

July 29, 1995

COMMITTEE ON EXECUTIVE BRANCH AND LOCAL GOVERNMENT

REPORT NO. 5: SECTION 17 OF ARTICLE III AND ARTICLE VI (LOCAL GOVERNMENT)

This report supplements and revises Report No. 4 of the Committee dated July 26, 1995. It reflects the further consideration of this matter among the delegates generally and within the Committee on July 26, July 27 and July 29, 1995. The Committee has reached the following conclusions and recommends them to the Convention:

1) The Committee recommends that Section 17 of Article III remain exactly as it is now in the Constitution. Accordingly, the Committee withdraws the amendment to Section 17 that it previously recommended to the Convention in Report No. 4. In light of the differences within the Committee and the Convention generally on this difficult subject, the Committee believes that staying with the status quo makes the most sense.


2) The Committee recommends that the Convention adopt on first reading the draft Article VI attached to this report. The sections of this Article and their intention are explained in detail in the Committee's Report No. 4 dated July 26, 1995. In light of the Committee's decision relating to Section 17 of Article III,

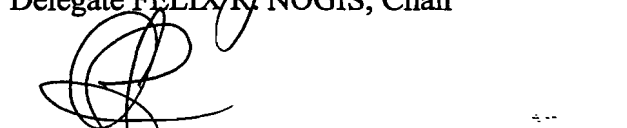
Section 3 of Article VI has been revised to make certain that each of the mayor's powers presently listed is included in the recommended Section 3. For the convenience of the delegates, the current version of Section 3 of this article is attached to this report.

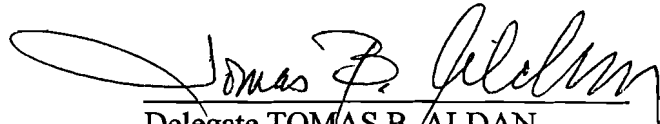
In addition, Section 3 and 4 have been modified to provide for the appointment of an executive assistant for the northern islands to be appointed by the mayor of Saipan and the islands north of it and for an ex officio member of the municipal council elected by the residents of the northern islands at such time as service on the council becomes full time.

The Committee recommends that the Convention approve this report and the draft Article VI on first reading.

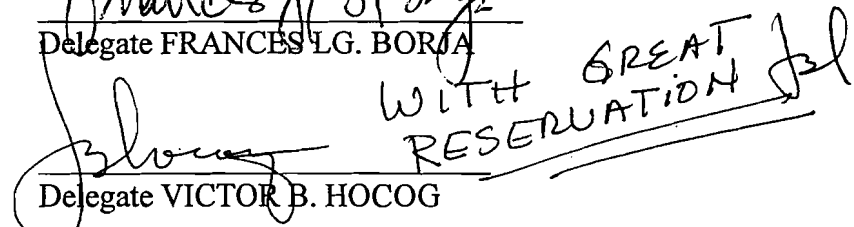
Respectfully submitted,



Delegate FELIX R. NOGIS, Chair


Delegate JAMES M. MENDIOLA, Vice Chair

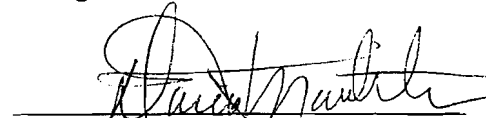

Delegate TOMAS B. ALDAN



Delegate FRANCES L.G. BORJA


Delegate VICTOR B. HOCOG

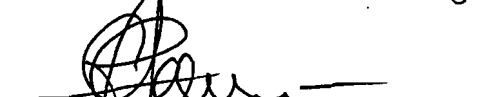
WITH GREAT RESERVATION 

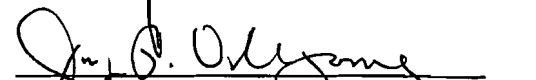
Delegate BENJAMIN T. MANGLONA


Delegate DAVID Q. MARATITA


Delegate MARYLOU ADA SIROK


Delegate HELEN TARO-ATALIG


Delegate JUAN S. TENORIO


Delegate JOAQUIN P. VILLAGOMEZ

Art. VI, § 3

contests).

Comment: With respect to special elections to fill vacancies, see comment to article VIII, § 2.

Section 3: Responsibilities and Duties of the Mayor.

a) A mayor shall serve on the Governor's Council as established by Section 5 of this article.

b) A mayor shall administer government programs, public services, and appropriations provided by law, for the island or islands served by the mayor, and shall report quarterly to the governor, relating to these programs and services or appropriations.

c) A mayor may investigate complaints and conduct public hearings with respect to government operations and local matters, and may submit findings or recommendations to the governor and the legislature. A mayor may require information in writing relating to local matters as may be necessary to his investigation under this subsection.

d) The Mayors of Rota, Tinian and Aguiguan, Saipan, and the islands north of Saipan, in consultation with the Municipal Council, shall submit items for inclusion in the proposed budgets for both government operations and capital improvement projects. The governor's budget submission to the legislature shall state his disposition of the budgetary requests contained in the submissions received from the Mayors.

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

f) A mayor shall act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

g) The Mayors of Rota, and, Tinian and Aguiguan, shall appoint, in consultation with the head of the respective executive branch department, all resident department heads.

h) A mayor shall perform other responsibilities provided by law.

History: Ratified 1977, effective 1978; amended 1985 by Amendment 25; amended by Legislative Initiative 1 (House Bill 5-198), ratified November 7, 1987. This section originally provided:

Section 3: Responsibilities of Mayor.

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

b) A mayor shall review the government services and appropriations provided by law for the island or islands served by the mayor and shall submit to the governor findings or recommendations relating to these services or appropriations.

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ARTICLE VI: LOCAL GOVERNMENT

Section 1: Local Government

Agencies of local government shall be established as provided by this article for the three existing senatorial districts and the fourth senatorial district when established under article II, section 2.

Section 2: Mayor

The qualified voters of each senatorial district shall elect a mayor for their island or islands.

a) The mayor shall be a United States citizen qualified to vote in the island or islands served by the mayor, at least thirty-five years of age, a resident of the Commonwealth for at least three years immediately preceding the date on which the mayor takes office, and meet such other qualifications provided by law. The mayor must reside on the island or islands served after election.

b) The mayor shall be elected at a regular general election for a term of office of four years and may not serve as mayor for more than two 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 or ordinance.

c) A mayor shall receive an annual salary and allowance for reasonable expenses. The salary shall be as provided by law or ordinance upon the recommendation of the advisory commission on compensation provided for by article II, section 9.

Section 3: Responsibilities and Duties of the Mayor

a) The mayor shall have the executive authority with respect to local matters that affect only the island or islands served by the mayor pursuant to municipal ordinances enacted under section 5 of this article and not inconsistent with Commonwealth law.

b) The mayor may propose ordinances relating to local matters for enactment by the municipal council. The mayor shall have thirty days within which to approve or veto ordinances enacted by the council. Every ordinance enacted shall be signed by the presiding officer of the of the municipal council and submitted to the mayor. If the mayor signs the ordinance, it shall become effective. If the mayor vetoes the ordinance, it shall be returned within five working days of the veto to the presiding officer of the council with a statement of the reasons for the veto. The mayor may veto an item, section or part of an appropriation ordinance and sign the

remainder of the ordinance; provided that the mayor may not veto an item, section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section or part is approved. If the mayor fails either to sign or veto an ordinance within the applicable period, it shall become effective.

c) The mayor shall administer departments, agencies, boards and commissions of local government established by municipal ordinance and appoint their heads or members subject to confirmation by the municipal council.

d) The mayor shall serve on the governor's council established by section 6 of this article.

e) The mayor may investigate complaints and conduct public hearings with respect to government operations and local matters and may submit findings or recommendations to the municipal council, governor and the legislature. The mayor may require information in writing relating to government operations and local matters as may be necessary to any investigation under this subsection.

f) The mayor shall in consultation with the municipal council prepare an annual budget for the island or islands served by the mayor. The budget shall set forth the anticipated Commonwealth funds to be provided the local government and those to be raised by local taxes, the proposed expenditure of those funds during the next fiscal year, and recommendations for inclusion in the proposed Commonwealth budget for government operations and capital improvement projects. Upon approval by the municipal council the local funding components of the budget shall go into effect and the Commonwealth funding components of the budget shall be transmitted to the governor for inclusion in the governor's proposed Commonwealth budget. The governor's budget submission to the legislature shall state his disposition of the budgetary requests submitted by the mayors.

g) The mayor shall coordinate any extension of federal programs and act as the principal local official for coordinating activities with disaster control for the mobilization of resources and meeting emergency conditions in the island or islands served by the mayor.

h) The mayor shall administer government programs, public services, and appropriations provided by law, for the island or islands served by the mayor, and shall report quarterly to the governor, relating to these programs and services or appropriations.

i) The mayors of Rota, and Tinian and Aguiguan, shall appoint, in consultation with the head of the respective executive branch department and subject to confirmation by the municipal council, all resident department heads in departments that provide public services on the island or islands served by the mayor.

j) The mayor of Saipan and the islands north of Saipan shall appoint an executive assistant for the northern islands who shall be confirmed by the municipal council. The executive

assistant shall promote the social and economic growth of the islands north of Saipan and coordinate local programs to advance those objectives.

k) The mayor shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

Section 4: Municipal Council

The qualified voters of each senatorial district shall elect a municipal council for their island or islands.

a) The municipal council shall consist of five members elected for a term of two years on a non partisan basis as provided by Commonwealth law. A member shall be a United States citizen qualified to vote in the Commonwealth, at least twenty--five years of age, and a resident of the island or islands served by the council for at least three years immediately preceding the date on which the member takes office. Members of the municipal councils shall be elected at large. At such time as service on the municipal council for Saipan and the islands north of it becomes full time, the council shall include an ex officio member elected by the residents of the northern islands who shall be entitled to vote on matters directly affecting the northern islands pursuant to rules adopted by the municipal council.

b) In the case of a vacancy on the municipal council a special election shall be held if more than one-half of the term remains. Otherwise the mayor shall appoint within thirty days the unsuccessful candidate for the office in the last election who received the next highest number of votes and is willing to serve or, if no such candidate is available, the mayor shall appoint a candidate to be confirmed by the municipal council.

c) Council members shall be compensated for attendance at meetings as provided by law or ordinance and only from locally raised revenues in an amount recommended by the advisory commission on compensation provided for by article II, section 9, at such time as service on the council becomes a full time position.

Section 5: Responsibilities and Duties of the Municipal Council

a) The municipal council shall have the legislative authority with respect to local matters that affect only the island or islands served by the council. Such legislative authority may be exercised through the enactment of municipal ordinances that are not inconsistent with Commonwealth law and are approved by the mayor in accordance with procedures established by the council and mayor.

b) An ordinance or item, section or part of an ordinance vetoed by the mayor may be reconsidered by the council. The council shall have thirty days from the receipt of the mayor's

veto message to reconsider the vetoed ordinance or item, section or part of an ordinance. If two-thirds of the members voted upon reconsideration to pass the ordinance or the item, section or part of an ordinance, it shall become effective.

c) The municipal council shall confirm resident department heads and heads of local departments, agencies, boards and commissions nominated by the mayor.

d) Appropriation and revenue ordinances may be introduced in the municipal council. The council shall hold public hearings on all appropriation ordinances and on all ordinances involving taxation or revenue. Every expenditure of public funds must be authorized by an appropriation ordinance. The council shall not enact an ordinance that requires the expenditure of public funds without also appropriating the necessary funds. Locally raised revenues shall not be subject to appropriation or reprogramming by the legislature or the governor.

e) The municipal council shall review the budget proposed by the mayor for submission to the governor, approve those components that involve local funding and expenditures, and shall propose recommendations to be submitted by the mayor to the governor for inclusion in the governor's proposed annual budget.

f) The municipal council and the mayor through enactment of municipal ordinances shall have the authority to define the size and structure of the local government including the office of the mayor and any local departments or agencies established to serve the island or islands involved. No such local departments or agencies shall duplicate or supervise Commonwealth departments or agencies providing services in the senatorial district.

g) When a mayor is outside the Commonwealth or unable to discharge the duties of office by reason of physical or mental disability, the presiding officer of the municipal council shall be acting mayor. If the presiding officer is not available, another member shall be selected by the council to serve. If the mayor is unable to discharge the duties of office by reason of physical or mental disability the council shall declare a vacancy in the office within the meaning of section 2(b) of this article.

h) The council shall perform such other responsibilities provided by Commonwealth law or municipal ordinance.

Section 6: Governor's Council

The mayors elected under section 2 of this article, the executive assistant appointed under article III, section 18, and the chair of the council appointed under article III, section 20, shall comprise a 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: Funding of Local Government

a) The mayor, municipal council members, employees of their offices and of any local established departments, agencies, boards and commissions, shall be compensated and programs and services authorized by local government shall be funded as provided by law or ordinance. Personnel employed by local government entities and compensated in whole or part by Commonwealth funds appropriated by the legislature shall be subject to the same laws and regulations as other Commonwealth employees.

b) Commonwealth funding of local government shall not exceed the funding for local government in fiscal year 1996 until January 1, 1998, and thereafter shall be reduced by no less than ten percent in each of the five succeeding years. The legislature may continue funding after these five years at a level that does not exceed those revenues raised locally in each senatorial district if the legislature finds after public hearings that (1) the local government has made all feasible efforts to raise revenues from local sources; (2) the local government has reduced the number of government employees compensated by Commonwealth funds substantially during the past six years; and (3) the local government has provided detailed and convincing support for continued Commonwealth funding for local government personnel and services.

c) The number of government employees who work for the mayor and municipal council in any of the three senatorial districts and are compensated with Commonwealth funds other than those appropriated to fund Commonwealth public services delegated to the mayor pursuant to article III, section 17, shall not exceed those employed in each senatorial district as of June 5, 1995.

TRANSITIONAL PROVISIONS

Section ---: The Mayor of the Northern Islands shall continue in office until the end of his term and the employees of that office shall be transferred to the offices of the mayor and municipal council of Saipan and the northern islands.