

CHAPTER 23
THE GUAM SMALL BUSINESS INCUBATOR PROGRAM

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§ 23100. The Guam Small Business Incubator.

There is established, to operate in cooperation with the University of Guam Small Business Development Center (SBDC), a business incubator program for Guam. The incubator space will be rented from current available commercial rental space.

§ 23101. Incubator Goal.

The goal of the incubator is to provide small business owners with the capital resources to conduct their businesses and give them reasonable chance for success without the added burden of high over-head costs involved in renting commercial office space and in leasing/purchasing office equipment. The assistance of the incubator shall be extended only to those who have proven to meet the required criteria and show reasonable viability of product or service.

§ 23102. Purpose.

The business incubator is responsible for providing professional office space and professional office facilities to small business owners and operators who are unable to afford office rental space at the going market rate. The tenants of the business incubator shall be selected by the Guam Small Business Incubator Board of Directors on the following basis:

- (a) Require assistance in securing commercial office rental space.
- (b) Require assistance to lease/purchase office equipment.

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(c) Unable to secure timely and/or sufficient resources through bank loans or other means to begin business operations and secure rental space or lease/ purchase office equipment.

The Guam Small Business Incubator Board of Directors shall elect only clients who meet established financial qualifications, proving difficulty in affording these facilities on their own at fair market value.

This facility is not designed to compete directly with private sector businesses or to prevent such businesses from carrying out their functions in the business community.

§ 23103. Definitions.

(a) *Incubator* means any rental space designated by the Guam Small Business Incubator Board of Directors as commercial rental space to be used for the purposes of the Business Incubator Program;

(b) *UOG-SBDC* means the University of Guam Small Business Development Center;

(c) *GEDA* means the Guam Economic Development Authority;

(d) *Board* means the Small Business Incubator Board of Directors;

(e) *tenant* means any person or business which has met the qualifications for and is currently participating in the Guam Small Business Incubator Program;

(f) *Incubator* means the Guam Small Business Incubator at the University of Guam;

(g) *Capital resources* means all office equipment and other resources used by the participants of the incubator program as provided by through the program.

§ 23014. Guam Small Business Incubator Board of Directors.

There shall be established a Board of Directors (the Board) charged with the overall management of the Guam Small Business Incubator Program. The Board shall consist of the following members:

The President of the University of Guam shall serve as Chairman of the Board;

The Dean of the UOG College of Business Graduate School, or his representative;

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The Administrator of the UOG-SBDC, or his representative;

The Director of GEDA, or his representative;

The Chairman of The Guam Chamber of Commerce, or his representative.

§ 23105. Incubator Management.

(a) The Board shall select on-site management for the Incubator to ensure that all tenants have fair and equal access to the equipment and resources of the Incubator for their use. The on-site manager shall be paid by joint funding of the tenants and shall be chosen by majority approval by the Board.

(b) If additional personnel are hired to help operate the Incubator, the tenants of the Incubator shall share their costs as well.

§ 23106. Rules and Regulations.

The Board shall be responsible for developing and adopting rules and regulations for the Guam Small Business Incubator Program to ensure the Incubator's goals are carried out.

§ 23107. Services.

The Incubator shall provide the following services:

(a) Office Space. The Board shall make a determination of the program size, including a maximum number of clients for the program. After such a determination is made, the Board shall then set an adequate amount of office space for each tenant, and shall be uniform in the assignment office space. Incubator space awarded to each tenant shall be limited to office space only.

(b) Office Equipment. Standard office equipment such as a photocopier, facsimile machine, type writers and computers shall be provided as standard equipment for the incubator, and all participants shall have equal access to all equipment.

(c) Shared personnel. The incubator shall have staff as is deemed necessary by the Board, to include at least one on-site manager for the Incubator.

§ 23108. Funding.

(a) The Incubator may receive, manage and invest monies or other property, real personal or mixed, which may be given, bequeathed, devised

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or in any manner received by the incubator, its improvement or adornment, or the aid or advantage of its clients or staff, and in general act as trustee on behalf of the incubator for any such purposes or objects, based on approval by the Board.

(b) The Board may adopt a schedule of fees that shall be charged by the Incubator for its services, publications and presentations. Such fees and other monies as may be available to Incubator from any other source, other than locally or federally appropriated funds, shall be deposited in a special account known as the "Small Business Incubator Revolving Fund" for use by the Incubator, subject to the approval of the Board, for carrying out the operations and activities of the Incubator.

(c) Funds appropriated to the Incubator shall be expended only as provided by the act making such appropriation.

(d) The Board shall cause to be kept appropriate books of all resources under the control of the incubator and provide a report of such accounts annually, on the thirtieth day of October of each year, to the Committee on Economic Development of the Guam Legislature.
