



Mayors' Council of Guam

Konsehelon Mahot Guahan

A-1857

MAYORS' COUNCIL OF GUAM CONSTITUTION AND BY-LAWS (AMENDED)

DEPT OF REVENUE & TAXATION
GOVERNMENT OF GUAM
JUN 27 2017
[Signature]

ARTICLE I – NAME

- Section 1.** The name of the organization shall be *“Mayors’ Council of Guam”* and shall be non-profit, non-partisan and non-sectarian.
- Section 2.** The physical address of the organization shall be *“215A Chalan Santo Papa Road, Suite 1112F, Hagatña, Guam 96910.”*

ARTICLE II – OBJECTIVES

- Section 1.** The objectives of the Council are as follows:
- To provide a forum for collective deliberation, among its members, for the purpose of arriving at constructive recommendations to improve government services relative to the needs of the community.
 - To provide a medium for mutual advice and assistance among the members in the performance of their functions and duties as members of the Mayors’ Council of Guam.
 - To act as the communication link between the Council and the three branches of Government, the Military Communities and other Federal Agencies when coordinating and/or transacting official business and/or in the deliberation of common issues.

ARTICLE III – MEMBERSHIP

- Section 1.** All Mayors and Vice Mayors shall be eligible to become members of the Council.
- Section 2.** Membership dues shall be twenty-five dollars (\$25.00) per pay period with an initiation fee of one hundred dollars (\$100.00) for all new members.



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ARTICLE IV – OFFICERS

Section 1. Consistent with the law, the Council shall elect Officers who shall serve two (2) years. Their duties and responsibilities shall be:

a. **President**

The President shall preside at all meetings, be the official representative of the Council and shall perform such other duties as the Council may from time to time determine. In the absence of the President, the Vice President, shall perform the President's duties. The President shall be a member of all committees of the Council.

b. **Vice President**

The Vice President shall, under the direction of the President develop and administer programs, subject to the direction and/or approval of the Council. The Vice President shall have such other powers and shall perform such other duties as the President or the Council may, from time to time, assign.

c. **Secretary**

The Secretary shall cause to be recorded all the proceedings of the meetings and shall perform all duties incident to the office of the Secretary and such other duties as may, from time to time, be assigned by the President or the Council.

d. **Treasurer**

The Treasurer shall be the *Financial Officer* of the Council, and shall be responsible for the receipt, custody and disbursement of funds and the financial records of the Council. He/she shall have charge of the expenditure and/or investment of Council funds, subject to the direction and approval of the Council. The Treasurer shall give such bond for the faithful discharge of such duties as the council may require. In general, the Treasurer shall perform all duties incident to the office of the Treasurer and the President or the Council may, from time to time, assign such other duties.

e. **Sergeant-At-Arms**

The Sergeant-At-Arms is charged with the responsibility of maintaining order and proper decorum during Council meetings. He/she shall be responsible for causing the distribution, to all Council members, of documents pertinent to the deliberation of Council business and such

other duties as may, from time to time, be assigned by the President or the Council.

ARTICLE V - MEETING

- Section 1.** The Council shall meet on a regular basis on the first Wednesday of the month, or an alternate date, as agreed by a simple majority of the Council members.
- Section 2.** The President, on special or urgent matters, may call special meetings.
- Section 3.** A quorum of the Mayors' Council, as stipulated by Law, *shall* consist of *not less than* sixty percent (60%) of the members and no action of the Council shall be effective, unless adopted by a majority of the membership present in a meeting where a quorum has been officially established.

ARTICLE VI – DUTIES OF COMMITTEES

- Section 1.** An Executive Committee comprised of such Officers established by Law, shall be elected every two (2) years and serve a term of two (2) years. Any vacancy occurring shall be filled by special election. The immediate past President who remains an incumbent Mayor/Vice Mayor, is automatically a member of the Executive Committee. The Executive Committee of the Council shall be the governing body and its decisions between meetings shall remain in force until ratified, amended and approved or rescinded. It shall be the responsibility of the executive committee to establish the agenda and dictate the diplomatic conduct of all Council meetings.
- Section 2.** The Legislative and Finance Committee shall make an extensive survey of the financial needs and policies, examine the records and accounts of the Council and audit the Treasury when directed. Further, the committee shall study and propose legislation, which affect the Council and the people of Guam to the Governor and the Legislature. The Council decides on issues for presentation.
- Section 3.** The President shall appoint standing and special committees as needed. The President may also appoint Adhoc Committees as deemed necessary for special programs or projects.

ARTICLE VII- BOARDS AND COMMISSIONS

- Section 1.** Where Law or Executive order requires Council representation, nominations/appointments shall be made by the Council President and ratified by the Council as a body. Ratification shall be by a simple majority vote of the members present at a meeting where a quorum has been officially established.

Section 2. Unless otherwise specified by law or Executive Order, all appointments to Boards and Commissions shall be for a period of two (2) years. A Board/Commission member may serve multiple terms, however, he/she must go through the nomination/appointment and ratification processes at the end of each two-year term.

ARTICLE VIII – RULES OF ORDER

Robert Rules of Order (*revised*) shall govern in all cases to which they are applicable and in which they are not inconsistent with the Constitution and By-Laws of the Council and the Laws of Guam.

ARTICLE IX – AMENDMENTS

The Constitution and By-Laws of the Council may be amended at any regular or special meeting by a two-thirds (2/3) of the entire membership provided that the proposed amendment shall be submitted, in writing, to the President and the Council members, one week prior to the meeting or special meeting.

ARTICLE X – WELFARE

Section 1. In the event of a death of an incumbent Mayor or Vice Mayor, a wreath shall be provided. The Treasurer shall disburse two hundred dollars (\$200.00) as donation to the bereaved family. Members are encouraged to attend wake, serve as pallbearers and escorts during the funeral services, and shall wear an appropriate mourning insignia, provided consent has been obtained from the bereaved family. A resolution shall be adopted by the Council and presented to the bereaved family in a formal ceremony on the day of the funeral. Furthermore, the Council shall make itself available to provide assistance to the bereaved family in requesting to the legislature for a State Funeral.

Section 2. In the event of the death of a former Mayor or Vice Mayor, a wreath shall be provided. Members are encouraged to attend the wake and funeral services, and a resolution shall be adopted by the Council and presented to the bereaved family in a formal ceremony on the day of the funeral. Furthermore, the Council shall make itself available to provide assistance to the bereaved family in requesting to the Legislature for a State Funeral.

Section 3. Upon the death of a spouse of an incumbent Mayor or Vice Mayor, a wreath shall be provided and all members are encouraged to attend the wake and funeral services.

ARTICLE XI – ADMINISTRATIVE PROVISIONS

- Section 1.** The provisions of Chapter 40, Title 5 Guam Code Annotated, the Department of Administration Personnel Rules and Regulations shall govern all employees of the Council for Government of Guam and all Federal laws associated with personnel management applicable to Guam (*i.e. Fair Labor Standards Act*).
- Section 2.** All employees of the central office of the Mayors' Council of Guam, with the exception of the Executive Director, shall be hired in the classified service of the Government of Guam and shall be answerable to the Executive Director of the Council. All district employees shall be hired in the unclassified service of the Government of Guam and shall work at the pleasure of their respective village Mayor.
- Section 3.** Within the Mayors' Council Office, there is a position of Executive Director who shall be the Executive Secretary of the Council and the Executive Committee. The Executive Director shall serve as the *Certifying Officer* for the Council and the nineteen (19) municipal funds and be responsible for the day-to-day operations of the Council office. The Executive Director shall serve as the Response Activity Coordinator (RAC) for the Mayors' Council assisting in coordinating the civilian emergency preparedness system in time of emergency or disaster. Additionally, the Executive Director shall serve as Liaison officer between the Council and all instrumentalities, public and private, in the conduct of Council business.
- a. The Executive Director shall be a member of the unclassified service of the Government of Guam and shall receive annual compensation in accordance with Civil Service Commission Memorandum CSC No. 994-491. The Executive Director shall serve at the pleasure of the Mayors' Council, and that he/she shall submit a courtesy resignation in concurrence with the expiration of each Mayoral/Vice Mayoral term of office.
 - b. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skills including open consideration of qualified applicants for initial appointment.
 - c. Providing equitable and adequate compensation.
 - d. Training employees as needed, to assure high-quality performance.

- e. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- f. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
- g. Compensation and Benefits. It shall be the policy of the Mayors' Council that all employees shall be paid in accordance with the compensation laws adopted for all of the Government of Guam employees in similar positions, and to enjoy the same benefits and privileges in accordance with the laws thereof.
- h. Should there be a vacancy of the position of Executive Director, the President shall appoint an acting Executive Director from among the employees of the Mayors' Council Office. Furthermore, the President shall appoint a Review Committee Chairman to effect a job announcement. The Council shall adopt guidelines/criteria, by a simple majority, to be used by the Review Committee to determine applicant eligibility and for applicant interview purposes. Finally, the Committee will submit the top two rated applicants to the Council for selection by secret ballot.

ARTICLE XIII – AFFIRMATIVE ACTION POLICY

- Section 1.** As announced in Executive Order No. 76-9, it is the policy of the Government of Guam that there be no discrimination on the basis of race, color, religion, age, sex or national origin or other non-merit factor; and that equal employment opportunities will be provided to all applicants and employees.
- Section 2.** The Mayors' Council will engage in Affirmative Action Programs to increase minority representative employment; and to establish and maintain effective liaison with public and private agencies and organizations, which are, involved in equal employment programs.
- Section 3.** The Affirmative Action program calls for positive results – oriented action toward equal opportunity. Additionally, the program will provide a comprehensive opportunity in employment and assures non-discrimination in government programs and activities.

Section 4. In order that this Affirmative Action Program becomes a management objective, and thereby reinforces the Equal Opportunity Program objectives as established in Executive Order No. 76-9, the Mayors' Council and all levels of management, which includes the first line supervisors, will continue to be trained, in an effort to better adjust and adopt employment of the disadvantaged personnel.

Section 5. Meetings to be opened to the public. All regular and special meetings of the Mayors' Council shall be opened to the public. However, all executive sessions, in accordance with Public Law 13-35, shall be closed to the public and attended by the Council members, administrative staff and legal counsel, if requested by the Council.