

AMENDMENT NO. 6

AMENDMENT OF ARTICLE 6: LOCAL GOVERNMENT

DESCRIPTION OF CHANGES
PROPOSED BY THE

AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION

ARTICLE VI: LOCAL GOVERNMENT

Section 1: Establish local government for existing 3 senatorial districts; Northern Islands will have local government when their senatorial district is established in the future.

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(a): Add qualification of U.S. citizenship; increase age requirement from 25 to 35 years. Delete reference to felony conviction; this is covered in Article 7 as to all elected offices.

Section 2: Mayor

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

Section 2(b): Editorial change to conform to new provision with respect to municipal ordinances.

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.

Section 2(c): Provides for salary for mayor regulated by the salary commission that sets salaries for other elected officials. This is new.

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.

Section 3(a): Grant of executive authority to the mayor for local matters that are not inconsistent with Commonwealth law. This is new.

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(b): Provide for power to mayor to propose and veto municipal ordinances that deal with local matters. This is new.

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 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.

Section 3(c): Provide for municipal departments (funded by locally-raised revenues) and department heads appointed by the mayor, confirmed by the municipal council. This is new.

Section 3(d): Editorial change in reference to section number due to renumbering of sections. This is former Section 3(a).

Section 3(e): Add reference to municipal council; allow mayor to require information about government operations. This is former Section 3(c).

Section 3(f): Provides for annual municipal budget with section for anticipated Commonwealth revenues and separate section for anticipated locally-raised revenues. This is former Section 3(d).

Section 3(g): None. This combines former Section 3(e) and Section 3(f).

Section 3(h): None. This is former Section 3(b).

Section 3(i): Add requirement of confirmation by municipal council with respect to mayor's appointment of resident department heads. This is former Section 3(g).

Section 3(j): Add executive assistant for the Northern Islands, appointed by the mayor of Saipan and confirmed by the municipal council, until the Northern

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 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.

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.

Islands attain the status of a senatorial district and become eligible for separate local government. This is new.

Section 3(k): Editorial change to conform to new provision for municipal ordinances.

Section 4(a): Provide for municipal councils in 3 senatorial districts; increase size from 3 to 5 members; elections governed by Commonwealth law. Add requirement for U.S. citizenship; increase age requirement from 21 to 25 years. (This is former Section 6(a).)

Add ex officio member to Saipan municipal council elected by residents of the Northern Islands who has vote on matters affecting the Northern Islands.

Section 4(b): Vacancy on municipal council filled by next highest vote-getter if less than half the term remains; otherwise by special election. (This is former Section 6(b).)

Section 4(c): While council position is part time, council members are compensated from Commonwealth funds for attendance at meetings as legislature provides; if council position becomes full time, council members are compensated only from locally-raised revenues in amount regulated by salary commission. This is new.

Section 5(a): Provide for legislative authority for municipal councils with respect to local matters; to be exercised through municipal ordinances. This is new.

Section 5(b): Municipal council may override a mayor's veto. This is new.

Section 5(c): Municipal council confirms resident department heads and heads of local agencies (if any). This is former Section 7(a)(3).

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 vote 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.

Section 5(d): Provides requirements for revenue and tax ordinances considered by municipal councils that are similar to those proposed for the Commonwealth legislature. This is new.

Section 5(e): Provides for review and approval by municipal council of budget proposed by mayor. This is former Section 7(a)(1) and (2).

Section 5(f): Municipal council may, by ordinance, define the size and structure of local government, including the office of mayor. Local government may not duplicate or supervise Commonwealth departments. This is new.

Section 5(g): Vacancy provisions come into effect when mayor is outside the Commonwealth; municipal council has power to declare vacancy when mayor is disabled. This is former Section 7(a)(4).

Section 5(h): None. This is former Section 7(a)(5).

Section 6: Add chair of the Council for Indigenous Affairs to the Governor's Council. This is former Section 5.

Section 7(a): Funding for local government to be set by Commonwealth law or local ordinance. Local government personnel paid by Commonwealth funds are subject to Commonwealth laws and regulations. This is new.

Section 7(b): Funding for local government from the Commonwealth is capped at the 1996 level for 1997 and 1998; thereafter funding decreases for

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 and 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 the amount of revenues raised locally as certified by the public auditor in each of the five succeeding years. The legislature may continue funding after these five years at a level that does

five years. After the year 2003, Commonwealth funding for local government stops altogether, unless specified findings are made in which case Commonwealth funding may match (but not exceed) local funding. This is new.

Section 7(c): Staffing of local government funded by the Commonwealth is capped at the 1995 level.

Former Section 8 has been deleted entirely. Former Section 8 provided:

Section 8: Agencies of Local Government. The chartered municipality form of local government on Rota, and Tinian and Aguiguan, is hereby established. Local taxes paid to the chartered municipal governments of Rota, and Tinian and Aguiguan, and Saipan may be expended for local public purposes on the island or islands producing those revenues. 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.

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.

The Schedule on Transitional and Related Matters contains Section 4 which covers the transition to the new municipal councils. It provides:

Section 4: Transition with Respect to Article VI, Local Government.

The Mayor of the Northern Islands and all employees of that office shall continue in office until the end of the term.

The mayor and members of the municipal councils shall be empowered to act in accordance with article VI upon its ratification. A special election to select additional members of the municipal council shall be held in each senatorial district within sixty days after the article's ratification.