

**RULES & REGULATIONS OF THE GUAM TERRITORIAL SEASHORE
PROTECTION COMMISSION**

GUAM TERRITORIAL SEASHORE PROTECTION COMMISSION

Article I. Authority and Purpose.

Section 1. Authority. These Rules and Regulations are promulgated under the authority of Chapter V-A, Title XIV, Public Law 12-108, Section 13415.

Section 2. Purpose. The purpose of these Rules and Regulations is to govern the meetings and proceedings of the Territorial Seashore Protection Commission, acting pursuant to the Legislative authority mentioned above.

Article II. The Commission

Section 1. The official name of the Commission shall be the Guam Territorial Seashore Protection Commission

Section 2. Official Address. The official address of the Guam Territorial Seashore Protection Commission shall be c/o Department of Land Management, Government of Guam, Agana, Guam.

Section 3. Place of Meeting. The Commission will hold ~~its~~ regular meeting ^{at the} ~~Other~~ locations ^{to} be determined by a majority vote at any regular meeting.

Article III. Members of the Commission

Section 1. Commission Creation, Membership and Compensation. The Commission shall consist of the seven (7) members of the Territorial Planning Commission and the members shall hold office so long as they remain members of the Territorial Planning Commission. Commission members shall serve without compensation except that each member shall be paid a per diem of twenty-five Dollars (\$25.00) for each days' attendance at a meeting of the Commission. Each member shall also be allowed actual expenses incurred in the discharge of his duties.

Section 2. Powers and Duties.

The Commission may:

- (a) Accept grants, contributions and appropriations;
- (b) Employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary;
- (c) (1) Through coordination and assistance with other Government agencies, acquire lands, waters, interests therein with the boundaries of the Seashore Preserve, by donation, purchase with donated or appropriated funds, by

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exchange for government land, or transfer;

(2) Grant occupancy use permits for noncommercial residential purposes;

(3) Terminate a right of use and occupancy permit;

(d) Contract for any professional services if such work or services cannot satisfactorially be performed by it's employees;

(e) Be sued and sue to obtain any remedy to restrain violations of this Act. Upon the request of the Commission, the Attorney General shall provide necessary legal representation.

(f) Adopt any regulations or take any action it deems reasonable and necessary to carry out the provisions of Chapter V-A, Section 13415, (P.L. 12-108), but no regulations shall be adopted without prior public hearing;

(g) Elect a Chairman;

(h) ~~Appoint an Administrator who shall not be a member of the Commission;~~

(i) Review and provide Interim Permit control of all applications granted under the provisions of the Seashore Reserve Act, Public Law 12-108.

Article IV. Officers

Section 1. Regular Officers. Regular officers of the Commission shall be Chairman, Vice-Chairman and Administrator.

Section 2. Additional Officers and Assistant Officers. The Commission may, by Resolution, appoint such additional officer or officers, or assistant officer or officers, establish the terms of office of such officers, and define the duties of such officers as the Commission may by such Resolution determine necessary or desirable.

The Chairman of the Commission shall be the Chairman of The Territorial Planning Commission. The Vice-Chairman shall be the Vice-Chairman of the Territorial Planning Commission. The Administrator to the Commission shall be the Director of Land Management

Section 3. Terms of Office. The terms of office for the Chairman and Vice-Chairman shall be concurrent with the terms of office for the Chairman and Vice-Chairman, Territorial Planning Commission. The term of office of the Administrator shall be concurrent with the directorship of his appointment.

Section 4. Vacancies. Should the office of Chairman and Vice-Chairman be vacant, the Commission shall fill the vacancy in the same manner as would a vacancy be filled by the Territorial Planning Commission.

Section 5. Duties of Officers. The Chairman shall preside at all meetings of the Commission. At such meetings, he shall submit such proper information and recommendations to the Commission as he may deem proper concerning its policies, administration, and other affairs of the Commission. The Chairman shall sign all contracts and other important documents and letters of the Commission by approval of the Commission in accordance with Article VI, Section 4, of these Rules and Regulations.

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

The Administrator shall serve as administrative officer of the Commission, shall be directly responsible to it, and subject thereto shall have complete control and responsibility for the execution of the Commission policies, the administration of its affairs, and the furnishing of such technical and clerical personnel, and office facilities as may be reasonably necessary.

Section 6. The officers of the Commission shall perform such other duties and functions as may from time to time be appropriately required by the Commission or the Rules and Regulations.

All meetings of the Commission shall be governed by the parliamentary procedure set forth in Robert's Rules of Order except as otherwise provided.

Article V. Interim Permit Control

Section 1. General Provisions. The Commission shall adopt a permit application form which shall conform to the General provisions as enumerated in Section 13417(a), Public Law 12-108, Seashore Reserve Act, and all other applicable laws governing the area defined as the Seashore Reserve.

Section 2. Permit Procedure.

(a) Acceptance of Application. Applications for the Territorial Seashore Protection Commission shall meet all current requirements of the Territorial Planning Commission. Completed applications, with seven (7) additional copies, shall be submitted to the Administrator of the Commission in accordance with the Territorial Planning Commission requirements.

(b) Filing fee. The Commission shall require a reasonable filing fee which shall be determined by the estimated cost of the project.

(c) After their acceptance by the Administrator, application shall be transmitted to the Territorial Seashore Protection Commission. The Commission shall then hold at least one (1) hearing thereon in the municipal

Prior SDRC
Staff Report

district where the project is located, such districts are described in Chapter I of Title XIV of the Government Code, notice of time and place of which shall be given by at least one (1) publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned. The hearing shall be no less than 21 nor more than 90 days after the date on which application is filed.

(d) The Commission shall act upon the application for permit within sixty (60) days after the conclusion of the hearing.

Article VI. Meetings.

Section 1. Regular Meetings There shall be at least two meetings a month. These shall be held on alternate Thursdays from the Subdivision Development Review Commission meetings unless such meeting falls on a legal Holiday. In those instances, the meeting shall be on the subsequent Tuesday.

Section 2. Special Meetings. Special meetings shall be held at such time and places as the Commission may determine, or may be called by the Chairman at such time and place as he may determine, and must be called by him upon the written request of three or more members of the Commission filed with the Administrator. Notice of such special meetings must be given at least 24 hours prior to the time of said meeting, and is to be given in writing, or in such form as the Chairman may direct. Any and all business of the Commission may be transacted at such a special meeting. Special meetings shall be held for hearing of appeals from any order, requirement, decision or determination of the Building Official or his authorized representative or any rule, regulation or amendment or repeal thereof, made by the Building Official.

Section 3. Quorum. Four (4) members of the Commission shall constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes.

Section 4. Voting. Every official act taken by the Commission shall be adopted by a majority vote. Majority vote shall be composed of no less than four votes at which time the Chairman shall break the tie vote. Directions to the Administrator may be by motion adopted by a majority vote.

We need Technical GUIDELINES

Section 5. Order of Business. At the regular meetings of the Commission the following shall be the order of business.

- (1) Notation of attendance;
- (2) Approval of minutes not previously approved;
- (3) Holding of public hearings as advertised, if any;
- (4) Consideration of Seashore Protection Commission applications, governed under the General provisions, Section 1, Article V of these Rules and Regulations.
- (5) Miscellaneous matters;
- (6) Adjournment.

Section 6. Parliamentary Procedure. The Rules. Parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Commission except as otherwise provided.

Article VII. Amendments.

These Rules and Regulations may be amended by the Commission at any regular meeting by a majority vote, or any special meeting by a majority vote, provided, that the proposed amendment to any particular Section is included in the notice of such special meeting.

Adopted on the _____.

_____, CHAIRMAN

I certify that the foregoing is a true copy of the Rules and Regulations of the Guam Territorial Seashore Protection Commission as promulgated, effective _____ These Rules and Regulations were in effect _____ and continue in effect as of the date of this certification.

NAME OF ADMINISTRATOR

BUREAU OF PLANNING
GOVERNMENT OF GUAM
P.O. BOX 2950
AGANA, GUAM 96910

circulate
Joe P

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 75-4

TEMPORARY TRANSFER OF FUNCTIONS
OF GUAM TERRITORIAL SEASHORE
PROTECTION COMMISSION TO THE
TERRITORIAL PLANNING COMMISSION.



WHEREAS, Public Law 12-108 created a Guam Territorial Seashore Protection Commission having as its duties the implementation of said Public Law; and

WHEREAS, said Commission has never been formed while the Law became effective on June 1, 1974, thus resulting in considerable hardship for many persons who wish to develop land covered by Public Law 12-108; and

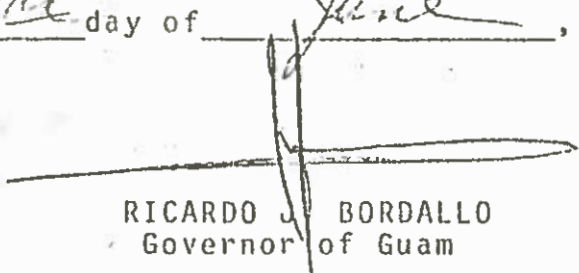
WHEREAS, I, as Governor of Guam, have appointed a Commission as required by said Law and have recently submitted their names to the Legislature for confirmation as required by law; and

WHEREAS, the hardship nonetheless remains regarding such land since no Commission is currently formed and functioning;

NOW, THEREFORE I, RICARDO J. BORDALLO, Governor of Guam pursuant to the authority vested in me by Section 6 of the Organic Act of Guam and by transfer of functions of the Guam Territorial Seashore Protection Commission to the Territorial Planning Commission, until such time as the Guam Territorial Seashore Protection Commission is formed and functioning. At such time as the Guam Territorial Seashore Protection Commission, by vote of majority of its stated authorized membership, declares that it is capable of assuming its functions under Law, the Territorial Planning Commission shall forthwith transfer all matters under the jurisdiction of the Territorial Seashore Protection Commission to it, except those matters which have been considered by the Territorial Planning Commission and are awaiting a decision by it under the powers granted by this Executive Order.

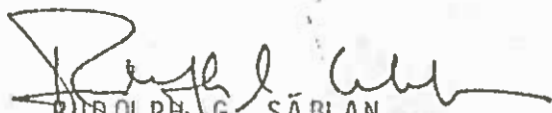
Any Executive Orders heretofore issued in conflict
with this Order are hereby repealed insofar as they so conflict.

DATED THIS 3rd day of June, 1975.



RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN
Lieutenant Governor