

17th MUNICIPALITY LEADERSHIP
CITIZEN CENTRIC COUNCIL REPORT
(CCCR): Jan.–Sept. 2023



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Overview: Sources of Authority for Third Senatorial District Municipal Council

The Commonwealth Constitution (1978 as amended in 1985 and 1987) : Article VI, Section 1: Local Government.

Agencies of local government shall be established as provided by this article. Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 25 (1985); Legislative Initiative 1 (1987).

Section 6: Municipal Councils.

(a) There shall be municipal councils for Rota, Tinian and Aguiguan, Saipan and the islands north of Saipan, to be composed of three members, elected at-large in the island or islands to be served and on a non-partisan basis. Candidates for municipal council shall be at least twenty-one years of age, a resident of the municipality for at least three and shall serve for a term of two years. Each council shall adopt its own Rules of Procedures.

(b) In the case of a vacancy in a municipal council, the mayor of the island or islands served by the council shall appoint the unsuccessful candidate for the office in the last election for the council who received the next highest number of votes. Otherwise, the mayor shall appoint a person from the island or islands served with the advise and consent of the legislative delegation of the senatorial district for that island or islands.

Section 7: Powers, Meetings and Compensations.

(a) The municipal councils shall meet in regular session no more than twice a month, and shall be paid for each meeting as provided by law. The mayor, or a majority of the members of the council, may call special sessions of the council as needed. The powers of the municipal councils shall extend to all local matters of a predominately local nature not pre-empted by the Commonwealth Legislature, and shall include the following:

- (1) Assist the mayor in the formulation of the annual budget delineating local needs,
- (2) At the request of an Executive Branch department head, in consultation with the mayor, the council shall have the authority to approve reprogramming of funds in the approved budget,
- (3) To confirm all resident department heads which are stationed on their island or islands,
- (4) When a mayor is 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, and
- (5) Additional powers and duties as provided by law.

Section 8: Agencies of Local Government.

(a) 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.

Statutory Authority: Public Law 15-2 as amended.

§§ (a)(3) and (4): PL 15-2 provides authority for the respective mayors of Saipan and the Northern Islands (Gani) to nominate one (1) resident from Saipan and one (1) from the islands north of Saipan to serve as members of an advisory board of the Secretary of Public Lands with advice and consent of the Saipan and Northern Islands Municipal Council of the Third Senatorial District of Saipan and the islands to the north.

Municipal Authority: Saipan Local Law 12-6 as amended.

3 CMC §3901: Acting Mayor “Whenever the Mayor of Saipan or the Mayor of the Northern Islands is to be physically absent from the Third Senatorial District, he/she shall appoint a duly elected or appointed presiding officer of the Saipan and Northern Islands Municipal Council (SNI) to be Acting Mayor...”

Improving Quality of Life thru Collaborative Partnership: 2023 Performance Highlights thru Photos/Captions



Municipal Leaders-SNILD Meet-n-Confer



17th Council Leadership Links with ITE



17th Council with Rotary Club Executives



Council-DPL Summit on Gani Homestead & Open Farmers Mkt.



DPL Retracement Survey of Council C.K. Lot



17th Council-Lion's Club Community Garden Project Planning. Council Sec. not pictured.



Meeting w/AMP Alberti and Council for 2023 In Memoriam preparation.



DOC Clean-up Preparation for Municipal Facility Ground breaking



Rota Mayor and Council with 17th Council Leadership on PAMC



NMC CREES Briefing on USDA \$10 Million NMI Agri-Tourism Grant



CUC Crew assisted the Council with the tree trim at the Kiosku.



Council staff & Consultant Bill Torres presentation during the monthly Rotary meeting. Pictured with Rotary Officials.



17th Council Donation of Traffic Cones to Saipan Mayor RB Camacho



Japan Consul Meet-n-Confer on Japan's Treated Radioactive Water



Council Leadership Meet with Del. Kilili on PW 69 Project & Municipal ARPA



Council courtesy visit with Gov. Palacios



Lt. Gov. Apatang underscores importance of the Saipan legacy project of the Mun. Council.



Launching of Lady Wella Community Foundation joined with the 17th Council. Chairwoman Tudela not pictured.



OGM Delivery of OIA Solar Grant Notification to 17th Council Leadership



Ground breaking of new Council building next to the USPO in CK



Council meeting with Tinian Mayor & AMIM President Edwin Aldan in Rota with Rota Council members and staff.



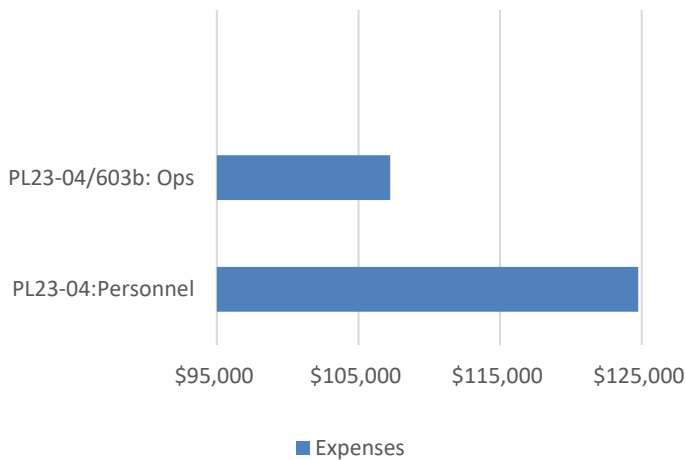
Council staff turns over Council trailer to P2 Rep. Manny Castro.

Trailblazing Transformative Initiative in Local Governance

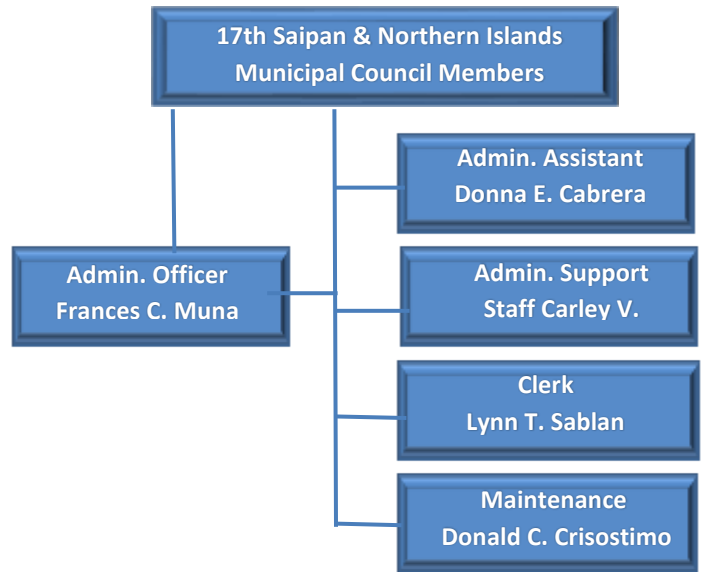
- Unlocking the onerous delays in construction of Saipan & N. Islands Municipal Council PW 69-Funded Public Facility
- Pioneering complete solarization of the 1st Municipal Facility at the Historic Chalan Kanoa Kiosku Leadership Courtyard
- Connecting with ITE on Wi-Fi and Broadband
- Moving Forward in Chartering the Municipality of Saipan
- Working for Establishment of a Third Senatorial District Municipal Treasury and Procurment
- Linking with CNMI Farmers’ Organization for Designation of Public Property for Saipan’s First Open Concept Farmer’s Market in Chalan Kanoa
- Working with the Department of Public Lands Secretary for Implementation of Pagan Island Agriculture Homestead
- Working on Design of Third Senatorial District Ancestral Entombment at Sugar King Summit
- Advocacy on the Implementation of Decentralized and Self-generating Municipal Governance for the Third Senatorial District of Saipan

Optimizing Resource

January - September 2023



Organizational Chart



Fine-tuning the 3rd Senatorial District Municipal Governance

Agencies of local government in the respective municipalities of Saipan, Tinian and Rota have been established and provided for in the NMI Constitution Article VI first ratified in 1977 as amended in 1985 in the 2nd Constitution Convention, and subsequently amended by legislative initiative in 1987.

In 1977, Section 6 (b), Article VI on Other Agencies of Local Government read: “No additional agency of local government may be established for at least five years from the effective date of this Constitution (1978), after which the legislature may establish agencies of local government in place of or in addition to the agencies provided for in this article with powers, elected officials and financing as provided by law. 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.”

Fine-tuning the 3rd Senatorial District Municipal Governance: continued.....

In 1985, Section 6(b) was amended as referenced in Article VI and renumbered to Section 8(a) and reads: “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. In other words, the last sentence in sections 6(b) and 8(a) of Article VI remain unchanged to date.

Significantly, the 1977 Section 6(a) and 6(b) were consolidated and renumbered as Section 8(a) in 1985. That is, sections 6(b) and 8(a) in Article VI pertain to agencies of local government as they pertain to local laws referenced to Article II, Section 6, which reads: “Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

In other words, in 1983, section 6 of Article II required the legislature to define “local matters”, and enacted the local law act of 1983, which provided a framework for implementing the intent of Article VI, Section 6(b) in 1983 that may be the subject of local laws.

At the time of the 1983 act became law, however, the requirements set forth and mandated by Section 6(b) of Article VI was unchanged in 1983, which required “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.” Arguably, this makes the local law act noncompliant with section 7(b) of Article VI in 1983, which would subject new agencies of local government to be passed by 2/3 affirmative vote of persons qualified to vote from the island or islands to be served by the proposed agency of local government, thus making the local law act null and void.

Moreover, in 1985, section 6(a) of Article VI reads: “Each council shall adopt its own Rules of Procedures”, and construed to mean that effective 1985, the municipal council is required to adopt its own rules of procedures that would govern the municipal council governance, operation, management, organization, administration, etc.

Indeed, section 7(a) of Article VI on powers, meetings and compensations requires “(t)he powers of the municipal councils shall extend to all local matters of a predominately local nature not pre-empted by the Commonwealth Legislature, not limited enumerated activities provided therein, such as to (1) assist the mayor in the formulation of the annual budget delineating local needs; (2) at the request of an Executive Branch department head, in consultation with the mayor, the council shall have the authority to approve reprogramming of funds in the approved budget; (3) to confirm all resident department heads which are stationed on their island or islands, (4) when a mayor is 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; and (5) additional powers and duties as provided by law.

“Additional powers and duties as provided by law” is construed as authority of the council to prescribe additional powers and duties deemed necessary and sufficient in exercise of or in performance of the council’s Constitutional authority in Article VI of the NMI Constitution.

Therein is an ongoing challenge and fundamental issue confronting the council in performance of its Constitutional, statutory and municipal functions as an agency of local municipal government among which prominently include a seat in the Governor’s Council in Section 5 of Article VI in mandating “the chairmen of the Municipal Councils (underscored) shall be members of a Governor’s Council that shall advise the governor on government operations and local matters...(and)...shall meet regularly or at least four times each year to consider matters concerning the relationship between the Commonwealth and its separate islands.”

Ultimately, an effective municipal governance led by the local municipal council, the municipality mayor, the local council of advisors to the governor, and other agencies in a chartered municipal governance (e.g., municipal treasury, procurement, personnel, zoning and environmental health and safety, etc.) established pursuant to Article VI, Section 8 of the NMI Constitution would enable the Third Senatorial District municipal governance to self- generate and optimize application and use of local revenues though self-management. Doing so would go a long ways to overcoming situational challenges over the long delays on the PW 69 construction, the continuing challenges in compliance with FEMA’s Section 106 mitigation issue through an interpretive panel on C.K. historic district (i.e., kiosk, exhibits, displays, etc.), pursuing post-ARPA resource alternatives and other revenue generating measures for the direct improvements of the quality of life for residents and communities in the Third Senatorial District of Saipan and Gani Islands, north of Saipan, among others.