

~~SEA~~  
ROTA

6/29/85

PH #2

ARTICLE VI: LOCAL GOVERNMENT

Section 1: Local Government. Agencies of local government shall be established as provided by this article.

Section 2: Election of Mayor and Assistant Mayor.  
The qualified voters from Rota, Saipan, Tinian and Aguiguan, and the islands north of Saipan shall elect a mayor and assistant mayor for each island or group of islands.

a) A mayor and assistant mayor shall be qualified to vote in the Commonwealth, at least twenty-five years of age, a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and shall meet other qualifications provided by law. No person convicted of a felony in the Commonwealth or in an area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

b) ~~X~~ The mayor and assistant mayor shall be elected at a regular general election for a term of office of four years. The mayor and assistant mayor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected mayor and assistant mayor more than three terms. A vacancy in the office of mayor shall be filled by special election if one-half or more of the term remains and otherwise as provided by law.

Position paper submitted by Sen. Mougilawa

Section 3: Responsibilities of Mayor.

a) A mayor shall be responsible for the faithful execution of Commonwealth Laws and the administration of public services in the island or islands which the mayor has been elected.

b) A mayor shall serve on the governor's council established under section 5 of this article.

c) A mayor shall ~~review the~~ administer and implement government programs and services and appropriations provided by law for the island or islands served by the mayor and shall ~~submit~~ report regularly to the governor ~~findings or recommendations~~ relating to these programs and services or appropriations.

d) A mayor may investigate complaints and conduct public hearings with respect to Government operations and local matters and may submit findings or recommendation to the governor and the legislature. A mayor may issue subpoena to any government officials to obtain informations necessary for his investigation under this subsection.

e) A mayor shall recommend items for inclusion in the proposed annual budget, review the proposed budget before its submission by the governor to the legislature and recommend amendments in the proposed budget relating to the island or islands served by the mayor. A recommendation relating to the budget made by a mayor shall be considered by the governor and rejected only for good cause. The mayor shall submit items for inclusion in the governor's proposed budget for both government operations and capital improvement projects.

The mayor's submissions shall include all requests for the resident department's operation. Each resident department head shall submit recommended budget request for the resident department to the mayor. The mayor may alter, amend or revise the recommendations of the resident department heads, but shall consult and coordinate with them in preparing his budget submission to the Governor. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the mayor's submission and shall be rejected only for good cause.

§ f. A mayor may promulgate regulations on local matters as provided by law.

§ g) A mayor may expend for local public purposes the revenues raised by local taxes that are designated by law for those purposes after the expenditures are authorized by the legislature or by the affirmative vote of a majority of the members of the legislature representing the island or islands served by a mayor.

§ h) A mayor may appoint, supervise and remove those employees as are provided by law to assist in the performance of mayoral responsibilities.

§ i) A mayor shall perform other responsibilities provided by law.

§ j. A mayor shall coordinate any extension of federal programs extended to the island or islands served by the mayor.

k. A mayor shall act as the principal local officials for coordinating activities with Disaster Control for the mobilization of resources and meeting emergency conditions in their respective constituency.

Section 4: The assistant mayor shall have the qualification as required for the office of the mayor and shall perform those duties specified in this article and those assigned by the mayor as provided by law. Whenever, the office of the assistant mayor is vacant, the mayor shall appoint a successor with the advice and consent of the majority of the members of the legislature from a senatorial district which the mayor shall serve.

Section 45: Compensation. A mayor shall receive an annual salary and reasonable allowance for expenses provided by law. The salary of a mayor may not be decreased during a term of office. Salaries and expenses for assistants to a mayor shall be provided by law.

Section 46: Governor's Council. The mayors elected under section 2 and the executive assistant appointed under article III, section 18, shall be members of a governor's council that shall advise the governor on government operations and local matters. The governor shall preside over the council which shall meet regularly or at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.

Section §7: Other Agencies of Local Government.

a) The chartered municipality form of local government shall cease to exist on the effective date of this Constitution. Local taxes paid to the chartered municipal governments on Rota, Saipan and Tinian shall remain in effect until otherwise provided by law and may be expended for local public purposes on the island or islands producing those revenues if authorized by the legislature or by the affirmative vote of a majority of the members of the legislature from the applicable senatorial district. Ordinances and other regulations enacted by municipal councils on Rota, Saipan and Tinian that are consistent with this Constitution shall remain in effect until superseded by Commonwealth law or local ordinances or regulations enacted under this Constitution.

b) No additional agency of local government may be established for at least five years from the effective date of this Constitution, after which the legislature may establish agencies of local government in place of or in addition to the agencies provided for in this article with powers, elected officials and financing as provided by law. Agencies of local government may not be created for geographical units smaller than an individual island. New agencies of local government may not be established without the affirmative vote of two-thirds of the persons qualified to vote from the island or islands to be served by the proposed agency of local government.

ARTICLE III: EXECUTIVE BRANCH

Section 17: Public Services.

a) The governor ~~may~~ shall delegate to ~~a~~ the mayor elected under the provisions of article VI, section 2, responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected. *services being provided on a decentralized basis in Rota and Tinian on the effective date of this constitution shall continue to be provided on this basis unless the governor personally certifies after public hearing on the island involved that such decentralization is inconsistent with the efficient and economical delivery of services.*

b) Public services on Rota and Tinian shall be supervised headed by a resident department head in the departments providing the services appointed by the head of the executive branch department mayors with the advice and consent of the majority of the members of the legislature from the Senatorial district in which the resident department head shall serve. The head of the executive department head shall provide technical and professional services to Rota and Tinian on a regularly basis. This arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

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CONSTITUTIONAL PROVISIONS TO GUARD AND PROTECT

A. PROTECT Bi-Cameral Legislature provision in the CNMI Constitution.

NOTE: This provision is protected and preserve in the Covenant which has supremacy over the NMI Constitution unless Congress change this provision in the Covenant, it will conflict with any proposed Constitutional amendments to be adopted by the Con Con delegates.

B. Protect Mayorship provision in the CNMI Constitution.

NOTE: Appointed Governor's Representative will not provide Rota and Tinian with the desired local autonomy on local matters to serve the best interest of the people. Mayorship provision gives Rota and Tinian the following local autonomy.

- 1) Elected mayor can be more responsive to the people that elects him.
- 2) Can geared programs based on local needs and aspirations.
- 3) Can minimize political manipulation from the central government.
- 4) Can work more harmoniously with other local leaders and with the people.
- 5) If an elected does not do his work, he may be removed by a recall or impeachment process, and by election.