



**UNIVERSITY OF GUAM
UNIBETSEDÅT GUAHAN
BOARD OF REGENTS**

RESOLUTION NO. 13-16

**RELATIVE TO APPROVING THE ELECTIONS RULES PERTAINING TO DIRECTORS,
NORTHERN AND SOUTHERN SOIL AND WATER CONSERVATION DISTRICT BOARDS**

WHEREAS, the governance and control of the University of Guam is vested in the Board of Regents (BOR) of the University of Guam; and

WHEREAS, the provisions of Chapter 71, Title 5, of the Guam Code Annotated, establishing the Northern and Southern Soil and Water Conservation District and District Boards, require the University of Guam to conduct, every three years, the election of all district directors, and in conjunction therewith, promulgate the necessary rules by which farmers, farm land owners, and land occupiers shall nominate and elect, from among their number, district directors; and

WHEREAS, the President of the University of Guam through his designee, the Dean/Director of the College of Natural and Applied Sciences, conducted a public hearing on June 14, 2013 for the Proposed Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards; and

WHEREAS, having taken into consideration the testimonies presented during the aforementioned public hearing, the attached Proposed Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards is submitted herewith for adoption; and

WHEREAS, the Dean of the College of Natural and Applied Sciences has certified that the Proposed Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards complies with the appropriate Public Laws and University Rules and Regulations; and

WHEREAS, the Administration recommends to the Board for approval the Proposed Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards.

NOW, THEREFORE BE IT RESOLVED, that Board of Regents hereby approves the Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards.

Adopted this 20th day of June, 2013.


W. Chris Perez, M.D., Chairman

ATTESTED:



Robert A. Underwood, Ed.D., Executive Secretary



**PROPOSED ELECTION RULES PERTAINING TO DIRECTORS,
NORTHERN AND SOUTHERN SOIL AND WATER CONSERVATION DISTRICT BOARDS**
[As Authorized by Chapter 71, Title 5 of the Guam Code Annotated.]

I. DEFINITIONS.

1. **Director, or district director**, means a member of either the Northern or Southern District Board.
2. **District** means the Northern Soil and Water Conservation District and the Southern Soil and Water Conservation District.
3. **Northern Soil and Water Conservation District, or Northern District**, means the entire land area that is situated to the North of Route 4 that extends from Agana Bay Paseo Loop Bridge to Pago Bay Bridge.
4. **Southern Soil and Water Conservation District, or Southern District**, means the entire land area that is situated to the South of Route 4 that extends from Agana Bay Paseo Loop Bridge to Pago Bay Bridge.
5. **District Board** means the government of Guam board comprised of individuals elected by local farmers, farmland owners or land occupiers to fulfill the duties of Chapter 71, 5GCA.
6. **Northern Soil and Water Conservation District Board, or Northern District Board**, means the District Board which shall govern the Northern District as described in 3 above.
7. **Southern Soil and Water Conservation District Board, or Southern District Board**, means the District Board which shall govern the Southern District as described in 4 above.
8. **Farmer** means a resident registered as a farmer by the Department of Agriculture.
9. **Farmland Owner** means a person, firm, or corporation who is an owner or operator of land used for the purpose of producing aquaculture products, bushes, crops, fruit or nut-bearing trees, herbs, livestock, ornamentals, timber or vines.
10. **Land Occupier** means any person, firm, or corporation who holds title to or, in the case of leased land, the person, firm, or corporation who holds possession of any lands lying within a district.

12. **Registry of Active District Members** means the official listing of eligible voters and district director candidates for the district as required by law to be maintained and periodically updated by each district board.

13. **University** means the University of Guam.

II. NOMINATIONS AND ELECTION OF DIRECTORS, COMPOSITION OF DISTRICT BOARDS, TENURE OF DIRECTORS; AND BOARD VACANCIES.

1. **Nomination and Election of Directors.** Farmers or farm land owners or land occupiers from within each district shall nominate individuals, from among their number, to serve as non-partisan district directors; and shall elect five (5) directors from among those nominated.

2. **Composition of District Boards.** Each Soil and Water Conservation District Board shall: (a) be composed of five (5) directors, each of whom is largely engaged in farming and is a land occupier of the district to which they are elected to serve; (b) select a chairperson and a vice chairperson from among the five (5) directors, who shall be elected by at least three (3) affirmative votes; and (c) have assigned to it an advisor from the University.

3. **Tenure of Directors.** Each district director shall be elected to serve for a term of three (3) years.

4. **Board Vacancies.** Vacancies shall be filled for an unexpired term. The selection of a successor to fill a vacancy for an unexpired term shall be made by I Maga'láhen Guåhan within thirty (30) days of the notification of such vacancy; such selection to be subject to the advice and consent of I Liheslaturan Guåhan.

III. ELECTION PROCEDURES.

1. **Election Overseer.** The University, via the Dean/Director of the College of Natural and Applied Sciences (CNAS) or his/her designee(s), shall oversee the entire election process. Prior to each election cycle, the Dean/Director or his/her designee(s) shall: (a) obtain an updated copy of the Registry of Active District Members from each District Board, (b) call for nominations from each district, (c) develop and print ballots for election, (d) effectuate media coverage about the election as much as possible in both print and electronic media, (e) conduct the actual election, (f) tabulate the election results and forward same to the President of the University for certification purposes.

2. **Election Frequency.** Commencing August 2013, the Election of District Directors shall be held every three years thereafter.

3. **Number of Officials to be Elected.** As provided by law, a total of five (5) directors shall be elected for the Northern District and a total of five (5) directors shall be elected for the Southern District.

4. **Nominators, Candidates and Voters.** Only those individuals who are listed on the Registry of Active District Members are eligible to Nominate, to be nominated as a candidate for the office of district director and vote in their respective district.

5. **Call for Nominations of Candidates.** The call for nominations of candidates for both districts shall commence on the 15th day of July of an election year.

6. **Nomination Form.** The CNAS Dean/Director's Office shall make available nomination forms for use by eligible nominators in submitting names of eligible nominees. The nomination form shall include the "Consent to Nomination" provision indicating the nominee's willingness to accept and perform the duties and responsibilities of a district director upon successful election.

7. **Dual District Active Member.** In the event a Farmer, Farmland Owner and/or Land Occupier farms and/or owns farmland/land in both districts, said Farmer, Farmland Owner and/or Land Occupier shall be restricted to participating in nominating, voting and running for district director in ONLY one district. Said Farmer, Farmland Owner and/or Land Occupier shall decide as to which district he/she will exercise his/her rights to nominate, vote and run for district director.

8. **Deadline for Nomination of Candidates.** The deadline to submit all completed nominations forms shall be at 12:00 NOON on the First (1st.) Friday of August of an election year.

9. **Ballots and Write-In Candidates.** The University shall prepare two sets of ballots, one for the northern district and one for the southern district. Only those nominees listed on the Registry of Active District Members will be placed on the respective set of ballots. Provisions for write-in candidates will be made on the ballots but only those write-in candidates whose names appear on the Registry of Active District Members will be considered in the counting.

10. **Election Day.** The election will be held on the Third (3rd) Tuesday of August of an election year.

11. **Voting Poll and Hours.** The voting of directors shall be held in a suitable building on the campus of the University and voting shall be held from 8:00 A.M. until 7:00 P.M.

12. **Absentee Voting.** There shall be no provisions for absentee voting.

13. **Ballot Counting.** The counting of the ballots shall commence the day after the election and will be conducted by designated University employees under the supervision of Dean/Director of CNAS at a designated building on the campus of the University. Up to two witnesses from each of the two districts shall be present at the counting as designated by each district board.

IV. CERTIFICATION OF ELECTION

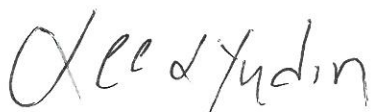
1. The Dean/Director of CNAS shall present an Election Results Report, in writing, to the President, University of Guam, indicating the final tabulation of ballots to include the total number of votes each candidate received as well as to enumerate the winning candidates from one (1) through five (5) for each district.

2. Upon receipt of the Election Results Report and to his satisfaction, the President shall certify the results and a copy of the results be immediately transmitted to the Governor of Guam, the Speaker of the Guam Legislature, the Chairman of the Legislative Committee that oversees the Soil and Water Conservation Districts, and the respective District Boards.


3. All election related documents such as nomination forms, ballots and tabulations will be made available for review and will be kept in the Office of the Dean/Director of CNAS for a period of sixty (60) working days before they are destroyed. The report will be kept indefinitely for historical purposes.

Certification of Compliance:

The Senior Vice President for Academic and Student Affairs, and the Dean of the College of Natural and Applied Sciences, hereby certify that the above Proposed Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards, comply with the rule making process in accordance with the University of Guam's procedures for the promulgation of rules and regulations.



LEE S. YUDIN, Ph.D.
Dean/Director, CNAS


ANITA BORJA-ENRIQUEZ, D.B.A.
Acting Senior Vice President, ASA

Dated the 19th of June, 2013.

UNIVERSITY OF GUAM
COLLEGE OF NATURAL AND APPLIED SCIENCES
COOPERATIVE EXTENSION SERVICE

RECEIVED
UNIVERSITY OF GUAM

2013 JUL -1 PM 2: 20

OFFICE OF SVP
ACADEMIC AND
STUDENT AFFAIRS

June 26, 2013

TO: Dr. Robert Underwood, President
Dr. Anita Borja-Enriquez, Acting SVP, A&SA
Dr. Lee Yudin, Dean/Director, CNAS

FROM: Vic Artero, CES/CNAS

SUBJECT: REFORMATTING OF ELECTION RULES DOCUMENT
NORTHERN AND SOUTHERN SWCDBs

Kindly please sign the attached Election Rules documentation for the Northern and Southern Soil and Water Conservation District Boards. Since the Board of Regents approved said election rules via Resolution 13-16, reformatting of the election rules document (including the removal of the word "PROPOSED" on the document) is needed for record and distribution purposes. The reformatting in essence authenticates the approval of said election rules.

Note: The signed original document should be kept at the President's Office (via Ms. Louise Toves) and copies sent as follows:

UOG Legal Counsel
Senior Vice President, Academic & Student Affairs
Vice President, Administration and Finance
Dean/Director, CNAS
Associate Director, CES/CNAS

Once received, I will ensure that copies will be sent to the Chairmen and members of the Northern and Southern SWCDBs.

Thank you.



Attachment

RECEIVED

JUL 01 2013

Office of the President
University of Guam



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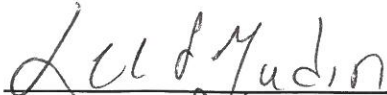
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The Senior Vice President for Academic and Student Affairs, and the Dean of the College of Natural and Applied Sciences, hereby certify that the above Election Rules Pertaining to Directors, Northern and Southern Soil and Water Conservation District Boards, complied with the rule making process as mandated by Guam Public Laws and the University of Guam's procedures for Rules and Regulations promulgation.



LEE S. YUDIN, Ph.D.
Dean/Director, CNAS



ANITA BORJA-ENRIQUEZ, D.B.A.
Acting Senior Vice President, ASA

Dated the 19th of June, 2013.

Board of Regents Ratification:

The University of Guam Board of Regents, at its meeting of **June 20, 2013** on the campus of the University, approved the Election Rules herein contained via the passage of **Board of Regent Resolution No.13-16**.

Attested by:



ROBERT A. UNDERWOOD, Ed.D.
Board of Regents Executive Secretary
President, University of Guam