

CHAPTER 3
TERRITORIAL PLANNING COMMISSION

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Article 1
Operational Policies

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NOTE: Rule-making authority cited for formulation of operational rules and regulations, 21 GCA §60401.

§3101. Authority. These Rules and Regulations are promulgated under the authority of 21 GCA §60101.

§3102. Purpose. The purpose of these Rules and Regulations is to govern the meetings and proceedings of the Territorial Planning Commission, acting pursuant to the legislative authority mentioned above.

§3103. Official Name. The official name of the Commission shall be the Territorial Planning Commission.

§3104. Official Address. The official address of the Territorial Planning Commission shall be c/o Department

of Land Management, Government of Guam, Agana, Guam.

§3105. Place of Meeting. The Commission will hold its regular meeting at a location to be determined by a majority vote at any regular meeting.

§3106. Commission Creation, Membership and Compensation. The Commission shall be composed of seven (7) members to be appointed by the Governor by and with the advice and consent of the Legislature for a period of five (5) years; provided, however, that, of the two (2) members first appointed, one (1) shall serve for a term of one (1) year, two (2) shall serve for terms of three (3) years each, and the remaining two (2) shall serve for terms of five (5) years each, as designated by the Governor. The Governor shall appoint a member of the Commission to serve as Chairman.

Members of the Commission shall receive no compensation as such for duties prescribed by this Title, but shall be reimbursed for their reasonable and necessary travel and incidental expenses incurred in the course of their official duties, as certified by the Treasurer of Guam.

§3107. Powers. The powers of the Commission shall be vested in the members thereof then in office. Such powers of the Commission are defined under the following:

- (1) 21 GCA Chapter 60, Article 3, known as the Land Records.
- (2) 21 GCA Chapter 62, known as the Subdivision Law of the territory of Guam.
- (3) 21 GCA Chapter 61, known as the Zoning Law of the territory of Guam.
- (4) 21 GCA Chapter 66, known as the Building Law of the territory of Guam.
- (5) Public Law 12-200, known as the Comprehensive Planning Act.
- (6) Other laws as may be enacted by the Legislature.

§3108. Regular Officers. Regular officers of the Commission shall be Chairman, Vice- Chairman and Executive Secretary.

§3109. 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.

§3110. Appointment and Elections. The Chairman shall be appointed by the Governor with the advice and consent of the Legislature. The Vice-Chairman shall be elected by the Commission from among its members. The Executive Secretary to the Commission shall be the Director of Land Management.

§3111. Terms of Office. The terms of office for the Vice-Chairman shall be for the calendar year. The term of office of the Chairman and the Executive Secretary shall be concurrent with the directorship of their appointment.

§3112. Vacancies. Should the office of the Vice-Chairman become vacant, the Commission shall fill the vacancy by electing another Vice-Chairman from among its members.

§3113. 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 the policies, administration and other affairs of the Commission.

The Chairman shall sign all contracts and other important documents and letters of the Commission upon approval of the Commission in accordance with 18 GAR §3118.

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In the case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed upon the Chairman until such time as a new Chairman shall be appointed.

The Executive Secretary 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

§3114. Other Duties and Functions. 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 by the Rules and Regulations.

§3115. Regular Meetings. Regular meetings of the Commission shall be held on the 2nd and 4th Thursdays of each month at 8:30 A.M. If such meeting falls on a legal holiday, the meeting shall be the subsequent Tuesday.

§3116. 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 (3) or more members of the Commission filed with the Executive Secretary. Notice of any special meetings must be given at least twenty-four (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.

§3117. 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.

§3118. Voting. Every official act taken by the Commission shall be adopted by a majority vote of at least four (4) votes. If less than four (4) affirmative or negative votes are obtained, the action shall be automatically tabled until an affirmative or negative vote of not less than four (4) is obtained; provided, however, that if any proposed act is tabled for three (3) successive meetings for any reason, it shall automatically be deemed to have been disapproved. Directions to the Executive Secretary shall be by motion adopted by a majority vote.

§3119. 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) Consideration of zoning applications for changes or variances as outlined in the Zoning Law;

- (4) Consideration of subdivision matters as outlined in the Subdivision Law;
- (5) Consideration of master plan features requiring detailed discussion;
- (6) Miscellaneous matters;
- (7) Adjournment.

§3120. Parliamentary Procedure: The Rules. Parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Commission except as otherwise herein provided.

§3121. 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.

NOTE: Rules adopted August 21, 1975; amended on July 27, 1978; filed with Legislative Secretary, May 19, 1979.