

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

May 8, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-14

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2020-14:
RELATIVE TO DECLARING PANDEMIC
CONDITION OF READINESS ("PCOR") 2**

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

A handwritten signature in black ink, appearing to read 'Sophia Santos Diaz'.

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-14

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
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EXECUTIVE ORDER NO. 2020-14

**RELATIVE TO DECLARING
PANDEMIC CONDITION OF READINESS
("PCOR") 2**

WHEREAS, since March 14, 2020, Guam has been in a state of emergency as a result of the COVID-19 global pandemic, which has taken the lives of the five (5) of our residents; and

WHEREAS, on April 30, 2020, Guam adopted, pursuant to Executive Order No. 2020-11, the Pandemic Conditions of Readiness ("PCOR") system and declared Guam to be in PCOR 1; and

WHEREAS, under the PCOR system, trigger points for determinations to move from PCOR 1 to PCOR 2 include both medical data and public health preparedness, which is measured in the number of positive cases of COVID-19, the number of hospitalized individuals, the testing capacity across all available testing resources, and contact tracing capacity; and

WHEREAS, based on data that I have received from the Department of Public Health and Social Services ("DPHSS") and the Guam National Guard through the Guam State Surgeon Cell, we have achieved the requisite downward trend in the number of positive tests, even with our expanded testing efforts; and

WHEREAS, as of today, we have no COVID-19 positive patients in Guam hospitals; and

WHEREAS, we have capacity sufficient to test all individuals who present with COVID-19 symptoms; and

WHEREAS, DPHSS has developed a robust system for contact tracing and is actively monitoring and tracing for all COVID-19 cases; and

WHEREAS, in consultation with DPHSS, the Guam State Surgeon Cell, my Physicians Advisory Group, and the Guam Recovery Panel of Advisors, a plan of phased re-opening of public activities, including public and private sector services, has been developed; and

WHEREAS, on May 7, 2020, DPHSS issued Guidance Memorandum 2020-07, setting out which non-essential services may begin to resume operations immediately upon the effectiveness of PCOR 2; and

WHEREAS, with appropriate social distancing, disinfection and personal hygiene measures, and occupancy limitations, a limited number of public activities, including businesses that are not deemed essential, can operate in a reasonably safe manner; and



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WHEREAS, as data continues to be gathered during the PCOR 2 period, additional activities can be permitted to resume operations.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

- 1. PANDEMIC CONDITION OF READINESS 2.** Effective at 8:00 AM on Sunday, May 10, 2020, Guam will be in PCOR 2. Under PCOR 2, limited activities will be permitted to operate under moderate restrictions.
 - a. MANDATORY SOCIAL DISTANCING.** All allowed activities shall be conducted utilizing mitigation measures including, but not limited to, social distancing of at least six (6) feet; frequent cleaning of all surfaces, posting of signs; mandating the wearing of face masks by all persons; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.
 - b. SOCIAL GATHERINGS OR CONGREGATIONS.** A "Congregation" or a "Social Gathering" is a meeting for a common and singular purpose of more than one person where the individuals are not members of a single household unit. Such social gatherings or congregations shall be limited to no more than ten (10) persons regardless of if some of the individuals are of a single household unit.
 - c. CONTINUED CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public and private schools on Guam serving prekindergarten through 12th grade students must close for educational purposes through the end of the public health emergency. The definition of habitual truancy pursuant to Article 4, Chapter 6, Title 17 of Guam Code Annotated is suspended. Student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.
 - d. RESTRICTING ENTRY INTO GUAM.** All persons who do not possess a DPHSS recognized and certified document that attests that they are not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than seventy-two (72) hours prior to the date of attempted entry into Guam.

Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19 of Title 10, Guam Code Annotated.



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Any and all costs associated with the quarantine and/or treatment of non-resident individuals who are subject to restricted entry in Guam pursuant to this Executive Order or applicable statute shall be the responsibility of the individual and the carrier that the individual contracted with to travel to Guam.

- e. **CLOSURE OF PUBLIC PARKS AND BEACHES.** All government of Guam parks and beaches continue to be closed to all activities except for individual use for purposes of exercise, both physical and mental, subject to social distancing mandates.

2. CONDUCT OF BUSINESS OPERATIONS DURING PCOR 2

- a. **PRICE GOUGING.** The prohibition on price gouging in effect for the duration of the public health emergency is a price cap. Nothing in this Order or previously issued Executive Orders shall be viewed to prohibit an adjustment to prices as market forces dictate, provided no such adjustment results in an increase to any goods, services, or dwelling rentals, including, but not limited to Personal Protective Equipment, which is either in short supply or is anticipated to be in short supply as a result of this public health emergency, or any extension thereof. In particular, items subject to Public Law 35-74, this Order and previous Executive Orders shall include, but not be limited to: thermometers, sanitizing wipes, baby wipes, paper towels, aloe, latex, gloves, fever reducers, cough suppressants, zinc oxide supplements, face masks, rubbing alcohol, toilet paper, and facial tissue.
- b. **ALLOWED OPERATION OF SPECIFIC BUSINESS AND ACTIVITIES.** All businesses that were allowed to operate during PCOR I may continue to operate. Other businesses now allowed to operate shall be limited to those listed in DPHSS Guidance Memo 2020-07 and any other future published guidances.
- c. **ALLOWED BUSINESS AND THE SELLING OF NON-ESSENTIAL ITEMS.** Businesses who are allowed to operate, by virtue of this Order, shall no longer be restricted to selling only essential items. However, any activity must be strictly limited to the parameters of its valid business license to operate.
- d. **OCCUPANCY LIMIT.** Any place of business or public accommodation shall operate at no greater than 50% occupancy.
- e. **MINIMUM PANDEMIC OPERATIONAL REQUIREMENTS.** All businesses are to operate by implementing measures as outlined in the



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document, *Minimum Pandemic Workplace Operational Requirements*, as issued by DPHSS. All operating businesses shall provide their individualized protocols showing compliance to these requirements when requested by authorized government officials.

- f. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order, may be subject to fines and/or, in the case of businesses, the termination of business licenses, as well any other penalties as may be available under Guam law. The DPHSS and the Department of Revenue and Taxation (“DRT”) may issue guidance relative to this Order. DPHSS and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.

3. GOVERNMENT OF GUAM OPERATIONS. The Government of Guam continues to operate in a limited capacity. Some agency offices remain completely closed. Several agencies are operational, but closed to public access. All members of the public needing government services are asked to contact agencies and departments by email or phone. Regardless of operational status of an agency/department, all government of Guam employees remain on regular work status and are expected to report for duty within two (2) hours from receiving notice from his/her supervisor.

4. OPEN GOVERNMENT AND PARTICIPATION IN MEETINGS VIA TELECONFERENCE. The application of Sections 8103, 8107, 8108, 8109, 8110, 8114, and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended for the duration of this public health emergency or any extension thereof. To ensure the public is well-informed in this time of emergency, public agencies shall document their meetings in minutes and continue compliance with Section 8113.1, Title 5 of the Guam Code Annotated. Notwithstanding any other provision of local law, *I Lihesturan Guahan* and any government agency, board or commission, is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the body. All requirements in local law expressly or impliedly requiring the physical presence of members, other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- a. bodies notices each teleconference location from which a member will be participating in a public meeting;
- b. each teleconference location be accessible to the public;



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- c. members of the public may address the body each teleconference conference location;
- d. bodies must post agendas at all teleconference locations;
- e. at least one member of the body be physically present at the location specified in the notice of the meeting; and during teleconference meetings,

are hereby suspended, on the conditions that:

- a. While the suspensions articulated above are in effect, any government entity or agency which holds a meeting for the purpose of conducting public business shall provide public notice by submitting meeting information for posting on the website of the Office of the Attorney General of Guam. Provision of such information to the Office of the Attorney General of Guam shall be made in advance of the scheduled meeting so that there is reasonable time for the posting on the website to occur.
- b. Consistent with the notice requirement in paragraph (a), each body must notice at least one telephonically or electronically accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by local open government laws, as applicable.
- c. Actions taken at meetings of public agencies without compliance with all provisions of the Open Government Law shall not be effective until compliance with Section 8113.1, Title 5 of the Guam Code Annotated.

5. MORATORIUM ON FORECLOSURE AND EVICTION PROCEEDINGS.

In accordance with Administrative Order ADM20-239 issued by the Supreme Court of Guam, it is hereby ordered that no eviction or foreclosure actions or proceedings involving real estate or property, whether rental or otherwise, may be initiated between the period of the date of Executive Order No. 2020-07 until the public health emergency or any extension thereof, ends. Any eviction or foreclosure action currently in process shall be tolled for the duration of this public health emergency period, or any extension thereof.

- a. No provision contained in this Executive Order shall be construed as relieving any individual of their obligations to pay rent, to make mortgage payments, or to comply with any other obligations that an individual may have under a residential rental or mortgage agreement.



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- b. The Guam Housing and Urban Renewal Authority, the Guam Housing Corporation, the CHamoru Land Trust Commission, and any other government of Guam housing authorities are instructed to utilize their full discretion to extend deadlines for housing assistance recipients or applicants to deliver records or documents pertaining to their eligibility for programs during the pendency of this public health emergency or any extension thereof.
- c. The Department of Revenue and Taxation is directed to immediately engage with financial institutions to identify any tools, means, or methods that could provide relief from the threat of residential foreclosure.

6. REQUIRED REPORTING REGARDING REDUCTION IN WORKFORCE OR EMPLOYEE HOURS. In order to process benefits for affected employees, the Department of Labor (“DOL”) shall require employers which have reduced their workforce through employee terminations, layoffs, furloughs or reduction in hours since January 1, 2020 and through the duration of this public health emergency, or any extension thereof, to report such reductions to the DOL in a form prescribed by its Director. Information required shall include, at the minimum, the number of employees adversely affected, the names of such employees, and their wages/salaries immediately prior to the reduction.

SIGNED AND PROMULGATED at Hagátña, Guam, this **8th** day of **May 2020**.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:



JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam