ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2020-11

RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY AND ESTABLISHING THE PANDEMIC CONDITIONS OF READINESS SYSTEM

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided to me by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam, due to the dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, seven (7) additional executive orders have been issued to limit the spread of COVID-19 throughout the island; and

WHEREAS, while the island's testing capacity has increased substantially and our overall positivity rate appears to be on a downward trend, we are still experiencing an increase of total number of positive cases which will require the continued use of measures to limit the transmission of COVID-19; and

WHEREAS, due to Guam's expeditious response to the threat of COVID-19, we are more favorably positioned to plan for recovery than most of our counterparts in the United States; and

WHEREAS, our island is familiar with the Conditions of Readiness system that we utilize when preparing for arrival of a tropical storm or typhoon; and

WHEREAS, I have convened a Panel of Recovery Advisors ("Panel"), which consists of members of the public and private sectors, including the Guam Chamber of Commerce and the Guam Women's Chamber of Commerce, which has developed a comprehensive recovery plan based on medical and economic data; and

WHEREAS, the current public health emergency declaration is set to expire on May 5, 2020; and

WHEREAS, it is clear that the circumstances that necessitated my extension of the public health emergency will continue beyond May 5, 2020 and that an extension of the public health emergency is appropriate.

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. **EXTENDING THE PUBLIC HEALTH EMERGENCY.** Effective today, the public health emergency first declared in Executive Order No. 2020-03, extended

in Executive Order No. 2020-09 and currently set to expire on May 5, 2020 is extended for an additional thirty (30) day period.

2. **ESTABLISHMENT OF THE PANDEMIC CONDITIONS OF READINESS.** Adopting the Panel's "Chålan Para Hinemlo" plan, there is hereby established a system of readiness which sets the conditions for the gradual lifting of mandates and restrictions imposed in response to a public health emergency resulting from a pandemic event. There shall be four (4) Pandemic Conditions of Readiness ("PCOR"), which shall be categorized by number with one (1) as the most urgent condition and four (4) as a return to normal operating conditions for the island's public and private sectors.

3. **PANDEMIC CONDITION OF READINESS 1.** Guam is currently in PCOR 1. This status is reflected in the most stringent restrictions on social gatherings, prohibitions on non-essential activities, impositions of conditions on operations of essential activities, and closures of congregate facilities, including schools. The following is ordered:

    a. **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.

    b. **MANDATORY SOCIAL DISTANCING.** Essential 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; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.

    c. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, of Title 10, Guam Code Annotated, all persons who are non-residents who have been in a country with confirmed COVID-19 cases for more than one (1) week and do not possess a Department of Public Health and Social Services ("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. Any and all costs associated with the quarantine and/or treatment of 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.

d. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All essential business and government agencies shall require that their employees and patrons shall wear face masks while on their premises. Businesses that regularly conduct operations that are both essential and non-essential are instructed to limit their activities to only those that are essential as authorized as defined in Executive Order No. 2020-05 and applicable guidance issued by DPHSS.

e. **GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam is operating in a limited capacity. Some agencies' offices are completely closed. Several agencies are operational but closed to public access. Other agencies remain fully operational, including 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.

f. **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.

g. **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 Executive Order Nos. 2020-03 and 2020-07 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 Executive Order Nos. 2020-03 and 2020-07 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.

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:

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) above, 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.

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. **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 including but not limited to submission of information via DOL's HireGuam portal. 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 Hagåtña, Guam, this **30th** day of **April 2020**.

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

Attested by:

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

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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

April 30, 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. 2020-11

Dear Madame Speaker:

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

> **EXECUTIVE ORDER NO. 2020-11:**
> RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY AND ESTABLISHING THE PANDEMIC CONDITIONS OF READINESS SYSTEM

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

Senseramente,

SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Executive Order No. 2020-11

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