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§ 71101. Definitions.

Whenever used in this Chapter, the following terms shall have the meanings indicated, unless otherwise specified:

(a) **Cooperator** means a land occupier or farm land owner who has entered into an agreement with a district requesting the district to provide aid under this Chapter.

(b) **Director, or district director**, means a member of either the Northern or Southern District Board.

(c) **District** means the Northern Soil and Water Conservation District and the Southern Soil and Water Conservation District.

(1) **Northern Soil and Water Conservation District, or Northern District**, means the area organized pursuant to this Act as that area covering the northern area of Guam—the “entire” area designated as Northern Guam by the Water and Environmental Research Institute of the Western Pacific (WERI), University of Guam, as published in the 2007 Geologic Map and Sections of Guam, Mariana Islands, as amended, with the Adelup-Pago fault extending across the narrow waist of the island and forms the structural boundary between the northern and southern parts of the island (map attached).
(2) **Southern Soil and Water Conservation District, or Southern District**, means the area organized pursuant to this Act as that area covering the southern area of Guam—the “entire” area designated as Southern Guam by the Water and Environmental Research Institute of the Western Pacific (WERI), University of Guam, as published in the 2007 Geologic Map and Sections of Guam, Mariana Islands, as amended, with the Adelup-Pago fault extending across the narrow waist of the island and forms the structural boundary between the northern and southern parts of the island (map attached).

(d) **District Board** means the government of Guam board comprised of individuals elected by local farmers, farm land owners or land occupiers to fulfill the duties set forth in this Act.

(1) **Northern Soil and Water Conservation District Board, or Northern District Board**, means the District Board which shall govern the Northern District, organized pursuant to this Act.

(2) **Southern Soil and Water Conservation District Board, or Southern District Board**, means the District Board which shall govern the Southern District, organized pursuant to this Act.

(e) **Farmer** means a resident registered as a farmer by the Department of Agriculture.

(f) **Farm land 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.

(g) **Land occupier** includes 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 organized under this Chapter.

(h) **University** means the University of Guam.


§ 71102. Conservation Districts Established.
A Northern Soil and Water Conservation District and a Southern Soil and Water Conservation District are hereby established to work in partnership with the University of Guam (University), and in cooperation with all government of Guam entities overseeing local and federal programs established to promote the conservation, development and the use of soil and water resources of Guam in order to control and prevent soil erosion and flooding, and to improve agriculture water management.

§ 71103. Selection of Directors; Composition of District Boards; Tenure of Directors; Board Vacancies; and Compensation of Directors.

(a) Selection 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.

(b) Composition of District Boards. The Soil and Water Conservation District Boards shall each:

(1) 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;

(2) 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

(3) have assigned to it an advisor from the University of Guam College of Natural and Applied Sciences.

(c) Tenure of Directors. Each district director shall be elected to serve for a term of three (3) years. Individuals serving as district directors upon the enactment of this Chapter shall be permitted to serve out the remainder of their term.

(d) 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’lahen 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.

(e) Compensation of Directors. District directors shall be compensated in the amount of Fifty Dollars ($50.00) per meeting
attended, such compensation not to exceed One Hundred Dollars ($100.00) per month.

(f) Per Diem Allowance. District directors shall receive one hundred twenty-five percent (125%) of the basic per diem rates, just as other government boards and commissions, as stipulated in 5 GCA § 23104 (a)(2).


2017 NOTE: Subitem (e)(1) altered as subsection (f) by the Compiler pursuant to authority granted by 1 GCA § 1606.

§ 71104. Organization of Districts; District Membership.

(a) Organization of Districts.

(1) To complete the organization of a district, the University of Guam, in accordance with the Administrative Adjudication Act, shall present to I Maga’lahen Guåhan a statement setting out the name of the district and its boundaries, and certifying that the procedures prescribed in this Chapter for the organization of a district have been fully complied with.

(A) The statement shall request I Maga’lahen Guåhan to issue a certificate of organization to the district.

(B) I Maga’lahen Guåhan shall record the statement in his office and shall issue to each district, under the seal of Guam, a certificate of the due organization of the district.

(2) The organization of the Northern District and Southern District in effect at the time of enactment of this Chapter shall remain in effect, until and unless the University presents to I Maga’lahen Guåhan new information concerning district names and boundaries; such determination having been made in full compliance with the Administrative Adjudication Act, all procedures prescribed in this Chapter, and all other pertinent requirements, rules or regulations.

(b) District Membership. Each district board shall cause all farmers, farm land owners or land occupiers, as appropriately registered with the Department of Agriculture or the Department of Land Management, to register as active members of each district.

(1) Such membership roll shall be updated quarterly; and shall be submitted to the advisor assigned to the board by the University.
§ 71105. Duties of District Boards.

(a) Quorum, Meeting, and Budget Requirements.

(1) Each board shall require a quorum of its members in order to conduct business.

(A) Three (3) directors shall constitute a quorum; and

(B) the concurrence of a majority vote, at least three (3) votes, shall be necessary to take action on any official matter.

(2) (A) Each board shall hold at least one (1) meeting per month, which shall be subject to the Open Government Law.

(B) Attendance.

(i) Each director shall attend meetings of the district board.

(ii) Unexcused absences of a director from three (3) consecutive board meetings shall constitute a cause for removal of the director from the board, pursuant to 5 GCA § 43106 (Removal from Office for Absences).

(3) (A) Both district boards shall have a joint meeting at least once per year, during which time the district directors shall prepare an operating budget to support their mission and mandates.

(B) Budget. Such budget shall be submitted to the University, for subsequent submission to I Liheslaturan Guåhan.

(b) Development of Plans.

(1) Each board shall prepare a long-range plan and an annual work-plan with assistance from advisory members and agencies.

(2) Each board shall develop conservation plans for cooperators of the district, at their request.
(c) Record Keeping and Reporting Requirements.

(1) Each board shall keep a record of proceedings, resolutions, regulations, and orders issued or adopted.

(2) Each board shall keep a statement of activity documenting all actions taken with respect to the receipt and disbursement of any and all funds. Such report shall be forwarded to I Maga‘lahen Guåhan and I Liheslaturan Guåhan on an annual basis.

(3) Each board shall furnish to their assigned advisor from the University of Guam, copies of such documents, instruments or information concerning their activities, as the University requests.

(d) District Projects and Activities.

(1) Projects and activities shall be limited to the following types of land within the district:

(A) all public land leased for agricultural activities, including leased federal land. Any and all projects which are proposed for leased federal land shall require the review and approval of the federal agency which has jurisdiction over the land;

(B) public and private lands which are designated for agricultural use or conservation preserves; and

(C) land which is used for the purpose of producing an agricultural commodity which is located in an area designated as urban or rural.

(2) Government Agency Input Required for District Projects and Activities.

(A) For any project or activity proposed by a district board, which involves the responsibilities of another government of Guam entity, the district board shall request the input of each of the affected entities on the scope of work of the project.

(B) Projects proposed by a district board shall be planned and executed in compliance with provisions of Guam law, and shall not duplicate the efforts of, or conflict with, other local and federal programs already in place on Guam.
(C) Each entity consulted shall provide a response to the district within thirty (30) calendar days from the date of receipt of the request for input. The district shall keep on record, copies of all submitted requests for input and all responses to such requests, and shall further act on such responses, including providing any justification for any rejected recommendations.

(3) District Coordination. Each district board shall inform the other district board of their approved projects and activities.

2017 NOTE: Subsection/subitem designations added/ altered by the Compiler pursuant to authority granted by 1 GCA § 1606.


A district board, and the directors thereof, elected to serve a district organized under this Chapter shall have the following powers:

(a) to provide for and encourage surveys, investigations and research relating to soil and water conservation, and to publish and disseminate information concerning such subjects;

(b) to provide for and encourage demonstrations relative to the control and prevention of erosion, and the conservation of soil and water resources; and to carry out preventive control measures on publicly owned land within the district with the consent of the land occupier;

(c) to cooperate, or enter into agreements with, and to furnish aid to any agency or land occupier within a district insofar as it is feasible to do so, for specific soil and water conservation activities not in conflict with or duplicating other activities of the University of Guam or cooperating agencies. Such agreements shall be subject to such conditions as the district board may deem necessary;

(d) to review conservation plans prepared by farm land owners and land occupiers, which are a precondition for a contract between the farm land owners and land occupiers and the U.S. Secretary of Agriculture; to provide to the U.S. Secretary of Agriculture, or his designee, a recommendation concerning the acceptability of farm land owners' and land occupiers' plans, such recommendation to be based upon the district's conservation plan; and to provide, when requested by the Secretary, or his designee, recommendations on the contract;
(e) to acquire property, such as equipment or machinery, to introduce soil conservation practices to the agricultural community, and to dispose of such property when appropriate;

(f) to acquire private land or land rights in full compliance with all requirements set forth in Guam law, and in consultation with I Ma’alahan Guåhan and I Liheslaturan Guåhan, as needed for the implementation of watershed projects for purposes such as flood control, irrigation, or soil conservation.

(1) Disposition of Unused Land. Any land or land rights acquired by a district board and not used for the purposes justifying the acquisition, within the term of the district directors who requested the acquisition, shall be returned to the original owners for the price paid by the government when such property was originally acquired;

(g) to construct, improve, and maintain structures, such as sediment ponds or earthen dams, following all requirements set forth in Guam law and any pertinent rules and regulations and proper engineering standards and specifications, when these structures are found necessary for carrying out the purposes of soil and water conservation;

(h) to have a seal which can be affixed to certificates issued to cooperators of the district, and to any contract or other instruments requiring certification;

(i) as a condition to the extending of benefits, or the performance of work upon land, the district board may require contributions of services, materials or otherwise, to any operation conferring such benefits, and may impose any other reasonable condition, such as contributions of labor for the planting of trees and payment for specific erosion control materials secured by the district board for the benefit of its cooperators. All such contributions would necessarily be determined by the district as a whole, and must not be in violation of the laws of Guam or common practice;

(j) to hire personnel, under a restricted employment status, to support their mandates as the district board deems appropriate.

(1) Restricted Employment Status. Restricted employees hired pursuant to this Chapter shall not be in the classified service of the government of Guam. Restricted employees are ineligible for medical, dental or life insurance benefits, but shall be entitled to
government of Guam Workmen’s Compensation. They may not join the Government of Guam Retirement Plan, but FICA must be paid on such employees, with the district board responsible for the employer’s share of FICA. Annuitants of the Government of Guam Retirement Fund may serve as Restricted Employees for the district board without losing their annuities. Restricted employees are not eligible to accrue annual or sick leave. Working hours shall be determined by the district board.

(2) Selection of Employees. Restricted employees shall be selected by majority vote of the district board, which selection shall be evidenced by a memorandum from the district chairperson to the President of the University of Guam.

(3) Dismissal of Employees. Unless otherwise specified by law, the dismissal of a restricted employee of a district shall be with a majority vote of the district board.

(4) Working Hours. Restricted employees who work at irregular hours at the direction of the district board, shall be deemed to work the complete assigned and designated hours per week, and their work records shall so indicate, but such employees shall receive neither overtime nor night-time differential, but shall receive compensatory time off for hours worked in excess of forty (40) hours per week.

(k) Soil and Water Conservation District Funds, Created. There is hereby created, separate and apart from other funds of the government of Guam, two (2) funds to be known as the “Northern Soil and Water Conservation District Fund” and the “Southern Soil and Water Conservation District Fund” (Funds) which shall not be commingled with the General Fund. All payments shall be made payable to the appropriate Fund and monies shall be kept in separate bank accounts established by the Chairperson of each District Board. Notwithstanding any other provision of law, any funds appropriated to the University of Guam for the Districts shall be administered by the Chairperson of each District Board. The Chairperson of the District Board shall be the certifying officer of such Fund. Neither Fund shall be used as a pledge of security or as collateral for government loans. The Chairperson of the District Board shall make an annual report to I Maga’lahen Guåhan and I Liheslaturan Guahan of the condition of, and activity within, the Fund.

§ 71107. Duties of the University of Guam.
(a) The University shall work in partnership with the Soil and Water Conservation District Boards to promote and support the conservation of Guam’s soil and water resources.

(b) The University shall further:

(1) assign to the district boards an advisor from the College of Natural and Applied Sciences;

(2) assist district boards with the coordination of programs, projects and activities, insofar as that may be done by advice and consultation;

(3) assist district boards with the dissemination of information throughout the University and the island, concerning district programs, projects and activities;

(4) assist the district boards with the preparation and implementation of soil and water resource conservation and utilization, to ensure the promotion of the conservation, improvement and protection of Guam’s soil and water resources, in coordination with the pertinent government of Guam entities;

(5) assist the district boards in fulfilling their mandates, to include obtaining the assistance of the federal government and government of Guam agencies in the work of the districts;

(6) provide technical support at the request of a district, as may be approved by the President of the University;

(7) keep a record of all official actions taken with respect to working with, or providing support or assistance to the districts and district boards; and

(8) conduct the election of all district directors, and in conjunction therewith:

(A) promulgate the necessary rules and regulations by which farmers, farm land owners, and land occupiers shall nominate and elect, from among their number, district directors; and

(B) the President of the University of Guam shall certify the election results and provide a copy to I Maga’lahen Guåhan and I Liheslaturan Guåhan.
§ 71108. Powers of the University of Guam.

The University shall have the power to:

(a) delegate to any member, agent, or employee such powers and duties as it may deem proper to fulfill the duties set forth in this Chapter;

(b) promulgate rules and regulations as may be necessary for the execution of its duties set forth in this Chapter; and

(c) insofar as available appropriations and resources permit, request for staff support and assistance from other agencies of the government of Guam, to include the preparation or conduct of reports, surveys and studies to fulfill the duties set forth in this Chapter.