

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



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**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

May 28, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-16**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-16:**  
**RELATIVE TO ALLOWING ADDITIONAL ACTIVITIES**  
**DURING PANDEMIC CONDITION OF READINESS 2**

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

*Senseramente,*

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure(s): Executive Order No. 2020-16

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



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**EXECUTIVE ORDER NO. 2020-16**

**RELATIVE TO ALLOWING ADDITIONAL ACTIVITIES DURING  
PANDEMIC CONDITION OF READINESS 2**

**WHEREAS**, since March 14, 2020, Guam, like much of the rest of the world, has been in a state of emergency as a result of the global health threat posed by the COVID-19 pandemic; and

**WHEREAS**, Guam has adopted a system of readiness, known as the Pandemic Conditions of Readiness (“PCOR”), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

**WHEREAS**, on May 8, 2020, I declared Guam to be in PCOR 2; and

**WHEREAS**, since moving into PCOR 2, based on data provided by the Department of Public Health and Social Services (“DPHSS”) and the Guam National Guard through the Guam State Surgeon Cell, we have maintained a steady downward trend in the number of positive tests; and

**WHEREAS**, we have continued our expanded testing services and begun the phase in re-opening of non-essential activities; and

**WHEREAS**, after consultation with DPHSS, the Guam State Surgeon Cell, my Physicians Advisory Group, and the Guam Recovery Panel of Advisors, I am confident that we have made progress sufficient to permit additional non-essential activities to recommence.

**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. **EXTENSION OF PUBLIC HEALTH EMERGENCY.** Effective at 12:01AM on Saturday, May 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09 and 2020-11 and currently set to expire on May 30, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on June 29, 2020.
2. **PANDEMIC CONDITION OF READINESS 2.** Guam continues to be in PCOR 2. Under PCOR 2, limited activities are 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 and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks unless engaged in physical exercise or eating; and permitting/encouraging teleworking. Older residents and those with pre-existing conditions are encouraged to limit excursions of any type.
  - b. **GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1)



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person where the individuals are not members of a single household unit. Effective at 8:00 AM on Friday, May 29, 2020, social gatherings or congregations shall be limited to no more than twenty-five (25) persons regardless of whether 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 remain closed for educational purposes through the end of the public health emergency. The definition of habitual truancy pursuant to Article 4, Chapter 6, Title 17, 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.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons who do not possess a DPHSS recognized and certified document indicating that the person has been tested for and is not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than one (1) week from 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, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable Public Health Guidance, which shall include appropriate protocols for determining home quarantine conditions for current, intended and returning Guam residents.
- e. **PUBLIC PARKS AND BEACHES.** Effective at 8:00 AM on Friday, May 29, 2020, all government of Guam parks and beaches shall be open to the public.
- f. **OCCUPANCY LIMIT.** Any place of business, place of worship, or public accommodation as permitted under applicable Public Health Guidance may resume operations provided it does so at no greater than fifty percent (50%) capacity or up to ten (10) people. In no instance may a business, place of worship or public accommodation operate at an occupancy that is greater than its regular occupancy limit.
- g. **ADDITIONAL RESTRICTIONS AND CONDITIONS.** All other provisions of Executive Order No. 2020-14 governing the restrictions on activities and the conduct of business operations during PCOR 2 shall continue in full force and effect until PCOR 3 is declared or the public health emergency is ended. Individuals, businesses, places of worship, and government agencies should be guided by applicable Public Health Guidance.
- h. **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 as any other penalties as may be available under Guam law. DPHSS and the Department of Revenue and Taxation (“DRT”) shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department (“GPD”) and the Guam Fire Department (“GFD”).



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3. **GOVERNMENT OF GUAM OPERATIONS.** Effective Monday, June 1, 2020, all government of Guam offices, agencies, and departments shall recommence public operations. To the extent possible and where appropriate, agencies will encourage teleworking by employees. Unless otherwise instructed by their supervisors, all employees shall return to their physical worksites. Government of Guam agencies will abide by the applicable Public Health Guidance in their operations.
- a. **EXPIRATION OF CATEGORY 3 COVID-19 RESPONSE DIFFERENTIAL PAY.** Effective Monday, June 1, 2020, Category 3 of the Covid-19 Response Differential Pay plan established in Executive Order No. 2020-08 shall expire. Government of Guam employees not otherwise eligible for Categories 1 or 2 of the COVID-19 Response Differential Pay plan shall be compensated at their regular rate regardless of whether work occurs in their physical workplace or via telework.
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 Liheslaturan Guåhan* 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 notice each teleconference location from which a member will be participating in a public meeting;
- b. each teleconference location be accessible to the public;
- c. members of the public may address the body each teleconference conference location;
- d. bodies must post agendas at all teleconference locations; and
- e. at least one (1) 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:

1. 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



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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.

2. Consistent with the notice requirement in paragraph (a), each body must notice at least one (1) 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.
  3. 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.** It is hereby ordered that no eviction or foreclosure actions may be initiated between the period of the date of Executive Order 2020-07 until the end of this public health emergency or any extension thereof. 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 the obligation to pay rent, to make mortgage payments, or to comply with other obligations that an individual may have under a rental or mortgage agreement.
  - b. The Guam Housing and Urban Renewal Authority ("GHURA"), the Guam Housing Corporation ("GHC"), the CHamoru Land Trust Commission ("CLTC") will continue 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. DRT shall continue to engage with financial institutions to identify any tools, means, or methods that could provide relief from the threat of residential foreclosure.
6. **ADMINISTRATIVE PROVISIONS**
- a. **Suspension of Statutes, Orders, Rules and Regulations that Prevent, Hinder or Delay Necessary Action to Respond to the Emergency.** Pursuant to Section 19403(a)(1) of Chapter 19, Title 10, Guam Code Annotated, statutes, orders, rules, and regulations that prevent, hinder or delay necessary action to prepare for or respond to this public health emergency, including but not limited to, purchases and hiring, are hereby suspended.
  - b. **Personnel and Procurement.** Pursuant to Sections 19505 and 19803 of Chapter 19, Title 10, Guam Code Annotated, this Executive Order authorizes hiring, overtime, and any procurement or purchases related to this public health emergency for all government of Guam agencies responding to this emergency.



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- c. **Guam Homeland Security/Office of Civil Defense (“GHS/OCD”) to be Lead Agency for Logistics.** GHS/OCD shall be the lead agency for logistical organization and direction of resources and procurement of any goods and services relative to this public health emergency. Any procurement or purchase undertaken to respond to this public health emergency is not being utilized for the purpose of avoiding provisions of the Guam Procurement Law.
- d. **Authorization for Overtime.** Authorization is given for the payment of overtime for Government of Guam employees, to work in excess of forty (40) hours a week to mitigate and respond to the effects of COVID-19. The Office of Civil Defense Administrator is authorized to determine the eligibility of overtime expenditures resulting from work performed by the government agencies, and approval from the Bureau of Budget & Management Research (“BBMR”) shall, to the extent possible, be obtained prior to incurring any overtime.
- e. **Documentation of Expenses.** All departments and agencies are instructed to keep appropriate documentation on all emergency expenses related to this public health emergency for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and as required as conditions of federal assistance.
- f. **Guam National Guard.** The Adjutant General is authorized to issue any additional active duty orders for the mobilization of such National Guard personnel and equipment as she may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.

**SIGNED AND PROMULGATED** at Hagátña, Guam, this **28th** 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