

MR. PRESIDENT AND HONORABLE DELEGATES:

TIME IS SHORT SO WE WILL GET RIGHT TO THE POINT.

THE SECOND CONSTITUTIONAL CONVENTION THOUGHT, THAT SAIPAN WOULD DO BETTER WITHOUT A MAYOR. A WELL PUBLICIZED LEGISLATIVE INITIATIVE CALLING TO RETAIN THE SAIPAN MAYOR, HOWEVER, LATER RECEIVED AN OVERWHELMING VOTE BY THE PEOPLE OF THE COMMONWEALTH. THE PEOPLE WANT THEIR MAYOR.

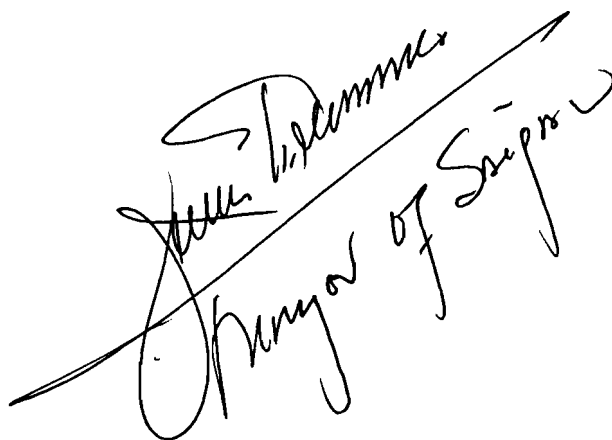
IN MY TENURE, THE MAYOR HAS ALWAYS HAD A HARMONIOUS RELATIONSHIP WITH THE CENTRAL GOVERNMENT. THAT, HOWEVER, DOESN'T MEAN THAT THE PEOPLE HAVE BEEN GETTING WHAT THEY EXPECT FROM THEIR MAYOR.

THE ORDINARY RESIDENT OF SAIPAN THINKS THAT HE HAS A LOCAL GOVERNMENT, IN THE PERSON OF THE MAYOR. THIS IS NOT ENTIRELY TRUE. IN ORDER FOR THE MAYOR'S OFFICE TO QUALIFY AS A "GOVERNMENT" IT MUST FIRST POSSES THREE VERY BASIC CRITERIA, SUCH AS: 1) THE

POWER AND AUTHORITY TO LEVY TAXES AND COLLECT REVENUES THAT ARE LOCAL IN NATURE; 2) IT MUST ALSO HAVE THE RIGHT TO SPEND REVENUES FROM THOSE TAXES AND FEES THAT ARE CONSIDERED LOCAL IN NATURE; AND 3) THE MAYOR, WITH THE MUNICIPAL COUNCIL MUST HAVE THE AUTHORITY TO ACT ON ISSUES THAT ARE STRICTLY LOCAL IN NATURE. THE ABSENCE OF THESE CRITERIA HARDLY QUALIFIES THE MAYOR OF SAIPAN TO BE CALLED SAIPAN MUNICIPAL GOVERNMENT.

I WANT TO ASK THE CONVENTION TO CONSIDER SERIOUSLY WHETHER OR NOT THE PEOPLE OF SAIPAN DESERVE A TRUE LOCAL GOVERNMENT. IF YOU AGREE, THEN GIVE THEM THE OPPORTUNITY TO HAVE ONE.

THANK YOU AND SI YU'OS MA'ASE'.



*Handwritten signature of the Mayor of Saipan*  
Mayor of Saipan

## OUTLINE OF PRESENTATION OF MAYOR OF SAIPAN TO CONCON COMMITTEE

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### I. INTRODUCTORY REMARKS

### II. CURRENT STATUS OF LOCAL GOVERNMENT

#### a) Very limited authority.

Article VI, Section 3(b) -- Authority to administer government programs, public services, and appropriations. This authority is limited to Rota and Tinian and doesn't even apply to Saipan.

This has been severely limited by the Superior Court's recent decision in the Inos v. Tenorio case. Now the Governor, as long as he implements the policy correctly, may greatly reduce a Mayor's power.

Article VI, Section 3(h) -- A mayor shall perform other responsibilities provided by law.

This requires the Legislature or the Local Delegation to enact laws. If either group fails to act, this section is meaningless. If the committee reviews the Local Law Act, 1 CMC 1401, or Title 10 CMC, it will see that very little action has been taken by the Legislature or the Delegations under this provision.

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Article VI, Section 7(a) -- The municipal councils' authority "shall extend to all local matters of a predominately local nature not pre-empted by the Commonwealth Legislature." This term is extremely vague. It is even more problematic when the committee considers the limiting language. With governmental services provided by the Executive Branch, it is unclear what areas have not been pre-empted. This is especially true on Saipan. This ambiguity is compounded by the Local Law Act, which set forth areas of permissible subjects for local law and requires action by the Legislative Delegation.

Article VI, Section 7(a)(5) -- The municipal councils' shall have such "additional powers and duties as provided by law." Again, no laws have been passed.

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### b) **Summary of the current problems with Article VI.**

Article VI, has been amended twice. Once in the 1985 ConCon and again by Legislative Initiative in 1987. The problem with Article VI as currently written and in each prior version, is that the framers have failed to clearly articulate exactly what powers or duties are to be performed by local government. In the current version, this question has been left to the Legislature and it never addressed the question.

Another problem is the constant struggle between the central government and the local government as can be seen from Inos v Tenorio case and prior cases like it. So far, when ever this issue comes up, the court's have universally concluded that the central government shall prevail over the local government. While there is no question that we are a Commonwealth and the central government must have authority over each island, there are matters that should be left to each island and on those issues, the islands preferences should control. The constitution should make this point clear.

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### III. SUGGESTED CHANGES

1. Clear delegation of authority. As noted above, the delegation of authority is ambiguous. Recently, when the municipality of Saipan issued a bingo license, as it has done since the TT days, its authority to do this was challenged in court. While the authority was upheld, the municipality faces the risk of having any and all actions that it takes challenged in court and having to incur substantial legal bills defending itself.
2. Ability to levy taxes and appropriate funds raised locally. Currently, local government is totally dependent on the central government for funding. To operate, the local governments must be able to depend on a set amount of money and be able to spend the money as it sees fit. Funding constraints alone have prevented the municipalities from under taking many desired actions. An example is the municipality of Saipan's desire to address the issue of stray dogs. This of course requires personal, automobiles, a building, etc. Under the current Constitution and Statutes, local government does not have the authority to enact taxes, or even to appropriate funds that are raised locally. Without this authority, local governments will never be able to operate up to their potential.

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3. Remove the authority of Legislative Delegations to enact local laws. An island may be effected by the municipal government, the delegation, or the legislature. In addition, the executive branch also has a tremendous legislative impact through the adoption of regulations. If local governments are to govern an island, then they should be the body to do this. The Mayor and each Municipal Councilor is elected at large for the purpose of governing an island. Local matters should be left to local government. Otherwise, the delegation can veto any act of the local government that they disagree with.

*Handwritten signature and text:*  
~~Mayor of Saipan~~