

5 GCA GOVERNMENT OPERATIONS
CH. 80 GUAM PUBLIC LIBRARY

DIVISION 8
CULTURAL AFFAIRS

CHAPTER 80
GUAM PUBLIC LIBRARY

SOURCE: P.L. 2-107 (Aug. 6, 1954) added Title XXXVII to the Government Code, codified as GC §§ 42000-42018. During the transition from the Government Code and the establishment of the Guam Code Annotated, the Compiler codified GC §§ 42000, 42003, and 42012 as 5 GCA § 3122. The remaining provisions were codified to this Chapter 80.

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§ 80101. Library.

[Codified as 5 GCA § 3122(a).]

SOURCE: GC § 42000. Codified by the Compiler as subsection (a) of 5 GCA § 3122.

2016 NOTE: This provision was codified as 5 GCA § 3122(a) by the Compiler during the transition from the Government Code and the establishment of the GCA.

§ 80102. Name.

The Agana Branch Library within the Guam Public Library System shall have the name *Nieves M. Flores Memorial Library*.

SOURCE: GC § 42001. Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997).

§ 80103. Use.

All the libraries in the Library System shall be available for use by all persons in Guam in accordance with the rules and regulations promulgated by the Board. However, the Board shall have the authority to impose fines for lost books, late return of books or other misuses of the library resources. The Board shall also have the authority to establish fees for other services provided by the library pursuant to the provisions of the Administrative Adjudication Law.

SOURCE: GC § 42002, amended by P.L. 15-124:1 (Apr. 4, 1988). Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997).

§ 80104. Collection of Locally Authored Books and Materials.

The Library System is hereby authorized to actively solicit or purchase, if necessary, books and written matter authored by local residents which contain information of significant historical and cultural value to the people of Guam. The Library System shall insure that all materials so acquired will benefit the people of Guam and the Library System's Guam collection. The Board shall establish and promulgate rules and regulations pursuant to the Administrative Adjudication Law for the implementation of this Section. The Library System is authorized to request funds for the implementation of the provisions of this Section to be included in the Library System's annual budget request submitted to the Governor for submission to the Guam Legislature.

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SOURCE: GC § 42000.1 added by P.L. 22-92. Amended by P.L. 24-041:3 (June 20, 1997).

NOTE: The Legislative History accompanying P.L. 22-92, enacted as Section 1, states:

For many years, local residents have written books and other documents about Guam, the Mariana Islands, Micronesia, and the Pacific region which contain valuable information beneficial to the people of Guam, pertaining to Guam's history, culture, language or traditions. Such books and materials written by local authors should be collected by Guam's major informational resource center, the Guam Public Library, for the benefit of future generations. This Act authorizes the Guam Public Library to solicit or purchase, if necessary, such materials for the Library's informational collection.

§ 80105. Board.

[Codified as 5 GCA § 3122(b).]

SOURCE: GC § 42003. Codified by the Compiler as subsection (b) of 5 GCA § 3122.

2016 NOTE: This provision was codified as 5 GCA § 3122(b) by the Compiler during the transition from the Government Code and the establishment of the GCA.

§ 80106. Library Board Members.

The Board shall be composed of seven (7) members, to be appointed by *I Maga'lahi* with the advice and consent of *I Liheslaturan Guåhan*. Of the appointed members, one (1) member shall be a full-time student, in compliance with 4 GCA § 2105.1; at least one (1) shall be employed as a librarian throughout the term of appointment; at least one (1) shall be a classroom teacher throughout the term of appointment; at least one (1) shall be employed in the field of Information Technology throughout the term of appointment; at least one (1) shall be a business owner or a senior manager employed with a private business throughout the term of appointment.

SOURCE: GC § 42004, amended by P.L. 18-014:1 (Sept. 1, 1985). Codified by the Compiler of this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997). Amended by P.L. 28-050:2 (June 30, 2005).

§ 80107. Library Board Tenure.

Except for the student member, the members of the Board shall serve for a term of three (3) years, commencing with the date of appointment, and until their successors are appointed and qualified; provided, that of the members first appointed, two (2) shall serve for two

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(2) years and two (2) shall serve for one (1) year, as designated by *I Maga'lahi*. The term of the student member shall be for one (1) year.

SOURCE: GC § 42005. Amended by P.L. 28-050:3 (June 30, 2005).

§ 80108. Library Board Chairman.

The Board shall annually elect at the first meeting of each fiscal year, a chairperson from among its members.

SOURCE: GC § 42006. Codified by the Compiler of this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997).

§ 80109. Board Meetings.

Meetings of the Board shall be open to the public and held at a regular time and place each month. Special meetings may be called by the Chairperson. All meetings shall be subject to the provisions of 5 GCA Chapter 8, *'The Open Government Law'*.

SOURCE: GC § 42007. Codified by the Compiler to this section. Amended by P.L. 24-041:3 (June 20, 1997) and P.L. 28-050:8 (June 30, 2005).

§ 80110. Board Quorum.

Four members of the Board shall constitute a quorum.

SOURCE: GC § 42008, amended by P.L. 22-092:4 (Mar. 7, 1994). Codified by the Compiler to this section.

§ 80111. Acts of the Board.

The concurrence of four (4) members of the Board shall be necessary for the validity of its official actions, including the election of the Chairperson.

SOURCE: GC § 42009, amended by P.L. 22-092:5 (Mar. 7, 1994). Codified by the Compiler to this section. Amended by P.L. 24-041:3 (June 20, 1997).

§ 80112. Board Compensation.

Members of the Board shall receive the sum of Fifty Dollars (\$50.00) for each attendance at the meetings of the Board, provided, however, that no member shall receive more than One Hundred Dollars (\$100.00) per month.

SOURCE: GC § 42010, amended by P.L. 14-120:3. Codified by the Compiler to this section.

§ 80113. Report to Governor.

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The Board shall make an annual report to the Governor with respect to its activities, financial status, the condition of the Library System, and recommendations as to future operations.

SOURCE: GC § 42011. Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997).

§ 80114. Director.

[Codified as 5 GCA § 3122(c).]

SOURCE: GC § 42012, entitled “Librarian”; repealed and reenacted by P.L. 22-092:3. Codified by the Compiler as subsection (c) of 5 GCA § 3122.

2016 NOTE: This provision was codified as 5 GCA § 3122(c) by the Compiler during the transition from the Government Code and the establishment of the GCA.

§ 80115. Employees.

The Board may appoint such other employees as may be necessary for the operation of the Library.

SOURCE: GC § 42013. Codified by the Compiler to this section.

§ 80116. Selection of Employees.

Employees of the Library System, except for the Director and Deputy Director, shall be appointed, paid and hold their positions pursuant to the provisions of Title 4, Guam Code Annotated, and other personnel laws, and their remuneration shall be established in accordance with the provisions of said Title 4 and such other personnel laws. The salary of the Director and Deputy Director shall be established by the Director of Administration.

SOURCE: GC § 42014, repealed and reenacted by P.L. 22-092:6. Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 2006). Amended by P.L. 28-68:IV:42 and 47 (Sept. 30, 2005), effective January 1, 2006.

2016 NOTE: Reference to Civil Service Commission changed to Director of Administration.

§ 80117. Gifts to the Library and Fundraising.

The Board shall have authority to solicit for and accept on behalf of, and in the name of, the government of Guam from any government or agency thereof, or any person, advisory services, grants-in-aids, gifts, donations of money and other property for the benefit of the Library System, or the Guam Archives; provided, that any grants-in-aid, gifts, donations or other form of assistance involving an obligation on the part

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of the Library System or the Guam Archives or the government of Guam shall require the approval of *I Maga'lahi*. The Guam Public Library system may, upon approval of the Board, engage in fundraising activities for the benefit of the Public Libraries. The Board shall submit an annual report on such fundraising activities to *I Maga'lahi* and *I Liheslatura*.

SOURCE: GC § 42015, amended by P.L. 10-008, P.L. 15-124:2, P.L. 17-038:2; P.L. 22-092:7 (Mar. 7, 1994). Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997). Amended by P.L. 28-050:5 (June 30, 2005).

§ 80118. Custody of Funds.

Funds received by the Library System pursuant to §§ 80103 and 80117 of this Chapter shall be for the exclusive use of the library system and shall be kept in the custody of the Treasurer of Guam and disbursed under authority of the Board.

SOURCE: GC § 42017, amended by P.L. 15-124:2. Codified by the Compiler to this section. Amended by P.L. 24-041:3 (June 20, 1997).

§ 80119. Rules & Regulations.

The Board shall prepare rules and regulations for the government of the Library System in pursuance to the provisions of this Chapter, including, if deemed desirable, provisions for the following: registration fees, deposits by borrowers, fines for failure to return borrowing on time, charges for damaged or destroyed borrowing, pursuant to the provisions of the Administrative Adjudication Law.

SOURCE: GC § 42018. Codified by the Compiler to this section. Repealed and reenacted by P.L. 24-041:3 (June 20, 1997).

§ 80120. Government Depository.

The Guam Public Library System is designated depository for all governmental publications, including any printed or processed paper, book, periodical, pamphlet or map, originating in, or printed with, the imprint of, or at the expense and by the authority of, the government of Guam.

SOURCE: GC § 42020 added by P.L. 17-036:2 (Nov. 29, 1983). Amended by P.L. 25-069:3.

§ 80121. Guam Archives.

[Repealed.]

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SOURCE: GC § 42021 added by P.L. 17-038:1. Repealed by P.L. 25-069:4.

§ 80122. Disposition of Records Upon Termination of Functions of Government Organizations.

[Repealed.]

SOURCE: GC § 42022 added by P.L. 17-038:1. Repealed by P.L. 25-069:4.

§ 80123. Confidentiality of Library Records.

(a) A library or library system operated with public monies shall not allow disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

- (1) If necessary for the reasonable operation of the library.
- (2) On written consent of the user.
- (3) On receipt of a court order.
- (4) If required by law.

(c) Any person who knowingly discloses any record or other information in violation of this section is guilty of a Petty Misdemeanor.

SOURCE: GC § 42023 added by P.L. 21-5:1.

§ 80124. Friends of the Library Volunteers.

The Board may institute a program within the Guam Public Library System to be entitled, 'Friends of the Library'. The Board shall make necessary rules and regulations for the employment and use of said volunteers within the System. The Board may obtain liability insurance coverage for said volunteers. Title 4 GCA § 2112 shall apply to volunteers hereunder.

SOURCE: Added by P.L. 28-050:6 (June 30, 2005).

§ 80125. Separate Budget for Branch Libraries.

The Board shall submit a separate budget to *I Liheslatura* annually for the operations of each branch library. The budget shall include sufficient funding for personnel, utilities, books, periodicals, computers, internet access, etc. necessary to operate a branch for *not less than* twenty (20) hours per week. The Board may transfer funds within each

branch library budget among object categories, however, such transfers of funds shall not impede a branch's operating for the minimum hours prescribed herein.

SOURCE: Added by P.L. 28-050:7 (June 30, 2005).

§ 80126. Procurement of DSL, Cable and Wireless Broadband Services.

The Guam Public Library System is authorized to procure, from private companies doing business on Guam, DSL (Digital Subscriber Lines) services, cable television/internet services and/or wireless broadband services as a means of providing internet access to its employees and patrons. In the procurement of such services, the Guam Public Library System shall consider the cost, the amount of bandwidth, and the reliability of the service. The Department of Administration shall not require the Guam Public Library system to use the Government of Guam's data network to provide internet access to its employees and patrons.

SOURCE: Added by P.L. 28-182:1 (Jan. 29, 2007).

§ 80127. Use of *Hagåtña* Library Parking lot.

(a) The *Hagåtña* Library parking lot *shall* be reserved for parking of vehicles operated by patrons and employees of the Guam Public Library System (GPLS). Parking in the *Hagåtña* Library parking lot by persons other than those, *supra*, *shall* be a violation and punishable by a fine of Twenty-five Dollars (\$25) per violation.

(b) The Director *shall* be required to maintain a roster of those persons authorized to park in the *Hagåtña* Library parking lot. The form of such roster *shall* be determined by the Board. The Director *shall* post a sign at the entrance of the parking lot that states, 'In accordance with the provisions of § 80127 of Title 5 GCA, this parking lot is reserved for the exclusive use of Guam Public Library patrons and employees. Patrons parking in this lot *shall* be required to sign in and out when entering and leaving the library building. Violators are subject to a fine of Twenty-five Dollars (\$25) per violation.'

(c) Enforcement of the provisions herein this Section *shall* be the responsibility of the Guam Police Department; however, the Chief of Police may authorize any employee(s), designated by the Director, to issue citations for violation of this Section.

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SOURCE: Added by P.L. 29-035:1 (Oct. 25, 2007).

2016 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 80128. Authorization for Solicitation and Contracting for Lease.

(a) The Guam Public Library System is hereby authorized to solicit and contract for the lease and operation of the Internet Café located at Nieves M. Flores Memorial Library in Hagåtña to provide drink and food services for library patrons and the general public, for the purpose of generating a source of revenue to support library infrastructure and attracting patrons to the establishment.

(b) All funds received from the contract for the lease of the Internet Café shall be maintained separate and apart from any other funds of the government of Guam, and independent records and an independent bank account shall be kept in connection with this Fund. The revenue from the contract for the lease of the Internet Café shall be used for facility maintenance, improvements, supplies, and programs. The use of these funds shall be subject to the determination and approval of a majority of the Library Board members, and subject to legislative appropriation through the annual budget act.

(c) Funds directed, as a result of revenue received from the contract for the lease of the Internet Café, shall be subject to an annual audit by the Office of Public Accountability.

(d) The Library Board shall establish interim policy and procedures for the administration of this § 80128 until the promulgation of rules pursuant to the Administrative Adjudication Law.

SOURCE: Added by P.L. 31-031:2 (Nov. 17, 2011), amended by P.L. 33-139 (Mar. 4, 2016).
