its roll efficiently and effectively? In other words, has the Office of the Mayor functioned or performed so exceptionally well or in such an exemplary manner to be deserving of additional responsibilities.

Before any attempt is made to answer the above question, let us ponder some of the potential disasters that can very easily take place if this proposal is ever implemented.

Without any doubt, the consolidation of our entire administrative powers and responsibilities into the Office of the Mayor would lead into the complete deterioration of public services and ultimately public trust. Proof of this can be traced through the realization and understanding of certain principles that our government has been practicing. To understand clearly, let us assume that the proposal is already in effect. This means the following:

Proposal NO. 73-85 Con't.

- a) All departments/agencies serving under the pleasure of the mayor will be subservient to the whims and wishes of the Mayor's Office. The end result is that public services would revert to the piece meal basis rendered according to the very wishes of the Mayor in office.
- b) There exist no "check and balance". The administering authority can therefore make unilateral changes that may completely alter existing programs via any method employed.
- c) There exists no "fiscal responsibility". The administering authority need no longer justify expenditures therefore there is no need to operate within the budget allotments.
- d) All departments/agencies stripped of its' authority to make plans and act independently would loose effectiveness as they can no longer take credit for good performance. This lack of motivation would result in more wasteful spending since employees get no recognition and /or reward for their good efforts and deeds.

Proposal NO. 109-85

To amend Section 2 of Article VI of the NMI Constitution relating to election of Mayor.

COMMENTS

Although this proposal does not pertain to Tinian directly its' overall effect is that it causes a very significant drain unto our already meager funds that our government operates on. The creation of precinct commissioners is a grand idea no doubt. However, the financial crisis experienced at present by our government simply declares that we cannot afford such extravagance. If the individual precincts can afford to install them without reliance of financial assistance from our state government, priceless information can indeed be obtain from such a noble experiment. Otherwise, the present set up can either be left as is, or deleted in its' entirety for the 3rd Senatorial District.

Proposal NO. 118-85

To amend Article VI of the NMI Constitution regarding Local Government.

COMMENTS

Of the entire proposals affecting local governments, this one is the most appropriate for the small island communities of Tinian and Rota. This particular proposal provides for the system of local government that guarantees the delivery of vital public services on an equal and unbiased basis. This protection is doubly assured by the necessary involvement of a group of individuals instead of a single entity as sought in an earlier proposal. This proposal also further decentralizes the current form of local government which lacks the controls needed to make the system more responsible and accountable. There however exist room for more improvement. For example, the proposal calls for the implementation of the Municipal Council in all of the three major islands, i.e., Saipan, Tinian, and Rota. This is perhaps an oversight which can be very easily averted. To this, we very simply exclude the 3rd Senatorial District as their concerns would have the ear of our state government firmly entrenched within their midst to correct their needs. One other advantage of this proposal is that it frees the local government from committing the same ills and fates that seems rather unfortunate in our current day manifestations. This perhaps might well be the start of an era in our history wherein the small local government outshines the state government in terms of providing more benefits and services to its' constituents.

Finally, another aspect that would mark as an advantage for the state government is that it would not get blame for the failures of the local government since it exercises little or no authority over its affairs and actions.

Proposal NO. 151-85

To delete Article VI of the NMI Constitution in its entirety relating to Local Government.

Proposal NO. 154-85

To amend Section 17(a) of Article III; to delete Section 17(b) and (c) of Article III of the NMI Constitution in their entirety relating to Public Services.

COMMENTS

Both of these proposals demonstrate a clear and outright disregard for the rights and privileges of the people in the Tinian and Rota communities. Are the delegates of this particular proposals no longer concern that we are all equal and are therefore entitled to the same right and privileges that they enjoy. Have they forgotten that the entire community here on TINIAN have sacrificed 2/3rds of our greatest asset so that we can all be what we are now and will be for generations to come. Have they forgotten that for untold years during the Naval Administration to this very date our community has been subjected to the "Hand Me Downs" and what other "left Overs" and other "Spares" that they on Saipan have passed on to us. Is it their beliefs that the people of Tinian and Rota are "Second Class" citizens and therefore only entitled to the rejects that Saipan discards, or disposes. Prior to this proposals we atleast have a voice that allows our people to be heard from time to time. However, this proposal seeks to take even that right away from us completely. What good would our leaders become if their only purpose is to take orders from other supreme beings in our state government on Saipan. This proposal seems to be designed to completely erase from existence our present form of local government and then replace it with a "Puppet Government" that is not elected by our people but to be appointed by the Governor to represent that office. This form of arrogance displays the real contempt that some of our so called "Good Meaning Fellow Citizens of Saipan" have for us. Well, NO THANK YOU.

To add fuel to the fire, the reasoning adopted by the delegates proposing this particular amendment is that it saves our government more money. Now this is a very innocent and well meaning objective. But ironically the same delegates are at the same time proposing to pump more expenditures in the government operation by their "precinct commissioner" scheme which transfers the money from being spent instead of Tinian and Rota to none other than their home island of the "Third Senatorial District". In other words, they want to cut spending on Tinian and Rota and then turn around and maximize it on Saipan. If that is not GREED in its classic form, no one will ever know its real meaning. Ever.