

Guam Legislature Clerks <clerks@guamlegislature.org>

Messages and Communications

1 message

Speaker's Office <speaker@guamlegislature.org>
To: Clerks Office <clerks@guamlegislature.org>, Rennae Meno <rennae@guamlegislature.org>

04-08-20	1:07 PM	04-08-20	TVC 20-032 LETTER TO SPEAKER BARNES RE OPEN GOVERNMENT LAW AND MAR 25 FOIA TO GOV	The Vigilance Committee





Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yang mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

35GL-20-1697.pdf
3198K

The Vigilance Committee
GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

April 08, 2020

35GL-20-1697
Speaker Tina Rose Muña Barnes

APR 0 8 2020
Time 1:07 ( )AM (•)PM
Received By: [illegible]

Transmitted via Electronic Mail
speaker@guamlegislature.org

The Honorable Tina Muña Barnes
Speaker, 35th *I Liheslaturan Guåhan* [Guam Legislature]
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Ref: TVC 20-032

Hafa Adai Speaker Muña Barnes,

The rights of the people of Guam have been trampled upon by Governor Leon Guerrero. By asserting her alleged authority pursuant to Chapter 19 of Title 10 of the Government Code the Governor has shredded the Open Government Law thereby sabotaging not only the peoples' right to know but one of the few ways in which the people are able to hold their government accountable. The Governor has publicly dismissed this matter of great importance to the public as mere "bureaucracy!"

The enclosed email correspondences for our March 25 Sunshine Law request wherein Mrs. Janela Carrera, the Director of Communications for the Governor, has used stall tactics to obstruct the publics' right to see and review public documents, have gone unanswered. The letter to the Governor entreating her to restore transparency to our government has also gone unanswered. We therefor turn to you for justice. I have included draft legislative language, underlined below, to correct the wrong the Governor has visited on all of us:

> 10 GCA § 19403 (a) (1) through an executive order suspend, the provisions of any regulatory statute, *except* 5 GCA Ch. 8 & 10, The Open Government Law and the Sunshine Law, respectively, provided that the executive directors, by whatever title, enforce social distancing during meetings, of prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or

delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population;

You will notice that the statutory language also reaches the Sunshine Law which must also be seen as at risk given the cavalier way in which the Governor disposed of the Open Government Law.

The stated purpose of the Vigilance Committee is to require compliance with the Open Government Law and the Sunshine Reform Act by public officials and government representatives; and to promote ways to improve the dissemination and disclosure of information to the general public, including, but not limited to, the following: detecting violations; causing the enforcement thereof; and working on strengthening the laws of disclosure on all fronts.

The Governor's attack on transparency must be aborted immediately. We are calling on you, Speaker Tina Muña Barnes, and the senators of the 35th *I Liheslaturan Guåhan* to act with justice.

Respectfully submitted,

//s//

Michelle Armenta
President, The Vigilance Committee, Inc.

Enclosures: Email Correspondences with Mrs. Janela Carrera and March 29 letter to the Governor and General Camacho and March 25 letter to Governor Leon Guerrero

Cc: Senators of the 35th Guam Legislature

Gmail

Vigilance Committee <stayvigilantgu@gmail.com>

Notice of Violation of Sunshine Law Request

Vigilance Committee <stayvigilantgu@gmail.com> Tue, Apr 7, 2020 at 12:14 PM
To: janela.carrera@guam.gov
Cc: dmgeorge@guam.gannett.com, Bob Klitzski <klitzkie@hotmail.com>, nestor@kuam.com, news@guampdn.com, news@k57.com, news@spbguam.com, reporters@postguam.com, Chris Barnett <chris@kuam.com>, Gaynor <editor@postguam.com>, Jasmine Stole <jstole@guampdn.com>, Jolene Toves <jolene@spbguam.com>, Kevin Kerrigan <kevin@spbguam.com>, Marvic <publisher@pacificislandtimes.com>, Mindy Aguon <mindy@postguam.com>, oya <managingeditor@postguam.com>, Patty Arroyo <parroyo@spbguam.com>, Ray Gibson <raygibsonradio@gmail.com>, Rindraty Limtiaco <rlimtiaco@guampdn.com>, Sab <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Tony Lamorena <tony@spbguam.com>, speaker@guamlegislature.org, senatortcnelson@guamlegislature.org, officeofsenatorshelton@guamlegislature.org, office.senatorkelly@guamlegislature.org, senatorbiscoelee@guamlegislature.org, senatorjoessanagustin@gmail.com, senatorterlajeguam@gmail.com, sen.cridgell@teleguam.net, senatorpedo@senatorjpterlaje.com, office@senatorperez.org, senatortelot@gmail.com, senatorlouise@gmail.com, officeofsenatormoylan@guamlegislature.org, wilcastro671@gmail.com, senatormary@guamlegislature.org, communications@guam.gov, krystal.paco@guam.gov, eliza.dames@guam.gov

Hafa Adai Mrs. Carrera,

Our Sunshine Law request has clearly stated in every email correspondence to the Governor and your office the following: "...the public records requested herein **be transmitted via electronic mail** to stayvigilantgu@gmail.com." It is also clear that you are playing fast and lose with the Sunshine Law using stall tactics and obstructing the public's right to see and review public documents. Its time to stop the stalling. Please **send via electronic mail (email)** the requested documents you stalled long enough!

Respectfully,
//s//
Michelle Armenta

CC: Media
Senators of the 35th Guam Legislature
[Quoted text hidden]

RESPONSE ARMENTA VIGILANCE COMMITTEE FOIA DOCUMENTS 4-06-2020.pdf
70K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

April 6, 2020

VIA ELECTRONIC MAIL: stayvigilantgu@gmail.com

Michelle Armenta
President
The Vigilance Committee, Inc.

Dear Ms. Armenta:

I am writing to acknowledge receipt of your email dated April 3, 2020 informing the Governor of Guam that you have enclosed a copy of your personal check in the amount of $1.58, written to the Treasurer of Guam, and that you have placed the check in the U.S. Mail addressed to me.

Please confirm that you would prefer to have the documents scanned and emailed to you.

Sincerely,

/s/ Janela Carrera
Director of Communications

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
P.O. BOX 2950 · HAGÅTÑA, GUAM 96932
671.472.8931 · 671.472.8932/6

The Vigilance Committee
GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

April 03, 2020

Transmitted via Electronic Mail
communications@guam.gov; janela.carrera@guam.gov;
krystal.paco@guam.gov; eliza.dames@guam.gov

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan [Governor of Guam]
Office of the Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Ref: TVC 20-031

Subject: Notice of Violation of Sunshine Law Request

Hafa Adai Governor Leon Guerrero,

You are in violation of the Sunshine Law, 5 GCA Ch. 10. Section 10104 of that chapter requires that you, "… make reasonable efforts to maintain its records in forms or formats that are reproducible in electronic form,…" [I have set out § 10104 as an endnote for your easy reference.[i]]

Rather than comply with the law, you turned my specific demand for ["any and all public records, **citing specific sections** of the Organic Act of Guam, laws, and rules and regulations, which grant you, the Governor Guam, the authority to suspend the Open Government Law in part or in whole. I hereby request that the public records requested herein be **transmitted via electronic mail** to stayvigilantgu@gmail.com."] into what appears to be a document dump. You have also subverted the Sunshine Law process by attempting to nickel-and-dime us demanding that we present a Treasurer's receipt showing payment of $1.58 to your Director of Communications. The Vigilance Committee can rightfully assume that you are extremely hostile to governmental transparency, first by gutting the Open Government Law and now by subverting the Sunshine Law.

The Vigilance Committee does not acquiesce to your attempted petty extortion to make it more difficult for us to accomplish our mission. But in this time of COVID-19, social distancing and staying at home, the mean-spirited nature of your requirement is truly ironic. In order for me to obtain what you are withholding, I'd have to drive from my home to the Treasurer in the ITC Building, then to Ms. Carrera's office in Adelup then back home risking exposure during the trips.

In order to cut through this disorder that you have needlessly created I am enclosing a copy of my personal check to the Treasurer in the amount of $1.58. I have placed that check in the U.S. Mail addressed to your Director of Communications. **Please email the requested documents to me forthwith.**

Respectfully submitted,

//s//

Michelle Armenta
President, The Vigilance Committee, Inc.

Enclosure: Photo copy of my Personal Check in the amount of $1.58

CC: Media Partners
Senators of the 35th Guam Legislature

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[i] § 10104. Electronic Communications. (a) An agency shall treat an electronic mail request for public records the same as it treats paper and oral requests for records. The same deadlines apply to electronic mail requests as other requests, and to ensure that electronic requests are complied with quickly, the agency shall check its electronic mail every work day. (b) In making any record available to a person under this Chapter, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible in electronic form, through electronic mail or on computer disk.

0019

Date 3 APRIL 2020

TO TREASURER of GU

FOR 3/25/20 FOIA to GOVERNOR

BALANCE	
ADD deposits or SUBTRACT charges	
NEW BALANCE	
THIS CHECK	1 58
BAL FORWARD	

MICHELLE LYNN ARMENTA

[redacted]

0019

Date 3 APRIL 2020

101-8161
3214

Pay to the Order of TREASURER OF GUAM $ 1.58/100

ONE DOLLAR & 58/100 Dollars

coast360 federal credit union

450 Route 8
Maite, Guam 96910

MEMO MARCH 25, 2020 FOIA TO THE GOVERNOR

[redacted]

Scanned by CamScanner

Gmail **Vigilance Committee <stayvigilantgu@gmail.com>**

Sunshine Law Request

Vigilance Committee <stayvigilantgu@gmail.com> Tue, Mar 31, 2020 at 12:30 PM
To: janela.carrera@guam.gov, communications@guam.gov, krystal.paco@guam.gov, eliza.dames@guam.gov
Cc: news@guampdn.com, news@k57.com, reporters@postguam.com, Andrea Pellacani <andrea@spbguam.com>, Chris Barnett <chris@kuam.com>, Gaynor <editor@postguam.com>, Jasmine Stole <jstole@guampdn.com>, Jolene Toves <jolene@spbguam.com>, Kevin Kerrigan <kevin@spbguam.com>, Marvic <publisher@pacificislandtimes.com>, Mindy Aguon <mindy@postguam.com>, oya <managingeditor@postguam.com>, Patty Arroyo <parroyo@spbguam.com>, Ray Gibson <raygibsonradio@gmail.com>, Bob Klitzski <klitzkie@hotmail.com>, Rindraty Limtiaco <rlimtiaco@guampdn.com>, Sab <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, dmgeorge@guam.gannett.com, news@spbguam.com, nestor@kuam.com

Hafa Adai Mrs. Carrera,

In response to your email sent today, March 31, I hereby restate my Sunshine Law request submitted to the Governor of Guam on March 25, 2020:

Pursuant to the authority granted by the Sunshine Reform Act, I hereby request a copy of **any and all public records, citing specific sections** of the Organic Act of Guam, laws, and rules and regulations, **which grant you, the Governor Guam, the authority to suspend the Open Government Law** in part or in whole.

I hereby request that the **public records requested herein be transmitted via electronic mail** to stayvigilantgu@gmail.com. Your assistance and consideration to this request is greatly appreciated.

Very Respectfully,
//s//
Michelle Armenta

cc: Media Partners
[Quoted text hidden]

2 attachments

FOIA RESPONSE ARMENTA VIGILANCE COMMITTEE OPEN GOVT 3-31-2020.pdf
78K

TVC 20-028-LTR TO GOVERNOR AND A.G. CAMACHO RE EXECUTIVE ORDERS 2020-06. 2020-07..pdf
229K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

March 31, 2020

VIA ELECTRONIC MAIL: stayvigilantgu@gmail.com

Michelle Armenta
President
The Vigilance Committee, Inc.

Dear Ms. Armenta:

I am writing in response to your request for information dated March 25, 2020, in which you seek the following:

"...a copy of any and all public records, citing specific sections of the Organic Act of Guam, laws, and rules and regulations, which grant you, the Governor Guam, the authority to suspend the Open Government Law in part or in whole."

Documents matching your request, totaling 71 pages, will be made available to you.

As authorized under 5 GCA 10203 (b), please remit a payment of "ten cents (10¢) for the first page of any requested document, and two cents (2¢) each for any remaining pages," or $1.58 to the Treasurer of Guam. Upon proof of payment, the requested documents will be released to you.

Please let me know if you have any questions or concerns.

Sincerely,

/s/ Janela Carrera
Director of Communications

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.472.8931 • 671.472.8932/6

The Vigilance Committee
GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

March 29, 2020

Transmitted via Electronic Mail
speaker@guamlegislature.org

The Honorable Tina Muña Barnes Ref: TVC 20-029
Speaker, The 35th *I Liheslaturan Guåhan* [Guam Legislature]
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Subject: Letters to Governor Leon Guerrero and Attorney General Camacho

Dear Speaker,

As you may know, Governor Leon Guerrero's Executive Order 2020-07 attempts to usurp the authority of your co-equal branch of government, *I Liheslaturan Guåhan*. This executive order alone is a cause of great concern for you and the members of *I Liheslaturan Guåhan*.

Transmitted herewith is a copy of the letter sent to Governor Leon Guerrero and General Camacho. Additionally, I have enclosed our March 25 letter to the governor regarding Executive Order 2020-06. Should you have any further questions, you may contact me via email at stayvigilantgu@gmail.com.

Respectfully submitted,

//s//
Michelle Armenta
President, The Vigilance Committee, Inc.

Enclosure: March 29 letter to the Governor and General Camacho and March 25 letter to Governor Leon Guerrero
Cc: Senators of the 35th Guam Legislature

The Vigilance Committee
GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

March 29, 2020

Transmitted via Electronic Mail
communications@guam.gov; janela.carrera@guam.gov;
krystal.paco@guam.gov; eliza.dames@guam.gov
law@guamag.org; jcruz@guamag.org

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan [Governor of Guam]
Office of the Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Ref: TVC 20-028

The Honorable Leevin Taitano Camacho
Attorney General of Guam
590 So. Marine Corps Drive, Suite 901
Tamuning, GU. 96913

Subject: Open Government Law in Executive Orders 2020-06 and 2020-07

Dear Governor Leon Guerrero and General Camacho:

On behalf of the Vigilance Committee, we are compelled to express utmost outrage at your disregard and disrespect of the rights of the people and their ability to hold their government accountable by-means-of two executive orders ("E.O."). Paragraph 5 of Governor Leon Guerrero's Executive Order 2020-06 effectively repeals the Open Government Law by suspending key sections of the law. In Paragraph 4 of Executive Order 2020-07, the governor apparently uses an executive order to do away with the doctrine of separation of power by amending the Organic Act, 48 USC § § 1421a and 1423b *cf.* § 1422.

The E.O. 2020-07 attempts the usurpation of the legislature's power thusly:

> Notwithstanding any other provision of local law, *I Liheslaturan Guåhan*…is authorized to hold public meetings via teleconferencing…All requirements in local law expressly or impliedly requiring the physical presence of members, …, or of the public… are hereby waived.

According to a report in the March 25 Pacific Daily News, the E.O. 2020-06 suspension was pursuant to your advice, General Camacho.

Rather than counsel the Governor to usurp the rights and prerogatives of the people, we would have expected you, as our Attorney General, to champion those rights and prerogatives. Instead of being a party to the gutting of the Open Government Law you should use your statutory powers to defend us:

> **5 GCA § 30103. Common Law Powers of Attorney General.** The Attorney General shall have, in addition to the powers expressly conferred upon him by this Chapter, those common law powers which include, but are not limited to, the right to bring suit to challenge laws which he believes to be unconstitutional and to bring action on behalf of the Territory representing the citizens as a whole for redress of grievances which the citizens individually cannot achieve, unless expressly limited by any law of Guam to the contrary.

The governor, apparently on your advice, justifies her power grab by characterizing the protections provided to the public in the Open Government Law as "bureaucracy." Here's a quote from the March 27 Guam Daily Post:

> Executive Order 2020-06 only aims to improve government efficiency by removing the "bureaucracy" or requirement of announcing a government meeting five days in advance,

Governor and General, the public's right to know can never be described as mere "bureaucracy!"

Furthermore, even though able to rely on your advice, General, the governor is misconstruing the Open Government Law. 5 GCA § 8108 has ample provisions for emergency meetings if an emergency truly exists.

> **§ 8108. Special Meeting.** A special meeting may be called at any time by a public agency, by delivering personally, or by mail, written notice to each member of a public agency. Notice shall also be given to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam… The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the public agency. **The five (5) days notice and the forty-eight (48) hours notice may be waived in the event of an emergency certified to in writing by a public agency. A public agency may also consider all necessary business in the event of an emergency. This Section shall not require a public agency to give notice of its meetings by paid advertisements in any newspaper or over any broadcasting station**…

Instead of dealing with COVID-19 in such a manner as to protect the rights of the people, the Governor used COVID-19 as an excuse to arbitrarily and capriciously stomp on those rights. E.O. 2020-06 suspends seven (7) sections of the Open Government Law. The suspensions not only do away with notice requirements but also do away with the voiding and punitive provisions. A board or commission could improperly arrange for a meeting, hold the meeting entirely in executive session, and take such action as it pleased. Because 5 GCA § 8114 was suspended the acts the board or commission took cannot be voided. Because 5 GCA § 8115 was suspended, General, you cannot prosecute the violations, *e.g.* what would otherwise be an illegal executive session. Although the E.O. highlights the reporting requirements of 5 GCA § 8113.1, there is no penalty for non-reporting.

General, if you determine that Paragraph 5 of E.O. 2020-06 is legal, a questionable proposition at best, please counsel the governor to at least modify it so it is still functional. Regarding Paragraph 4 of E.O. 2020-07, the governor obviously needs to be reined in as transparency at the legislative branch is the *sine qua non* of our democracy.

General Camacho, those who championed an elective Attorney General saw the necessity for a check on the powers of the Governor. Now is the time for you to act as that check on behalf of the people of Guam.

As dangerous as the two executive orders are, even more dangerous is the governor's mindset which apparently moves her to not only ride roughshod over the rights of the people of Guam, but also to ride roughshod over the powers of a co-equal branch of government, *I Liheslaturan Guåhan*. General, please use your common law powers as Attorney General to head off this nascent gubernatorial tyranny by restoring transparency to our government.

The Vigilance Committee is a non-profit organization whose purpose is to require compliance with the Open Government Law and the Sunshine Reform Act by public officials and government representatives; and to promote ways to improve the dissemination and disclosure of information to the general public, including, but not limited to, the following: detecting violations; causing the enforcement thereof; and working on strengthening the laws of disclosure on all fronts. As such we must take every effort to protect our transparency laws. Should you have any further questions, you may email me at stayvigilantgu@gmail.com or contact me at 671-788-5532.

Respectfully submitted,

//s//
Michelle Armenta
President, The Vigilance Committee, Inc.

Enclosure: March 25 letter to Governor Lourdes A. Leon Guerrero
Cc: Speaker Tina Muña Barnes

Gmail **Vigilance Committee <stayvigilantgu@gmail.com>**

Sunshine Law Request

1 message

Vigilance Committee <stayvigilantgu@gmail.com> Wed, Mar 25, 2020 at 2:12 PM
To: communications@guam.gov, janela.carrera@guam.gov, krystal.paco@guam.gov, eliza.dames@guam.gov

March 25, 2020

Transmitted via Electronic Mail
communications@guam.gov; janela.carrera@guam.gov;
krystal.paco@guam.gov; eliza.dames@guam.gov

The Honorable Lourdes A. Leon Guerrero Ref: TVC 20-026
I Maga'hågan Guåhan [Governor of Guam]
Office of the Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Subject: Sunshine Law Request

Hafa Adai Governor Leon Guerrero,

The stated purpose of the Vigilance Committee is to require compliance with the Open Government Law and the Sunshine Reform Act by public officials and government representatives; and to promote ways to improve the dissemination and disclosure of information to the general public, including, but not limited to, the following: detecting violations; causing the enforcement thereof; and working on strengthening the laws of disclosure on all fronts.

On behalf of the Vigilance Committee, we must protest in the strongest manner paragraph 5 of your Executive Order 2020-06, which states:

> **"5. Suspension of Certain provisions of the Open Government Law.** The application of Sections 8103, 8107, 8108, 8109, 8110, 8114 and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended until April 13, 2020. 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. 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."

While your executive order purportedly suspends the operation of seven (7) sections of the Open Government Law the practical effect is to gut completely the Open Government Law. The effect of the suspension of 5 GCA § 8115. Penalties and Court Jurisdiction. and § 8114. Action Voided. is that every board or commission can violate every section of the Open Government Law, including § 8113.1. Reporting Requirement. and § 8111. Executive Sessions. with impunity.

With the suspension of 5 GCA § § 8107, 8108, 8109 and 8110 (each of which requires that the public be given notice of board and commission meetings because no one would know when a board or commission is meeting your executive order's reference to § 8113.1. Reporting Requirements.) is at best illusory since no one could be aware of what should have been reported. Coupled with the suspension of 5 GCA § 8114.

Action Voided. any board and commission can meet without running the risk of public participation and thus your executive order has created a situation which encourages abuse of public trust.

Because of the interplay of the operation of the sections of the Open Government Law which you have suspended here's the situation you have created:

- Every board and commission can meet this afternoon without giving notice to anyone.
- Every board and commission can meet this afternoon and proceed to executive session conduct such business as it would have in the absence of the law.
- Every board and commission can meet this afternoon and exercise all the powers available to it, including raising salaries, levying fines, adjudicating cases or any of the other myriad of powers entrusted to it by law or rule.
- Because you suspended the operation of 5 GCA § 8114. Action Voided. these otherwise void acts would be completely legal.
- Because you have suspended the operation of 5 GCA § 8115. Penalties and Court Jurisdiction. the public is without recourse and there are no civil or criminal penalties of board members and commissioners who were if not for your executive order would be subject to punishment.
- Because you have suspended the operation of 5 GCA § 8115. Penalties and Court Jurisdiction. there are no civil or criminal penalties of board members and commissioners who were if not for your executive order would be subject to punishment for not reporting to you and the Speaker, and for not posting on the Office of Public Accountably (OPA) website.
- In short, your executive order has *de facto* repealed the Open Government Law and opened the door for, what in light of violations of law by the Consolidated Commission on Utilities (CCU) and the Guam Housing and Urban Renewal Authority (GHURA) Commissioners, allows intolerable mischief.

While dealing with COVID 19 requires measures that would not be contemplated in ordinary circumstances, draconian measures that abolish, even temporarily, the public's right to know what it's government is doing cannot pass without the most strenuous objection of the Vigilance Committee, reference 5 GCA § 8102 of the Open Government Law:

> The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to the public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Governor, you used a meat axe instead of a scalpel in dealing with the Open Government Law. A simple modification of the first sentence of 5 GCA § 8103 would allow boards and commissions to conduct business while doing vigilance to the Open Government Law and at the same time maintain the necessary "social distancing" necessary.

5 GCA § 8103. Open Meetings. (a) Every meeting of a public agency shall be open and public, and

any person shall be permitted to attend any public agency meeting, except as otherwise provided in this

Chapter….

An executive order modifying the highlighted language would be enough. Something like:

> Notwithstanding the provisions of the first sentence of 5 GCA § 8103 boards and commissions shall enforce social distancing rules.

Governor, we beseech you to revoke paragraph 5 of your Executive 2020-06.

Nothing above shall consent to the acquiescence of the appearance of *supra* of the operation of Executive Order 2020-06. The Vigilance Committee reserves all rights to take any effort necessary to object in the strongest manner paragraph 5 of Executive Order 2020-06.

Therefore, pursuant to the authority granted by the Sunshine Reform Act, I hereby request a copy of any and all public records, citing specific sections of the Organic Act of Guam, laws, and rules and regulations, which grant you, the Governor Guam, the authority to suspend the Open Government Law in part or in whole.

I hereby request that the public records requested herein be transmitted via electronic mail to stayvigilantgu@gmail.com. Your assistance and consideration to this request is greatly appreciated. Should you have any further questions, you may contact me at 671-788-5532.

Respectfully submitted,
//s//
Michelle Armenta
President, The Vigilance Committee, Inc.

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The Vigilance Committee, Inc.

A non-profit organization dedicated to requiring compliance with the Open Government Law and the Sunshine Reform Act and seeks to promote ways to improve the dissemination and disclosure of information to the general public including, but not limited to: detecting violations of the Open Government Law and the Sunshine Reform Act, causing the enforcement of the Act, and strengthening the laws of disclosure on all fronts.

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