

12 GCA AUTONOMOUS AGENCIES
CH. 76 GUAM AQUARIUM

CHAPTER 76
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SOURCE: Added as Chapter 2, Article 10 (§§ 2950-2953) by P.L. 22-106:2 (Apr. 1, 1994). Renumbered by the Compiler to this Chapter pursuant to the authority of 1 GCA § 1606.

2024 NOTE: References to “Territorial” omitted pursuant to 1 GCA § 420, and consequently, references to “GTAF” modified to “GAF” pursuant to the authority of 1 GCA § 1606. Pursuant to 5 GCA § 1510, *I Maga’hågan/Maga’låhen Guåhan* means “Governor of Guam.”

- § 76100. Creation of the Guam Aquarium Foundation.
- § 76101. Powers of GTAF.
- § 76102. Board of Trustees.
- § 76103. Operation of the Board.

§ 76100. Creation of the Guam Aquarium Foundation.

There is hereby created within the Guam Economic Development Authority (the “Authority”) the Guam Aquarium Foundation (“GAF”), a non-profit corporation, which shall oversee the continued development design, construction and operation of the proposed Guam Aquarium.

§ 76101. Powers of GAF.

GAF shall have, and may exercise the following general powers in carrying out the activities authorized:

- (a) To have perpetual succession, unless sooner terminated by law;
- (b) To adopt, amend and repeal bylaws and other rules, regulations and directives governing the conduct of its business. No rule or regulation other than that covering the internal conduct of GAF shall be adopted without a public hearing thereon in the manner prescribed by law;
- (c) To determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid;
- (d) To acquire, in any lawful manner, any real property, and to hold, maintain, use and operate the same; and to lease or encumber the same, whenever any of the foregoing transactions are deemed necessary or appropriate and on such terms as may be prescribed by GAF;
- (e) To enter into and perform such contracts, leases, cooperative agreements as may be necessary or appropriate to the conduct of the activities authorized and on such terms as may be prescribed by GTAF;
- (f) To execute all instruments necessary or appropriate in the exercise of any of its functions;
- (g) To accept gifts or donations of services, or of property – real, personal or mixed, tangible or intangible – in aid of any of the activities authorized. All such gifts or donations shall be recorded and made a permanent part of GAF files and open to public scrutiny upon request;
- (h) In accordance with Title 5, Guam Code Annotated, to construct, equip, operate and maintain buildings and other facilities including all equipment, supplies and machinery incident thereto;
- (i) To seek and maintain funding from both public and private sources sufficient to capitalize and maintain a high operational quality of facilities for the initial construction and any expansions of the Guam Aquarium in a cost-effective and efficient manner.

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§ 76102. Board of Trustees.

(a) All functions and powers of GAF shall be vested in and be exercised by and under the direction of a Board of Trustees ('Board'), which is hereby created. The Board shall be composed of eleven (11) voting members and three (3) *ex officio* members. The Chairperson of the Board of Directors of the Authority shall concurrently serve as Chairperson of the Board, whose voting members shall be:

- (1) the Director, or a designee of the Marine Laboratory of the University of Guam ("UOG");
- (2) the Mayor, or a designee of the Municipality of Yona;
- (3) the President, or a designee of the Guam Mayors' Council;
- (4) two (2) at-large from the community appointed by *I Maga'hågan/Maga'låhen Guåhan*;
- (5) two (2) representatives from the Guam Chamber of Commerce, selected by its Board of Directors;
- (6) the Chairperson, or a designee of the Board of Directors of the Guam Visitors Bureau ("GVB");
- (7) the Chairperson, or a designee of the Board of Directors of the Guam Hotel and Restaurant Association; and
- (8) the Director, or a designee of the Department of Education ("DOE").

(b) Members selected by *I Maga'hågan/Maga'låhen Guåhan* and the Chamber of Commerce shall serve four (4) year terms. Non-voting, *ex officio* members shall include the following:

- (1) the Director, or a designee of the Guam Environmental Protection Agency ("GEPA");
- (2) a representative of the Department of Agriculture's ("DOA's") Division of Aquatic and Wildlife Resources, to be selected by the Director of DOA; and
- (3) the Administrator, or a designee of the Authority.

SOURCE: Added as §2952 by P.L. 22-106:2 (Apr. 1, 1994). Amended by P.L. 26-076:41 (Mar. 24, 2002).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

§ 76103. Operation of the Board.

The Board shall be responsible for the overall management, administration, policies and direction of GAF and shall exercise supervision through an agent or agents duly appointed. The Board shall meet in regular session at least once per month and in special session as often as it may deem necessary. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall act by the vote of at least six (6) of its members. Members of the Board shall receive no salary for their services, but in amounts prescribed by the Board may receive reasonable travel allowances for time spent on official business of GAF. As a subsidiary corporation of the Authority, GAF shall receive all general administrative support as may be needed by GAF to operate and function, including but not limited to fund accounting, purchasing, contracting and general supervision.
