

APPENDIX I

Public Law 26-24  
(BILL NO. 53)



Regent Nominating Council



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**UNIBETSEDAT GUAHAN**  
**Regent Nominating Council**  
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**Public Law 26-24**

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

**Bill No. 53 (COR)**

As substituted by the  
Committee on Rules, General  
Governmental Operations,  
Reorganization and Reform, and  
Federal, Foreign and General Affairs,  
and as further substituted by the  
Author and amended on the Floor.

Introduced by:

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**AN ACT TO REPEAL AND REENACT §16104.5 OF TITLE 17  
OF THE GUAM CODE ANNOTATED, AND TO AMEND §4 OF  
CHAPTER III OF P.L. NO. 26-01 AND §1(a) OF CHAPTER III  
OF P.L. NO. 25-164, RELATIVE TO THE REGENT  
NOMINATING COUNCIL, AND ADJUSTMENTS TO HAL'S  
ANGELS FOOTBALL ASSOCIATION'S AND UOG'S  
SCHOLARSHIP APPROPRIATIONS.**

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### **BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* is acutely aware that the Western Association of Schools and Colleges ("WASC") accreditation team report has identified that the University of Guam ("UOG") continues to experience inappropriate executive and previous legislative intrusion into its affairs. *I Liheslaturan Guåhan* finds that one (1) of its priorities is to ensure that WASC continues to certify UOG as an accredited institution of higher education.

One (1) way to protect UOG's accreditation is by strengthening the autonomy of the current Board of Regents' ("Board's") membership nomination process. *I Liheslaturan Guåhan* recognizes that the Board is the governing body, responsible for the quality and integrity of the institution and for ensuring that the institution's mission is being carried out.

The Board should be an independent policy-making body, free from external political interference. *I Liheslaturan Guåhan* further finds that, with the establishment of a standing Regent Nominating Council that is free from external influences, the Council will nominate outstanding individuals with the foremost interest of the welfare of the community and UOG above personal and political considerations.

Therefore, it is the intent of *I Liheslaturan Guåhan* to create an open and systematic nomination process for membership to the Board. This in turn would strengthen the autonomy and effectiveness of the Board to insulate UOG from undue government and legislative influence. Furthermore, *I Liheslaturan Guåhan* intends to make it abundantly clear to WASC that the People of Guam are determined to take the necessary measures to ensure that UOG maintains its accreditation and is free from external political interference.

**Section 2.** Section 16104.5 of Chapter 16, Division 3 of Title 17 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

**"Section 16104.5. Regent Nominating Council; Establishment.**

There is established the Regent Nominating Council ("Council") with sole responsibility to identify, recruit, evaluate and nominate all qualified candidates for non-student membership on the Board of Regents of the University of Guam ("UOG").

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### (a) Membership.

- (1) The Council shall consist of eleven (11) members:
  - (i) one (1) Mayor-member to be appointed by the Mayor's Council;
  - (ii) one (1) member of the UOG Board of Regents to be appointed by the UOG Board of Regents;
  - (iii) one (1) member of the UOG Administrative Council to be appointed by the UOG Administrative Council;
  - (iv) one (1) member of the UOG Faculty Senate to be appointed by the UOG Faculty Senate;
  - (v) one (1) member of the UOG Student Government Association to be appointed by the UOG Student Government Association;
  - (vi) one (1) member of the UOG Alumni Association to be appointed by the UOG Alumni Association;
  - (vii) one (1) member of the UOG Staff Council to be appointed by the UOG Staff Council;
  - (viii) one (1) member of the Guam Youth Congress to be appointed by the Guam Youth Congress, *and*
  - (ix) three (3) members from the community at large.

Three (3) members of the community at large shall be appointed by the Regent Nominating Council. The eight (8) members listed in Subsections a(i) to a(viii) shall serve for a term of one (1) year. The three (3) community at large members shall serve a term of two (2) years.

No community at large members shall be employees or students of UOG or employees of the government of Guam. Community at large members must be United States citizens or permanent resident aliens domiciled on Guam for *at least* two (2) years *prior to* appointment to the Council.



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(2) The UOG Board of Regents member shall serve as *temporary* chairperson, and shall convene the first meeting of the Council. At its first meeting the Council shall elect from among its members a chairperson and a vice-chairperson. The chairperson shall preside at all meetings of the Council, shall act as the spokesperson of the Council and perform such other duties as the Council shall direct.

The vice-chairperson shall succeed to the duties of the chairperson in the absence or inability of the chairperson to serve. From among its members, the Council shall select a secretary and any other officers that the Council may deem necessary.

**(b) Duties.**

(1) The Council shall develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates.

(2) In making its nominations, the Council shall: consider the needs of the University; advertise; locate potential candidates; maintain a list of their names and contact information; match potential candidates with projected vacancies; review candidates' qualifications and references; conduct interviews; *and* carry out other recruitment and screening activities as necessary.

(3) The Council shall be responsible for submitting a list of *at least* one (1) and *no more than* three (3) qualified candidates for every vacancy on the Board to *I Maga'lahaen Guâhan*.

(4) Nominations shall be made thirty (30) days *prior to* the expiration of a term, or within fourteen (14) days following an unforeseen vacancy. *I Liheslaturan Guâhan* finds that it is critical that a vacancy on the Board be filled promptly. Therefore, *I Maga'lahaen Guâhan* shall make the appointment of the qualified candidate from a list of candidates provided by the Council, which list shall contain *at least* one (1) and *no more than* three (3) qualified candidates submitted by the Council within forty-five (45) days of a vacancy, *subject* to the advice and consent of *I Liheslaturan Guâhan*.

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If *I Maga'lahren Guåhan* does *not* make the appointment within forty-five (45) days of a vacancy, the Speaker of *I Liheslaturan Guåhan* shall make the appointment of the qualified candidate from the identical list submitted to *I Maga'lahren Guåhan* by the Council, *subject* to the advice and consent of *I Liheslaturan Guåhan*. Any appointment to fill a vacancy which is made by the Speaker of *I Liheslaturan Guåhan* pursuant to this Section shall *not* become void due to a later appointment by *I Maga'lahren Guåhan* to fill the same vacancy.

(5) The Council shall make an annual report to *I Maga'lahren Guåhan* and *I Liheslaturan Guåhan* at the termination of each fiscal year setting forth a summation of its activities and general recommendations.

(c) **Council Meetings.** The Council shall hold *at least* one (1) meeting quarterly and as often as necessary. The Council shall conduct its first meeting within fourteen (14) days after approval of this Act. A majority of the Council members shall constitute a quorum. The vote of six (6) Council members shall be required for any action of the Council. The Council may adopt rules to govern its procedures.

(d) **Support Services.** The President of UOG shall provide administrative and support services for the Council.”

**Section 3.** Section 4 of Chapter III of Public Law Number 26-01 is hereby *amended* to read as follows:

**“Section 4. Appropriations to the Hal’s Angels Football Association.**

There is hereby appropriated the sum of Thirteen Thousand Four Hundred Forty-eight Dollars (\$13,448.00) from the General Fund to the Hal’s Angels Football Association for the specific purpose of paying outstanding invoices to vendors for the purchase of equipment appropriated in §4 of Public Law Number 24-300 and de-appropriated by §41(f) of Chapter III of Public Law Number 25-03.”

**Section 4.** Section 1(a) of Chapter III of Public Law Number 25-164 is hereby *amended* to read as follows:

**“(a) Student Scholarship Financial Assistance and Program Administration.** Two Million Four Hundred Five Thousand Four Hundred

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Twenty-nine Dollars (\$2,405,429.00) is appropriated from the General Fund to the University of Guam to be expended for the following student scholarships, financial assistance programs and program administrations: Merit Awards; Student Loans; Nurse Training Programs; Professional and Technical Awards; Reserve Officer Training Corp. ('ROTC') Regent Scholarships; Marine Lab Graduates Assistance Programs; Doctoral Fellowships; Advanced High School Placement Programs; the John F. Quan Memorial Scholarship for Ocean Resource Science and Research; *and* administration of all student financial assistance programs.

The University of Guam shall determine the allocation of this appropriation in order to fund the various student scholarships, financial assistance programs and program administration.”

**Section 5. Severability.** *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.





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As Approved September 14, 2001

**BYLAWS**  
**OF THE UOG REGENT NOMINATING COUNCIL**

Approved September 14, 2001, Amended April 4, 2003

We, the members of the University of Guam (UOG) Regent Nominating Council, which has been established under Public Law 26-24 by act of the Guam Legislature, do hereby formally establish the *Bylaws* by which it shall operate.

**ARTICLE I – NAME**

The name of this organization shall be the UOG Regent Nominating Council (“the Council”), as specified in Public Law 26-24 (“the Law”).

**ARTICLE II – OBJECT**

Under the Law, the Council has the “sole responsibility to identify, recruit, evaluate, and nominate all qualified candidate for non-student membership on the Board of Regents of the University of Guam.” The object of these bylaws is to set forth specific procedures, under the Law, that shall govern the process by which the Council discharges these responsibilities. Should any provision in these bylaws contradict provisions in the Law, the Law has precedence.

**ARTICLE III – DECLARATION OF AUTONOMY OF REGENTS**

Whereas, the primary intent of Public Law 26-24 is to strengthen the autonomy of the UOG Board of Regents;

Whereas, the Board of Regents must be an independent policy-making body, free from inappropriate external interference;

Now, therefore, be it resolved, that the Council pledges its commitment to the following:

1. That upon confirmation of a Regent, the Council with all its members, other than the Regent member, shall not initiate informal communication with the Regent(s) on any Board matter for the purpose of influencing the Regent’s judgment on policy.
2. That upon confirmation of a Regent, the Council shall properly inform the Regent of this declaration of autonomy and shall instruct the Regent of his or her responsibility to inform the Council, via the chairperson, of any violations to this declaration by any Council member; and
3. That any violation to this declaration shall be grounds for removal from the Council in accordance with approved procedure.

This declaration does not, however, prevent members of the council from communicating with the Board of Regents through appropriate and legitimate channels.



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### ARTICLE IV – MEMBERSHIP

#### SECTION 1 MEMBERSHIP AND TERM LENGTHS

As specified in the Law, the Regent Nominating Council consists of eleven members. Eight are appointed, respectively, from the following organizations, and serve terms of one year:

1. The Mayors' Council
2. The University of Guam (UOG) Board of Regents
3. The UOG Administrative Council
4. The UOG Faculty Senate
5. The UOG Student Government Association
6. The UOG Alumni Association
7. The UOG Staff Council
8. The Guam Youth Congress (representative must be 18 years or older)

Three members are appointed from the community at large by the Council itself for terms of two years. If an at-large member resigns, his/her successor will be appointed to a two-year term. At-large members may not be employees or students of UOG or employees of the government of Guam. They must be United States citizens or permanent resident aliens domiciled on Guam for at least two years prior to appointment on the council.

#### SECTION 2 ELECTION OF COMMUNITY-AT-LARGE MEMBERS

The Council shall seek outstanding and respected business and professional leaders from the community to fill the at-large positions. The Chair shall appoint a member to coordinate the recruitment and selection of the community-at-large members. The Council shall appoint each at-large member by a vote of six or more.

### ARTICLE V – COUNCIL MEMBERS

#### ABSENCES AND VACANCIES

It is the responsibility of the appointing organizations to ensure that they are consistently represented on the Council. It is the responsibility of the Council to ensure that three members from the community at large are serving actively on the Council at all times. In the event of an absence of a member, there will be no substitute or proxy.

If a member of the Council from one of the appointing organizations is absent from two consecutive meetings without giving prior notice, the Council shall ask the appointing organization to appoint another representative. If a member from one of the eight appointing organizations becomes unable to support Council activities and attend meetings for more than six months, the Council shall ask the organization to appoint another representative.

If an at-large member of the Council is absent from two consecutive meetings the Council may recommend a replacement and shall act on the recommendation in accordance with approved procedure.

### ARTICLE VI – OFFICERS



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### SECTION 1 NUMBER AND QUALIFICATIONS OF OFFICERS

The officers of the Council shall consist of a Chair, a Vice-Chair, and a Secretary, and other officers that the Council may deem necessary. These officers will perform the duties prescribed by these *Bylaws* and in the parliamentary authority adopted in these *Bylaws*.

### SECTION 2 ELECTION, LENGTH OF TERM, AND NUMBER OF TERMS

The officers shall each serve terms of one year and may be elected to consecutive terms. The Council shall elect each officer by a vote of six or more.

### SECTION 3 VACANCIES

Should an office become vacant before the end of the incumbent's term, the Council shall meet within two weeks or at its next scheduled meeting, whichever is soonest, to elect a member to the office, who shall serve a term of one year, beginning on the date from the election.

### SECTION 4 RECALL

An officer is subject to recall by a two-thirds vote of the Council. A recall vote shall be held whenever a majority of the Council members sign a petition for recall. An officer shall not be subject to a recall election more than once in a calendar year.

## ARTICLE VII — MEETINGS AND GENERAL OPERATIONS

### SECTION 1 MEETING TIMES

As specified in the Law, the Council shall meet at least quarterly. Regular meetings shall be convened by the Chair during the first week of the first month of each quarter of the calendar year. Special meetings may be called by the Chair at the Chair's discretion or at the request of the majority members of the Council.

### SECTION 2 QUORUM

As specified in the Law, six members present constitute a quorum. The vote of at least six council members is required for any Council action.

### SECTION 3 GENERAL OPERATIONS

The officers shall have general supervision of the affairs of the Council between its business meetings, fix the hour and place of meetings, make recommendations to the Council, and shall perform such other duties as are specified in these *Bylaws*.



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### ARTICLE IX — DUTIES OF THE OFFICERS

In addition to the duties prescribed in the parliamentary authority, the officers shall perform the duties described below.

#### SECTION 1 DUTIES OF THE CHAIR

- a. Serve as presiding officer over all Council meetings.
- b. Prepare the agenda for all Council meetings and make the agenda available to Council members prior to the meeting.
- c. Provide the Council with copies of official correspondence addressed to the Chair, and inform and update the Council on other matters affecting the Council.
- d. Attend confirmation hearings of Regent appointees and meetings of the Board of Regents and other University bodies as necessary; if unable to attend any given meeting, the Chair shall appoint another officer or Council member to attend that particular meeting.
- e. Appoint members to coordinate the work of the Council, as needed.
- f. Coordinate with the office of the President of UOG to obtain administrative and support services for the Council, as directed by the Law.
- g. Act as the official spokesperson for the Council.

#### SECTION 2 DUTIES OF THE VICE-CHAIR

- a. Serve as presiding officer when the Chair is unable to attend regularly scheduled meetings of the Council.
- b. Serve as the Acting Chair when the Chair is unavailable.

#### SECTION 3 DUTIES OF THE SECRETARY

- a. Serve as presiding officer at Council meetings if both the Chair and Vice-Chair are unable to attend, in which case the secretary shall appoint a secretary *pro tem*.
- b. Serve as parliamentarian and have copies of the *Bylaws* and *Robert's Rules of Order* available at all Council meetings.
- c. Take the minutes at each Council meeting and maintain an attendance record.
- d. Distribute to Council members the minutes of all Council meetings.
- e. Assist the assigned support staff to maintain a centralized depository for Council documents and correspondence.

### ARTICLE X — DUTIES AND INTERNAL ORGANIZATION OF THE COUNCIL

#### Section 1 DUTIES OF THE COUNCIL

With respect to its membership, the duties of the Council are to:

- a. consult with members of the community to find candidates to serve in the at-large positions on the Council



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With respect to the selection of Regent candidates, the duties of the Council are to:

- a. develop a statement of the selection criteria to be applied and a description of the responsibilities of a regent, and distribute these to potential candidates, as directed by the Law;
- b. locate potential candidates, maintain a list of their names and contact information, and match potential candidates with projected vacancies, as directed by the Law;
- c. review candidate qualifications and references and conduct interviews, as directed by the Law.; and
- d. carry out other recruitment and screening activities necessary, as directed by the Law, and in accordance with approved procedure.

### SECTION 2 IMPLEMENTATION PROCEDURES FOR COUNCIL ACTIONS

As directed by the Law, nominations to fill Regent positions shall be made thirty days prior to the expiration of a term, or within fourteen days following an unforeseen vacancy. For each vacancy, the Council shall submit to the *Maga'lahen Guàhan* a list containing at least one and no more than three names of qualified candidates. A candidate requires a vote of six or more to be forwarded to the Governor for appointment. If the *I Maga'lahen Guàhan* does *not* make the appointment within forty-five (45) days of a vacancy, the Speaker of *I Liheslaturan Guàhan* shall make the appointment of the qualified candidate from the identical list of Regent Nominees submitted to *I Maga'lahen Guàhan* by the Council, *subject* to the advice and consent of *I Liheslaturan Guàhan*.

The Council shall make an annual report to the *I Maga'lahen Guàhan* and *I Liheslaturan Guàhan* setting forth a summation of its activities and general recommendations, as directed in the Law.

### ARTICLE XI - PARLIAMENTARY AUTHORITY

The rules contained in the current edition of *Robert's Rules of Order* shall govern the Council meetings and Council committee meetings in all cases in which they are not inconsistent with these *Bylaws* and any special rules of order the Council may adopt.

### ARTICLE X — AMENDMENT OF SPECIFIC SECTIONS OF THE *BYLAWS*

Amendments of one or a few specific sections of these *Bylaws* that are not extensive may be made at any regular meeting of the Council by a vote of two-thirds of the Council members, provided that the amendments have been submitted in writing at the Council's previous regular meeting. Unless otherwise noted in the amendment, an amendment shall become effective after the Council Chair announces the vote.

### ARTICLE XI - DEFINITIONS

These definitions are for clarity, and are not intended to alter the terms of these *Bylaws*.

**Regent Appointee:** A person who has been nominated by the Council and subsequently appointed by the Governor to fill a vacant position, but whose appointment has not yet been confirmed by the Legislature.

**Regent Candidate:** A person selected by the Council as a potential Regent Nominee.

**Regent Nominee:** A person nominated by the Council, whose name has been sent forward to the Governor as a potential appointee.