clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Monday, June 29, 2020 10:27 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: GEDA Board of Directors Meeting Packet | June 11, 2020
Attachments: June 2020 BODM Packet_Final.pdf

06-27-20	8:21 AM	06-11-20	Agenda, Minutes, and Attachments for Board of Directors Meeting held on June 11, 2020.*	Guam Economic Development Authority	35GL-20-1934

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
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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. Yanggen lachi rinisibu-mu nu este na 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'.

---------- Forwarded message ---------
From: **Austin Grant** <austin.grant@investguam.com>
Date: Sat, Jun 27, 2020 at 8:21 AM
Subject: GEDA Board of Directors Meeting Packet | June 11, 2020
To: Speaker's Office <speaker@guamlegislature.org>

Håfa Adai Speaker Tina Muña Barnes,

Pursuant to 5 GCA § 8113.1 Reporting Requirement for Boards and Commissions, we have attached the meeting agenda, approved minutes and attachments from **GEDA's Board of Directors Meeting** held on **June 11, 2020**

Audio from the meeting can be found on the Office of Public Accountability's website.

Please let me know if you have any questions or concerns. I will be glad to assist you.

Si Yu'os Ma'åse!

Warm Regards,

AUSTIN GRANT
GEDA Special Projects Coordinator

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I Maga'Haga Guahan

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Lt. Governor of Guam
I Segundo Na Maga'Lahen Guahan

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MELANIE MENDIOLA
Chief Executive Officer/Administrator
Ge'helo' Ekseketibu Ofisiåt

ARTEMIO "RICKY" HERNANDEZ, Ph.D.
Deputy Administrator
Sigundo Ge'helo'

NOTICE OF A REGULAR BOARD OF DIRECTORS MEETING
PLEASE TAKE NOTE TO ANYONE WHO WISHED TO ATTEND AND PARTICIPATE THAT REGULAR BOARD OF DIRECTORS MEETING WILL BE HELD:

DATE: Thursday, June 11, 2020
TIME: 1:30 p.m.
PLACE: GEDA 5th Floor GITC Building
Ste. 511, 590 South Marine Corps Drive
Tamuning, Guam 96913

Public Notice: Distributed to media via on Thursday, June 4, 2020 and Tuesday, June 9, 2020

AGENDA

I. Call to Order
II. Inifresi
III. Roll Call
IV. Approval of Agenda
V. Approval of Minutes
    a. May 2020 Board Meeting | May 01, 2020
VI. Chairman's Remarks
VII. CEO/Administrator's Remarks
VIII. Committee & Standing Reports
    a. Real Property Committee
    b. Agriculture Committee
    c. Aquaculture Committee
    d. Assisted Living Committee
    e. Grants
IX. Old Business
    a. Qualifying Certificate Community Contribution Grant Program Update
X. New Business
    a. Organizational Chart
    b. Guam Small Business Pandemic Assistance Grant (GSBPAG)
        (a) Resolution Number 20-11 | Relative to Approving the Standard Operating Procedures for the Guam Small Business Pandemic Assistance Grant Program
    c. Discussion of FY 2019 Audit & Tourism Industry
XI. Public Comment
XII. Adjournment

Enclosures

LOURDES A. LEON GUERRERO
Governor of Guam
I Maga'Haga Guahan

JOSHUA F. TENORIO
Lt. Governor of Guam
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Board of Directors Regular Meeting
Attendance Sheet
Thursday, June 11, 2020
1:30 p.m.

David J. John, Chairman

Ernesto V. Espaldon, Jr., Vice Chairman

Gia B. Ramos, Secretary

George Chiu, Director — present via video teleconference

Siska S. Hutapea, Director — "

Fe Valencia-Ovalles, Director — "

Deepak R. Dewan, Director — absent

Melanie Mendiola, CEO/Administrator

Artemio "Ricky" Hernandez, Deputy Administrator

Terry Brooks, Legal Counsel

Tom Fisher, Legal Counsel

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Minutes of Regular Meeting to the Board of Directors of the
Guam Economic Development Authority
May 1, 2020

Call to Order

§1. The regular meeting of the Board of Directors of the **Guam Economic Development Authority** (hereafter referred to as "GEDA" or the "Authority") was held on Friday, May 1, 2020 at 1:40 p.m. at the Guam Economic Development Authority Conference Room, 5th Floor, Suite 511, ITC Building, Tamuning, Guam. The meeting was called to order by Chairman David John.

Inifresi

§2. GEDA Board of Directors and all others in attendance recited to *Inifresi.*

Quorum and Attendance

§3. **Roll Call.** As determined by the roll call made by Chairman David John, the following individuals were present:

Directors:	***Offices or Positions:***
David John	Chairman
Ernesto Espaldon, Jr.	Vice Chairman (via Zoom conference)
George Chiu	Director (via Zoom conference)
Gia Ramos	Director
Siska Hutapea	Director (via Zoom conference)
Terrence Brooks	Legal Counsel
Melanie Mendiola	CEO/Administrator
Artemio Hernandez	Deputy Administrator

Also in attendance were:

Tina Garcia	GEDA
Diego Mendiola	GEDA
Jennifer Calvo-Guzman	GEDA
Austin Grant	GEDA
Jha'Aunie Leon Guerrero	GEDA
Lester Carlson	BBMR
Erin Grajek	

Approval of Agenda

§4. The first item was the approval of the agenda. Director George Chiu made a motion to approve the agenda. Vice Chairman Ernesto Espaldon seconded the motion. A roll call for votes from the remaining board members in attendance was then conducted by Chairman John to which a unanimous approval of the agenda followed.

Approval of Minutes

§5. The next item on the agenda was the approval of the board meeting minutes from April 13, 2020. Vice Chairman Ernesto Espaldon made a motion to approve the April 13, 2020 board meeting minutes. Director George Chiu seconded the motion. A roll call for votes from the remaining board members in attendance was then conducted by Chairman John to which a unanimous approval of the minutes followed.

Chairman's Remarks

§6. The next item on the agenda was Chairman's Remarks.

Chairman David John noted that Deputy Administrator Ricky Hernandez and Director George Chiu have been working with the Office of the Governor on Guam's recovery plan. Chairman John also noted that GEDA's Public Finance has been coordinating the procurement on general obligation and limited obligation bonds and public debt. Then Chairman John reported that the GWA Bond is moving as scheduled. The GWA Bond is a pre-authorization issue of $130 Million of GWA projects. Lastly, Chairman John reported that GEDA's Business Development team has been working on inquires for GEDA loans—two loans have been approved and four are currently in process.

This concluded the remarks from Chairman John.

CEO/Administrator's Remarks

§7. The next item on the agenda was CEO/Administrator's Remarks.

CEO/Administrator Melanie Mendiola reported that due to the remote work conditions, the GEDA staff are working in groups for various efforts and initiatives—primarily to seek grants and funding under the CARES Act. One team, which is headed by Public Finance Assistant Manager Antoinette Leon Guerrero and Real Property Division Assistant Manager Diego Mendiola, is working on putting together a list of CIP projects if in the event infrastructure money is available with the next round of the CARES Act. Ms. Mendiola also reported another GEDA team is working on grants concerning industry diversification, which is accelerating work with the Aquaculture and Agriculture industries. Ms. Mendiola added that GEDA just submitted a grant application to the Office of Insular Affairs for a Technical Assistance Program for about $200 Thousand. Ms. Mendiola also reported that a few of the GEDA staff are assisting the

unemployment office. As a result, GEDA agency heads are seeking options for possible reimbursement to GEDA for work with other agencies.

Ms. Mendiola then provided an update on the Qualifying Certificate Community Contribution Grant Program. Ms. Mendiola noted that a few of the recipients are government agencies and distribution of checks are being put on hold, unless requested otherwise by the recipient, to assist with the timeline of projects due to the current COVID situation. Ms. Mendiola stated the GEDA intend to accelerate the second round of grant award for the remaining funds which will be done in two tiers—large projects and projects amounting to Ten Thousand Dollars ($10,000.00) and below. GEDA CEO/Administrator hopes to launch the second round at the end of May 2020.

This concluded the remarks from CEO/Administrator Melanie Mendiola.

Old Business

§8. The next item on the agenda was Old Business.

Approval of RFP 20-004 Underwriter Services for the Government of Guam's Anticipated Bond Financing Projects:

Public Finance Manager Tina Garcia recapped details for the issuance and opening for RFP 20-004. Mrs. Garcia stated that the proposals were evaluated in accordance to the RFP requirements. As a result of the evaluation, the following recommendations for approval for the top underwriter teams are as follows:

- Government of Guam Projects: General Obligation, Limited Obligation, and Certificates of Participation – Citigroup Global Markets and Barclays Capital
- Hotel Occupancy Tax Bonds – Citigroup and Wells Fargo
- Department of Public Works GARVEE Highway Bonds – Citigroup and Barclays
- Guam Department of Education – Citigroup & Barclays
- University of Guam – Barclays & Citigroup
- Healthcare, to include Guam Memorial Hospital – Citigroup & Barclays

Underwriter teams are co-managing underwriters and will enter into a two year contracts with an option to renew for an additional two years. GEDA has the option to use only one underwriter on smaller projects.

A motion was then made by Director George Chiu to approve the recommendation made for the underwriter teams for RFP 20-004. Director Siska Hutapea seconded the motion. A roll call for votes from the remaining board members in attendance was then conducted by Chairman John to which a unanimous approval of the motion followed.

This concluded this item.

Public Comments

§9. The next item on the agenda was Public Comments.

No public comments were made.

Adjournment

§10. Director George Chiu made a motion to adjourn the board of director's meeting. Vice Chairman Ernesto Espaldon seconded the motion. A roll call was then conducted by Chairman David John to obtain votes from the remaining board members in attendance. A unanimous approval of the motion followed.

DAVID JOHN, Chairman
Board of Directors

ATTEST:

GIA RAMOS, Secretary
Board of Directors

LOURDES A. LEON GUERRERO
Governor of Guam
I Maga'Haga Guahan

JOSHUA F. TENORIO
Lt. Governor of Guam
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Deputy Administrator
Sigundo Ge'helo'

Real Property Committee Report: June 2020

Key Meetings:

- Potentially Releasable Federal Lands Meeting the Governor, May 18, 2020
- Grants Management and Financial Impact Assessment Meetings, May 14 and May 19, 2020

Items of Interests:

- **Potentially Releasable Federal Lands** –The 120-day extension requested by the Secretary of Navy expired on June 3 so the Governor should hear soon on her request for the return of 2,600 acres. RPD presented a second request for the Governor's consideration consisting of 455 acres.
- **Office of Economic Adjustment (OEA) Grant** - RPD continuing to support Governor's Office on
    - **Financial Impact Assessment Study (FIAS)** – Task Order No. 7
        - Updating Report on Financial Impact to GovGuam of Buildup Activities since buildup has experienced delays. Completion date of updated report is targeted for Oct. 2020.
    - **Grants Management Capacity Building** – Task Order No. 6
        - Training for staff of GovGuam agencies that apply for and manage federal grant funds has been delayed due to covid-19. The Governor's Office, GEDA and the contractor met to coordinate activities associated with this grant.
- **CLTC**: As registrants did not submit proposals for two RFPs, RPD is querying registrants on the reasons for non-submittal of offers and is preparing an analysis of all RFPs published since enactment of the 5 year law to provide to lawmakers in an effort to amend the law.
- **GALC**: RPD Published Invitation for Bid (IFB) for repair of GEPA roof in Tiyan.
    - Bid deadline has been extended to August, 2020 due to covid-19 and the need to appoint members to the Commission.

Recommendations:

- No recommendations from RPD at this time as the purpose of this report for the Board's information only, with no board action required.

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GEDA COMMITTEE REPORT

COMMITTEE

AGRICULTURE

CENTRAL ISSUE

Guam's high dependency on the importation of agriculture products creates a need to grow and develop the local agriculture into a sustainable industry and reduce imports.

GEDA initiatives:
1. Expand and build agriculture assets
2. Workforce development
3. Private investment initiatives

OTHER NEWS AND UPDATES

• Robert (Bobby) Alvarez, former Vice President of the GVB joined GEDA on June 3, 2020 to assist in the development of a sustainable Agriculture / Aquaculture industry.

• GEDA approved a $5,000 sponsorship request by Guahan Sustainable Culture to sponsor their Curbside Farms Initiative. The initiative is scheduled for the months of May and June and will create a curbside distribution system to sell fresh local produce during the closure of various businesses due to COVID-19.

KEY MEETINGS

ACTION ITEMS

- Draft GRAP bill amendment PL 35-39 (to include agriculture and aquaculture industries) has been sent to GEDA legal counsel for clarification on several aspects.

TRIP REPORT

OTHER NEWS AND UPDATES CONTINUED

• GEDA submitted a Green Markets Facilities grant to EDA for requesting $1,200,000 to repair, renovate, storm harden and construct new facilities in the villages of Agat, Mangilao and Sinajana. The new facilities will add space for farmers and small business entrepreneurs.

• GEDA submitted a Technical Assistance Grant to DOI requesting $200,000 for the development of a Guam Agriculture Master Plan to strengthen and modernize the agriculture industry.

JUNE 2020

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GEDA COMMITTEE REPORT

COMMITTEE

AQUACULTURE

CENTRAL ISSUE

Guam needs to develop an Aquaculture industry to become more sustainable and less reliant on imports.

GEDA initiatives:
1. Help establish a process and pathway forward with regulatory agencies
2. Workforce development
3. Private investment initiatives
4. Expand and build aquaculture assets

OTHER NEWS AND UPDATES

• Robert (Bobby) Alvarez, former Vice President of the GVB joined GEDA on June 3, 2020 to assist in the development of a sustainable Agriculture / Aquaculture industry.

KEY MEETINGS

• June 5: Zoom conference call with Governor LG, Lt Governor Tenorio, Dr. Barber of UOG and GEDA and were instructed to aggressively push forward to create an Aquaculture industry.

• June 5: Zoom conference call between GEDA, GEPA and SKO LLC (Ogura Hideki) of Taiwan who is interested in developing a shrimp farm in Guam. He has identify land in the south that sits on wetlands and is reaching out to GEDA & GEPA for assistance before actual land purchase is made.

ACTION ITEMS

• GEDA to assist SKO LLC in navigating through government requirements for his proposed business. Zoom conference calls are occurring until he is able to travel to and from Guam without being quarantine.

TRIP REPORT

Key Meetings Continued:

GEDA and GEPA are reaching out to the Army Corps of Engineer for guidance and support.

JUNE 2020

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Assisted Living Committee Report

June 11, 2020

Key Research:

- Applicable Law: 10 GCA Ch7 Nursing Homes
- Call w Director Gia Ramos Apr 2020
- RPD consultation w Business Development on legislative strategy

Results:

- Applicable Public Laws
  - 10 GCA Health and Safety, Ch. 7 Nursing Homes
    - Existing codified law allows for establishment and operation of Nursing Homes
    - Must be regulated and Licensed by Department of Public Health and Social Services (DPHSS)
- Strategic Approach
  - Draft Bill to amend existing GCA to allow for the establishment, licensing, and operation of 'other' types of assisted living facilities
    - Current statue is specific to 'Nursing Homes'
    - Specifically define Residential Care Facilities for the Elderly (RCFE) in the bill
    - All 'other' types of assisted living facilities will still be licensed and regulated by Department of Public Health and Social Services (DPHSS)
  - Lobby Legislative support
    - 1st Senator Ridgell as GEDA Oversight Chair, or
    - 2nd Senator Therese Terlaje as Chairperson on Health Committee
  - If supported by Legislature, GEDA to collaborate with DPHSS on establishing guidelines for RCFE licensing and operation

Recommendations:

- No recommendations at this time. The above report is for Board information only

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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. ____-35 (LS)

Introduced by:

_____

AN ACT TO *AMEND* CHAPTER 7 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REGULATION OF ASSISTED LIVING FACILITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that as Guam's population ages, there arises a need for new and innovative residential options for our island's *manåmko'*. Guam currently has law and regulation that governs the licensure, operation and oversight of nursing homes in Guam.

I Liheslaturan Guåhan further finds that although nursing homes provide a much needed service to segment of Guam's *manåmko',* there remains a large section of the elderly population that is not suited to avail of the services of a nursing home. However, many of these *manåmko'* do require assistance and may be suited to other forms of assistive care.

I Liheslaturan Guåhan further finds that in other jurisdictions, there exists multiple assisted living options. As Guam's population continues to age, it is imperative that the government of Guam establish the regulatory framework for multiple types of assisted living facilities in an effort to provide more options and quality care of all types for *manåmko'* who need it.

DRAFT

I Liheslaturan Guåhan further finds that one such type of assisted living facility are residential care facilities for the elderly which provide intermediate care for *manåmko'* who do not require the constant care of a nursing home but still require day-to-day care and assistance.

I Liheslaturan Guåhan further finds that by establishing this regulatory framework, it may lead to further progress and advancement with regards to the development of assisted living facilities in Guam. This has the potential to not only substantially increase the quality of life for our *manåmko',* but may also spur valuable economic activity in Guam.

Therefore, it is the intent of *I Liheslaturan Guåhan* to establish the regulatory framework for the effective establishment, operation and oversight of multiple types of assisted living facilities in Guam by amending Chapter 7 of Division 1, Title 10 Guam Code Annotated.

Section 2. Chapter 7, Division 1, Title 10, Guam Code Annotated, is hereby *amended* to read:

"CHAPTER 7

~~NURSING HOMES~~ ASSISTED LIVING FACILITIES

§ 7101. Declaration of Policy.

§ 7102. Definitions.

§ 7103. License Required.

§ 7104. ~~Homes~~ Assisted Living Facilities Operated by Territory.

§ 7105. Application for the Issuance of License to Operate Nursing Home Assisted Living Facility.

§ 7106. Renewal and Revocation of Nursing Home Assisted Living Facility License; Provisional License.

§ 7107. Submission of Plan and Consultation.

§ 7108. Powers.

§ 7109. Name of Home.

§ 7110. Administration and Management of Nursing Homes Assisted Living Facilities.

§ 7111. Contracts.

§ 7112. Classification of Homes; Administrators and Nurses.

§ 7113. Property and Personal Affairs of Patients.

§ 7114. Health of Personnel.

§ 7115. Exclusion from ~~Nursing Home~~ Assisted Living Facility.

§ 7116. Rebating Prohibited.

§ 7117. Closing of ~~Nursing Home~~ Assisted Living Facility.

§ 7118. Chapter Not Applicable.

§ 7119. Right of Entry and Inspection.

§ 7120. Public Funds.

§ 7121. Fees.

§ 7122. Penalties and Remedies.

§ 7123. Hearings and Judicial Review.

§ 7101. Declaration of Policy.

It is the policy of this Territory to encourage and promote measures and the development and utilization of resources to insure the effective care and treatment of persons who are convalescing or whose physical or mental condition requires them to receive a degree of nursing and/or related health care greater than that necessary for well individuals, but not so acute as to require hospitalization. Such care and treatment requires a living environment for them which, to the extent practicable, will approximate a normal home environment. To this end, the guiding principle for the administration of the laws of this Territory is that such person shall be

DRAFT

encouraged and assisted in securing necessary care and treatment in non-institutional surroundings. Recognizing that for many persons effective care and treatment can only be secured from proprietary, voluntary and governmental nursing homes, it is the policy of this Territory to encourage, promote and require the maintenance of institutions other than hospitals offering nursing and/or related health care so as to insure protection of those using the services of such facilities.

§ 7102. Definitions.

As used in this Chapter, unless the context requires a different meaning:

(a) Assisted living facility means a residence for the elderly or infirm who require assistance with some of the routine activities of daily living as well as ready access to medical care as needed and shall include, but not be limited to, the following;

(1) Nursing home means an institution, private home, other place or part or unit thereof, however named, whether for profit or not, including facilities operated by the government of Guam, which is advertised, offered, maintained or operated for the express or implied purpose of providing accommodations, nursing and/or related health care for two or more individuals not related to the owner or administrator by blood or marriage within the third degree of consanguinity, which accommodations and care for a period of twenty-four (24) or more consecutive hours, but shall not include any place providing care and treatment primarily for the acutely ill; and

(2) "Residential care facility for the elderly" means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of

DRAFT

care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly if needed;

(b) Administrator ~~of a nursing home~~ means the individual in general administrative charge of the ~~nursing home~~ assisted living facility; and

(c) Person means any individual, corporation, partnership, association, territory or agency of the Territory or any other entity.

§ 7103. License Required.

(a) No person shall operate an ~~nursing home~~ assisted living facility unless the Department of Public Health and Social Services has issued, and there is in force, a license authorizing such operation.

(b) No license to operate a hospital or other facility for the care and treatment of the physically or mentally shall authorize the operation of an ~~nursing home~~ assisted living facility or an ~~nursing home~~ assisted living facility part of such hospital or facility. The operation of an ~~nursing home~~ assisted living facility in conjunction with, or under the same management as a hospital or other facility, shall require such ~~nursing home~~ assisted living facility or ~~nursing home~~ assisted living facility part to be separately licensed as an ~~nursing home~~ assisted living facility pursuant to this Chapter.

§ 7104. ~~Homes~~ Assisted Living Facilities Operated by Territory.

Notwithstanding any provision of this Chapter no license pursuant to § 7103 hereof shall be required as a condition of the establishment or operation of any ~~nursing home~~ assisted living facility by this Territory or any agency thereof. All other provisions and requirements of this Chapter and

DRAFT

standards, rules and regulations in force pursuant thereto shall apply to any such homes, and the Department of Public Health and Social Services shall have powers of supervision with respect thereto.

§ 7105. Application for the Issuance of License to Operate ~~Nursing Home~~ Assisted Living Facility.

(a) Any person proposing to operate an ~~nursing home~~ assisted living facility shall, prior to the commencement of such operation, make application to the Department of Public Health and Social Services for a license by the Department of Public Health and Social Services, which shall contain the following information:

(1) The name and address of the person making application;

(2) The name and address of the individual designated by the applicant as the administrator of the ~~nursing home~~ assisted living facility, and such additional information concerning such individual as the Department of Public Health and Social Services, may require;

(3) The address of the premises which are to constitute the ~~nursing home~~ assisted living facility, together with a description of all structures and facilities forming a part thereof, in such detail as the Department of Public Health and Social Services may require;

(4) The name by which the ~~nursing home~~ assisted living facility is to be known;

(5) The identity of the owner or owners of the ~~nursing home~~ assisted living facility and, if the owner is a corporation, the names of the officers and principal stockholders thereof;

(6) The bed capacity and/or maximum occupancy of the ~~nursing home~~ assisted living facility;

(7) A description of the programs and services to be furnished and of

DRAFT

the means available to the applicant for providing the same, and for meeting requirements for staffing, equipping and operating the ~~nursing home~~ assisted living facility, with particular reference to the professional requirements of § 7110 of this Chapter;

(8) Proof that the premises are in conformity with all applicable state and local health, safety, zoning and subdivision laws or ordinances, and building codes, and that any necessary permits for occupancy have been issued by the appropriate territorial authorities and are in full force; and

(9) Such other information as the Department of Public Health and Social Services may require in order to permit the Department of Public Health and Social Services to ascertain whether the applicant is in a position to operate an ~~nursing home~~ assisted living facility in conformity with the provisions of this Chapter.

(b) Within sixty (60) days of receipt of a completed application, the Department of Public Health and Social Services shall issue an ~~nursing home~~ assisted living facility license to the applicant, valid for one (1) year from the date of issue and covering the premises identified in the application, unless it finds the representation made in the application to be materially incorrect or insufficient, or unless it finds that the applicant, the premises and the designated administrator of the ~~nursing home~~ assisted living facility do not meet all requirements of law for entitlement thereto.

(c) The name of the administrator of the ~~nursing home~~ assisted living facility shall appear on the ~~nursing home~~ assisted living facility license. Any change of such administrator shall require the surrender and cancellation of the ~~nursing home~~ assisted living facility license and the issuance of a new license bearing the name of the new administrator. Unless a change of administrators occurs at the time of renewal of an ~~nursing home~~ assisted

living facility license, such change shall not of itself require the Department of Public Health and Social Services to pass upon any matter other than whether the newly - designated administrator meets applicable requirements of law. Any license issued solely by reason of a change in the designated administrator shall bear the same expiration date as the license which it replaces. If the holder of an ~~nursing home~~ assisted living facility license is required to secure a new administrator on inadequate notice or under emergency conditions, he may, upon prompt notice to the Department of Public Health and Social Services and in accordance with rules and regulations thereof place the ~~nursing home~~ assisted living facility in charge of an acting administrator for such limited time as may be necessary to permit the securing of a proper administrator but in no case shall such time be in excess of one hundred twenty (120) days.

(d) No change in an ~~nursing home~~ assisted living facility, its operation, program or services of a degree or character affecting continuing licensability shall be made prior to approval thereof by the Department of Public Health and Social Services.

The Department of Public Health and Social Services by rule or regulation may determine the types of changes which may not be made without its prior approval.

§ 7106. Renewal and Revocation of ~~Nursing Home~~ Assisted Living Facility License; Provisional License.

(a) Sixty (60) days prior to the expiration date of an ~~nursing home~~ assisted living facility license, an application for a renewal thereof shall be submitted to the Department of Pubic Health and Social Services on a form approved by it. Upon receipt and review of the application and determination of compliance with the requirements of this Chapter and any

standards, rules and regulations in force pursuant thereto, the Department of Public Health and Social Services shall renew such license for a period of one (1) year, unless it finds that there are specific and sufficient grounds for denying the application for renewal.

(b) The Department of Public Health and Social Services shall have the authority to revoke an ~~nursing home~~ assisted living facility license at any time that it finds that there has been a failure to comply with the provisions of this Chapter or any standards, rule or regulation in force pursuant thereto.

(c) If the Department of Public Health and Social Services finds that the immediate interests of the patients in an ~~nursing home~~ assisted living facility and of the general public would be best served by affording such ~~home~~ facility the opportunity to correct a condition forming the ground for revocation of, or refusal to renew, an ~~nursing home~~ assisted living facility license, it may afford such opportunity. For such purpose, it may suspend or refuse to renew an ~~nursing home~~ assisted living facility license and issue a provisional license which shall be valid for such period as the Department of Public Health and Social Services may fix, but in no case to exceed ninety (90) days. No provisional license shall be renewed. A provisional license shall be replaced by a restored or renewed license only if, within the period for which the provisional license is effective, the licensee has fully corrected all conditions constituting failure to comply with the provisions of this Chapter and any standard, rule or regulation in force pursuant thereto.

§ 7107. Submission of Plan and Consultation.

Any owner or administrator of an ~~nursing home~~ assisted living facility or proposed ~~nursing home~~ assisted living facility may submit plans and specifications thereof, to the Department of Public Health and Social Services for advice concerning their suitability in the light of requirements

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of law. The Department of Public Health and Social Services may consult with any such owner or owners with respect to any such plans, provided that the Department of Public Health and Social Services shall not draw, redraw or otherwise furnish construction plans or specifications, except to the extent that the same may be contained in its standards, rules and regulations issued pursuant to this Chapter.

§ 7108. Powers.

In administering this Chapter, the Department of Public Health and Social Services shall, in addition to powers otherwise conferred upon it, have power to:

(a) Develop, issue, amend and revise standards, rules and regulations which shall implement this Chapter and shall have the force of law;

(b) Provide by rules and regulations standards of competence and suitability of administrators of ~~nursing homes~~ assisted living facilities, in accordance with the provision of P.L. 11-26;

(c) Make studies and investigations of ~~nursing home~~ assisted living facility conditions and problems generally, and as they relate to compliance with the provisions of this Chapter and standards, rules and regulations issued pursuant thereto;

(d) Develop manuals and guides relating to any of the several aspects of physical facilities and operation of ~~nursing homes~~ assisted living facilities and make such manuals and guides available, with or without charge, to the owners and administrators of nursing homes and to the general public;

(e) Consult with and otherwise assist owners and administrators of ~~nursing homes~~ assisted living facilities for the purpose of facilitating improvements to the extent and quality of care available therein;

(f) Investigate conditions in and the operation of any ~~nursing home~~

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assisted living facility and the status and qualifications of any personnel employed thereby or otherwise engaged in the operation thereof; and

(g) Conduct hearings in aid of any of its functions pursuant to this Chapter; require the production of evidence in connection with any such hearing or any investigation validly conducted pursuant to this Chapter, and take written or oral testimony under oath, or otherwise.

§ 7109. Name of ~~Home~~ Facility.

The words hospital, sanitarium, rehabilitation center, or any words conveying a meaning substantially identical thereto, shall not be used in the name of a ~~nursing home~~ assisted living facility. An ~~nursing home~~ assisted living facility shall use the name as it appears on the ~~nursing~~ assisted living facility license for its premises. The name of the ~~nursing home~~ assisted living facility shall not be changed without notification to and written approval from the Department of Public Health and Social Services.

§ 7110. Administration and Management of ~~Nursing Homes~~ Assisted Living Facilities.

Every ~~nursing home~~ assisted living facility shall comply with all applicable standards, rules and regulations of the Department of Public Health and Social Services agency and shall be subject to all requirements as deemed necessary for such facilities, which include, but is not limited to, the following:

(a) Be under the administrative direction and charge of the person whose name appears on the ~~nursing home~~ assisted living facility license as administrator of the ~~nursing home~~ assisted living facility;

(b) Have at least one (1) registered nurse duly licensed to practice on Guam responsible for planning and directing the nursing care, at least one (1) nurse licensed by this Territory on duty at all times, and such additional

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registered and licensed practical nurses and other paraprofessional personnel in its employ as the size and regular patient care needs in the ~~home~~ facility may require;

(c) Provide for the access of its patients to dental and other health related services, recreational services, rehabilitative services and social work services, appropriate to their needs and conditions and not directly furnished by the ~~nursing home~~ assisted living facility;

(d) Keep drugs and medicine in a safe place specially set aside for the purpose. No patient or other unauthorized person shall be permitted access to such place and such drugs and medicine. Nothing herein shall be construed to authorize any person to keep or administer drugs or medicine who is not otherwise legally authorized to keep or administer such drugs or medicine;

(e) Maintain its premises and equipment and conduct its operations in a safe and sanitary manner;

(f) Provide a wholesome and nourishing diet sufficient to meet generally accepted standards of proper nutrition for its patients, and provide such therapeutic diets as may be prescribed for individual patients. In making rules and regulations to implement this Subsection, the Department of Public Health and Social Services shall be guided by standards recommended by nationally recognized professional groups and associations with knowledge of dietetics;

(g) Keep full records of patient admission, discharges, medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other person who may have responsibility for the affairs of the patient; and

(h) Keep such fiscal records of its operations and conditions as may be

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necessary to provide information pursuant to this Chapter as may be required by rules and regulations of the Department of Public Health and Social Services.

§ 7111. Contracts.

(a) The presence of each resident in a ~~nursing home~~ assisted living facility shall be covered by a contract executed at the time of admission or prior thereto by the patient or his legal representative and the ~~nursing home~~ assisted living facility. Each party to such a contract shall be entitled to a duplicate original thereof and the ~~nursing home~~ assisted living facility shall keep on file all contracts which it has with patients. The ~~nursing home~~ assisted living facility shall not destroy or otherwise dispose of any such contract until one (1) year after its expiration or such longer period as may be provided in the rules and regulations of the Department of Public Health and Social Services.

(b) Each contract to which this Section applies shall contain express provision specifically setting forth the following:

(1) The term of the contract;

(2) The services and accommodations to be provided by the ~~nursing home~~ assisted living facility and the rate or charge therefor;

(3) Specification of any rights, duties and obligations of the parties in addition to those required by operation of law; and

(4) Any other matters which the parties deem appropriate.

(c) No contract or any provision thereof shall be construed to relieve any ~~nursing home~~ assisted living facility of any requirement or obligation imposed upon it by this Chapter or any standards, rules or regulations in force pursuant thereto.

§ 7112. Classification of ~~Homes~~ Facilities; Administrators and

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Nurses.

(a) The Department of Public Health and Social Services shall classify ~~nursing homes~~ assisted living facilities according to character, size and range of services provided. Wherever it considers distinction to its standards, rules and regulations to be appropriate as among different classes of ~~nursing homes~~ assisted living facilities, it may make such distinctions.

(b) No administrator of an ~~nursing home~~ assisted living facility, and no registered nurse who plans and directs the nursing care in a ~~home~~ facility, shall function as either administrator or one who plans and directs the nursing care for more than one nursing home, unless the homes involved are of a class or classes found by the Department of Public Health and Social Services to be of a character, size and type of operations making it reasonable for a single administrator or registered nurse to perform such functions effectively for more than one (1) ~~nursing home~~ assisted living facility. As part of the classifications made pursuant to this Section, the Department of Public Health and Social Services shall determine and fix specific limits on the number of ~~homes~~ facilities of particular classes which may be served by the same individual acting as administrator or registered nurse responsible for planning and directing nursing care. No such administrator or nurse shall accept employment in violation of such limitations; nor shall the owner or administrator of an ~~nursing home~~ assisted living facility knowingly employ any person in violation thereof. The Department of Public Health and Social Services shall not issue or renew any ~~nursing home~~ assisted living facility license bearing the name of an administrator, if the name of such administrator already appears on the maximum number of ~~nursing home~~ assisted living facility licenses permitted by its standards, rules and regulations.

§ 7113. Property and Personal Affairs of Patients.

(a) The admission of a patient to an ~~nursing home~~ assisted living facility and his presence therein shall not confer on such ~~nursing home~~ assisted living facility or its owner, administrator, employees or representatives an authority to manage, use or dispose of any property of such patient; nor shall such admission or presence confer on any of the aforementioned persons any authority or responsibility for the personal affairs of the patient, except what may be necessary for the safety and orderly management of the ~~nursing home~~ assisted living facility.

(b) No ~~nursing home~~ assisted living facility, and no owner, administrator, employee or representative thereof shall act as guardian, trustee or conservator for any patient of such ~~nursing home~~ assisted living facility or any of such patient's property.

(c) An ~~nursing home~~ assisted living facility shall provide for the safekeeping of personal effects, funds and property of the patient in the ~~home~~ facility; provided that whenever necessary for the protection of valuables or in order to avoid unreasonable responsibility therefor, the ~~nursing home~~ assisted living facility may require that they be excluded or removed from the ~~home~~ facility and kept at some place not subject to the control of the ~~home~~ facility.

(d) An ~~nursing home~~ assisted living facility shall keep complete and accurate records of all funds and other effects and property of its patients received by it for safekeeping.

(e) Any funds or other property belonging or due to a patient or expendable for his account which are received by an ~~nursing home~~ assisted living facility shall be trust funds, shall be kept separate from the funds and property of the ~~nursing home~~ assisted living facility and other patients or

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specifically credited to such patient, and shall be used or otherwise expended only for the account of the patient. Upon request, but, except upon order of a court of competent jurisdiction, not more often than once every three (3) months, the ~~nursing home~~ assisted living facility shall furnish the patient and the guardian, trustee or conservator, (if any is available for such patient) a complete and verified statement of all funds and other property to which this Subsection applies, detailing the amounts and items received, together with their sources and disposition. In any event, the ~~nursing home~~ assisted living facility shall furnish such a statement annually and upon the discharge or transfer of a patient. Any governmental agency or private charitable agency contributing funds or other property on account of a patient, also shall be entitled to receive such statement annually and upon discharge or transfer and such other reports as it may require pursuant to law.

§ 7114. Health of Personnel.

No ~~nursing home~~ assisted living facility shall employ or otherwise permit any person to serve there in any capacity, if such person has a communicable or contagious disease or other disease or condition that would make him dangerous to the health or welfare of patients therein. Except in ~~homes~~ facilities exempt from medical requirements as provided in § 7118 of this Chapter, the appropriate state agency shall require annual medical examinations for all such personnel and shall require them to have and, upon demand, to present satisfactory evidence of such examination.

§ 7115. Exclusion from ~~Nursing Home~~ Assisted Living Facility.

(a) No person shall be admitted to or be permitted to remain in a ~~nursing home~~ assisted living facility as a patient if:

(1) He is dangerous to himself or other patients;

(2) His condition or conduct is such that he would be unduly

disturbing to other patients;

(3) He is in need of medical procedures which cannot be carried out in the ~~nursing home~~ assisted living facility; and

(4) Upon certification of a physician that such person would no longer benefit from or be in need of an ~~nursing home~~ assisted living facility.

(b) Except in emergencies, a patient shall be transferred out of an ~~nursing home~~ assisted living facility or discharged for any reason, only after prior notification to the next of kin, legal representative or agency acting on the patient's behalf. If the next of kin or person or agency acting on the patient's behalf cannot be reached or refuses to cooperate, proper arrangements shall be made by the ~~home~~ facility for the patient's welfare before transfer or discharge.

§ 7116. Rebating Prohibited.

No owner, administrator, employee or representative of an ~~nursing home~~ assisted living facility shall pay any commission, bonus, fee or gratuity in any form whatsoever to any physician, surgeon, organization, agency or to any person either directly or indirectly, for patients referred.

§ 7117. Closing of ~~Nursing Home~~ Assisted Living Facility.

(a) Whenever an ~~nursing home~~ assisted living facility discontinues operation, and during the period when it is preparing for such discontinuance, the ~~home~~ facility shall inform the Department of Public Health and Social Services of the impending discontinuance of operation. The ~~home~~ facility also shall inform the patient, the next of kin, legal representative or agency acting on the patient's behalf of the fact and the proposed time of such discontinuance with sufficient notice so that suitable arrangements may be made for the transfer and care of such patient. In the case of any patient who has no such person, the ~~home~~ facility shall be

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responsible for securing a suitable transfer of the patient prior to the discontinuance of operation.

(b) Immediately upon discontinuance of operation of ~~home~~ facility, the owner shall surrender the license therefor to the Department of Public Health and Social Services and such license shall be cancelled.

§ 7118. Chapter Not Applicable.

(a) The requirements of this Chapter, or of any standard, rule or regulation pursuant thereto, for medical and nursing services shall not apply to any ~~home~~ facility operated by or exclusively for the members of a religious order or denomination whose tenets forbid subjection of the person to the ministrations of practitioners of medicine or related nursing care, or include reliance on spiritual means alone through prayer for healing. All other provisions of this Chapter and of any such standards, rules and regulations shall be fully applicable to such ~~nursing homes~~ assisted living facilities.

(b) Any ~~nursing home~~ assisted living facility which considers itself eligible for the exemptions provided in this Section shall so state on its application for an ~~nursing home~~ assisted living facility license, and on any application for renewal thereof; and shall inform each applicant for admission to patient status therein of the auspices under which the ~~home~~ facility is operated and of the meaning thereof with respect to the availability of medical and nursing services.

§ 7119. Right of Entry and Inspection.

The Department of Public Health and Social Services and any duly designated officer or employee thereof, shall have the right to enter upon and into the premises of any ~~nursing home~~ assisted living facility licensed pursuant to this Chapter at anytime in order to determine the state of

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compliance with the provisions of this Chapter and any rules and regulations in force pursuant thereto. Such right of entry and inspection also shall extend to any premises which the Department of Public Health and Social Services has reason to believe is being operated or maintained as an ~~nursing home~~ assisted living facility without a license, but no such entry or inspection of any premises shall be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the Superior Court of Guam, authorizing the same. Any application for an ~~nursing home~~ assisted living facility license made pursuant to § 7105 of this Chapter shall constitute permission for and complete acquiescence in any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with such application.

§ 7120. Public Funds.

(a) No department, agency or officer of this Territory shall pay or approve for payment from public funds any amount or amounts to an ~~nursing home~~ assisted living facility under any program of government aid in connection with services provided, or to be provided, an actual or prospective patient in an ~~nursing home~~ assisted living facility, unless the ~~nursing home~~ assisted living facility has a current ~~nursing home~~ assisted living facility license issued by the Department of Public Health and Social Services and meets such other requirements as may be in force pursuant to law.

(b) Nothing in this Section shall be construed to apply to the payment of government aid for construction, renovation or improvement of an ~~nursing home~~ assisted living facility or premises intended to qualify as an ~~nursing home~~ assisted living facility upon completion of such construction,

renovation or improvement.

§ 7121. Fees.

(a) Any application for an ~~nursing home~~ assisted living facility license and an application for renewal thereof shall be accompanied by a fee which shall, by rules and regulations, be established by the Department of Public Health and Social Services. The issuance of a new ~~nursing home~~ assisted living facility license resulting solely from a change in the designated administrator of the ~~nursing home~~ assisted living facility shall be without fee.

(b) No fee required by this Section shall be returnable.

§ 7122. Penalties and Remedies.

(a) Any person who violates any provision of this Chapter or any standard, rule or regulation in force pursuant thereto shall be subject to a fine of not to exceed One Thousand Dollars ($1,000). If the violation consists in whole or in part of operating an ~~nursing home~~ assisted living facility without a license in force pursuant to this Act or of causing an ~~nursing home~~ assisted living facility to be so operated, the violator shall be guilty of a misdemeanor.

(b) The imposition of any fine or term of imprisonment pursuant to Subsection (a) of this Section shall be in addition to any suspension, revocation or refusal to renew an ~~nursing home~~ assisted living facility license which may result from the violation.

(c) Action pursuant to other provisions of this Section shall not be a bar to enforcement of this Chapter and standards, rules and regulations in force pursuant thereto by injunction or other appropriate remedy, and the Department of Public Health and Social Services agency shall have power to institute and maintain in the name of this Territory any and all such

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enforcement proceedings.

(d) Each day of violation shall constitute a separate offense.

(e) Nothing in this Chapter shall be construed to make any provision of the laws of Guam, otherwise applicable, inapplicable to any act or omission done or omitted by any person in connection with the operation of an ~~nursing home~~ assisted living facility.

§ 7123. Hearings and Judicial Review.

(a) No ~~nursing home~~ assisted living facility license may be suspended, revoked, denied or renewal denied without a hearing, if requested by the licensee, on due notice, except that the Department of Public Health and Social Services may suspend any such license prior to hearing when it finds that the health or safety of patients requires such action on an emergency basis.

(b) Except for rules and regulations made to implement Subsection (c) of this Section, no standards, rule, regulation, amendment or revision thereof having the force of law as provided in Section 8 of this Chapter shall be issued prior to a public hearing thereon, held on due notice, and consideration of the record of such hearing by the Department of Public Health and Social Services.

(c) Transcripts of such hearings shall be available to those entitled to receive the same upon payment of reasonable cost therefor in accordance with rules and regulations of the Department of Public Health and Social Services.

(d) Any action of the Department of Public Health and Social Services taken pursuant to this Chapter shall be reviewable as provided in the Administrative Adjudication Law."

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Section 3. Effective Date. This act shall be effective immediately upon enactment.

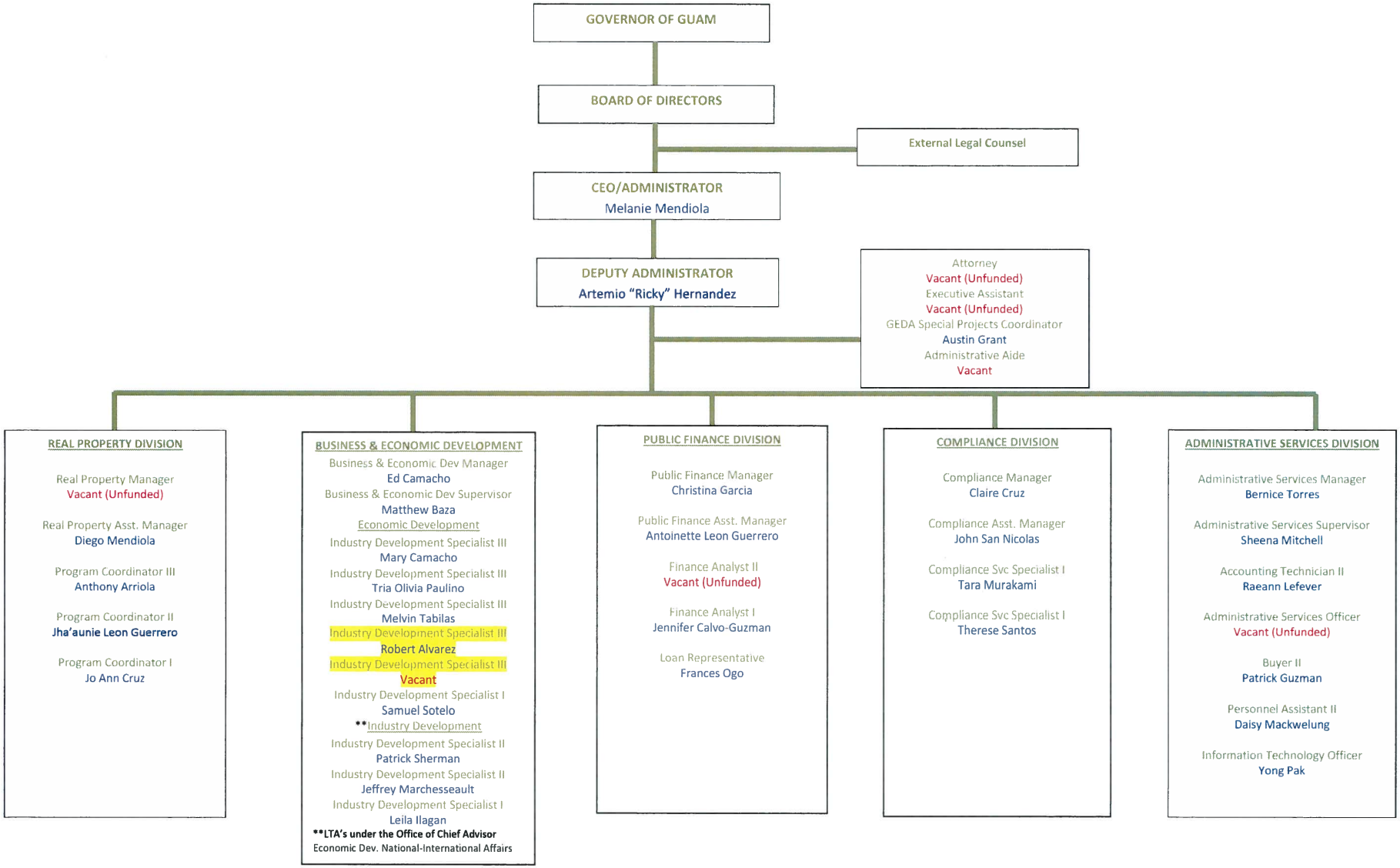
Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

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GEDA FEDERAL GRANT PROJECTS
(Updated 6/10/20)

PROJECT TITLE	PROJECT DESCRIPTION	GRANT	FUNDING SOURCE	REQUESTED AMOUNT	GEDA ALLOCATION	STATUS	COMMENTS
Guam Agriculture Master Plan	Development of a Guam Agriculture Master Plan to strengthen and modernize the agriculture industry	Technical Assistance Program	DOI	$200,000	TBD based on RFP requirements (potentially $30,000 - $40,000)	Submitted	
Guam Green Market Facilities	The project is intended to repair, renovate, storm-harden and construct new green market facilities in three strategic municipalities (Agat, Mangilao and Sinajana) and to expand existing facilities at the sites in order to add new small business space for minority entrepreneurs.	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs	DOC - EDA	$1,200,000	$60,000	Submitted	Responding to EDA's request for additional information
Guam Small Cruise Ship Feasibility Study	Preparation of an economic feasibility, environmental impact assessment and a business model design for the establishment of a small cruise ship line home porting and/or regional hub in Guam to serve the entire Marianas Islands visitor destination points	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	$350,500	$63,162	In process of submission	
Polaris Point Cleanup Assessment	Comprehensive environmental assessment of Polaris Point	FY20 Guidelines for Brownfield Cleanup Grants	USEPA	$200,000	$20,000	Submitted - NOT SELECTED	
Hagatna Multi-Agency Facility Complex	5-story office building to house GEDA, DLM, GDOL, and HRRA with the aim to provide a more efficient coordinated government services related to economic development	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	$30,000,000	TBD	Draft in progress	
Guam Comprehensive Economic Development Strategy Update	Update of Guam CEDS 2020-2025 to include new and revised strategic development projects in order to reflect current economic conditions and the impact of COVID-19	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	$120,000		Draft in progress	
Guam Commercial Kitchen Feasibility Study	Feasibility study will assess the development and preliminary building options of a Guam Commercial Kitchen that would serve as a food business incubator and provide the foundation for food entrepreneurs to change from a home-based kitchen to a food company with successful commercialized food products	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	$100,000 (Tentative)	$15,000 (Tentative)	Draft in progress	
Micro-Loan Revolving Loan Fund	Development of a 0% or low interest revolving loan fund to assist micro-businesses (can be specific to farmers or for GPS permit holders)	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	$1,000,000 - $2,000,000 (Tentative)	$150,000 - $300,000 (Tentative)	Draft in progress	
E.T. Calvo Industrial Park Upgrade and Site Improvements	Modernize the park and provide needed infrastructure to address issues affecting present and future tenants	FY 2019 EDA Disaster Supplemental	DOC - EDA	$3,000,000	TBD	Draft in progress	
Harmon Industrial Park Site Imprpvements and Upgrade	Design and construct site improvements at the Harmon Industrial Park site, including specific improvements to the power distribution system and storm water infrastructure	FY 2019 EDA Disaster Supplemental	DOC - EDA	$3,000,000	TBD	Draft in progress	
Commercial Port - Cabras Island	Design and construct infrastructure improvements	FY 2019 EDA Disaster Supplemental	DOC - EDA	TBD	TBD	Draft in progress	
Guam Silicon Village Park	The "Guam Silicon Village Park" is a proposed energy-efficient technology park that would provide a central location for the clustering of high technology industries and support the growth of a technology ecosystem on the island.	FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding	DOC - EDA	TBD	TBD	Draft in progress	Potential site needed

GEDA FY2020
ORGANIZATIONAL CHART



Standard Operating Procedures
Guam Small Business Pandemic Assistance Grant Program
as of 06/11/2020

1. **PREFACE.** To assist the states and territories, the federal government has directed money in direct aid to Guam under the Coronavirus Aid, Relief, and Economic Securities (CARES) Act. As part of the CARES Act, the government of Guam received $117,968,257.80 in direct aid.

   In an effort to provide economic relief during the COVID-19 pandemic, the government of Guam has allocated $20,000,000 for direct assistance to small businesses **suffering substantial economic injury due to the COVID-19 pandemic** through the establishment of the Guam Small Business Pandemic Assistance Grant program (hereafter referred to as "program"). The Guam Economic Development Authority (hereafter referred to as the "Authority") has been delegated the administrator of the grant program.

   1.1. Purpose. Pursuant to Executive Order (EO) 2020-18, the Authority is mandated with adopting Standard Operating Procedures ("SOP") for the program. The purpose of this SOP is to provide guidance in administering the program as well as to comply with EO 2020-18. This SOP incorporates the required legal mandates and the Authority's rules and regulations relative to this program.

   1.2. Policy. The policy implementing this SOP shall be Resolution Number 20-11 (see exhibit).

   1.3. Responsibilities.

   a) The Business & Economic Development Division ("BEDD") is responsible for the processing and underwriting of all program applications employing employees of the BEDD as well as employees of other divisions. The scope of services generally ranges from receiving inquiries, processing and verifying applications, to final disposition of the application by the GEDA CEO/Administrator. The BEDD Manager shall ensure that adequate staff is delegated to this aspect of the program.

   b) The Compliance Division is responsible for monitoring for compliance all of the requirements and conditions of approved grants under the program. The Compliance Division Manager shall ensure that adequate staff is delegated to this aspect of the program.

   1.4. Agency Relations under the Program.

   a) **Guam Department of Administration (DOA):** Upon approval of grant applications, the Authority submits regular payment schedules to DOA for check issuance.

b) **Office of the Governor:** The Authority shall maintain a schedule of reimbursable costs outside of regularly budgeted items associated with administering the program for submission to the Office of the Governor.

1.5. Changes to SOP

a) Recognizing that the COVID-19 pandemic is an evolving situation, any portion of this SOP which conflicts with a law, rule, regulation or directive, shall be superseded by such, until this SOP is revised and in conformance. In order to accurately account for such changes, a copy of the new law or amendments to current law will be posted with this SOP until revised.

b) The GEDA CEO/Administrator shall have the authority to revise SOP as necessary with written notice to the GEDA Board of Directors.

2. GENERAL PROCESSING PROCEDURES

2.1 Program Comprehension. All relevant personnel must be familiar with the Guam Small Business Pandemic Assistance Grant program and its requirements. This will help in conveying program benefits, expectations, and requirements to potential applicants.

2.2 Processing. Staff shall encourage that all applications be submitted via email to smallbusiness@investguam.com. Non-electronic submissions may be submitted via drop box located at GEDA office. Each applicant will be evaluated based on its own merits and therefore processing time may vary. Below are the six (6) phases of the processing cycle.

a) **Initial Inquiry.** The Authority expects initial inquiries to be minimal, with most information readily conveyed to the public via the GEDA website. In instances where direct client assistance is required, relevant staff shall provide potential applicants with general program information, clarifying program questions, providing access to a digital application package with guidelines, a checklist for additional information/supporting documents, and such other information as may be relevant and necessary.

b) **Official Submission Date.** The official date of filing of a grant application occurs when the Authority receives an application package via email or electronic record of submission via drop box. Assigned staff will be

responsible for ensuring that all applications are properly logged and sorted according to submission date and time.

c) **Notice to Applicant.** Assigned staff shall provide electronic notice to applicant, along with a unique application number. The applications shall be filed in the order they are received via electronic mail. Assigned staff shall be as expeditious as possible in assigning the application number. Notice can be provided via email and/or telephone call, and a list of all application numbers shall be posted on the GEDA website at www.investguam.com/smallbusiness.

d) **Application Review.** The application review contains the following steps:
   1) All applications are properly logged and issued a unique application number as indicated in section 2.2 Item c.
   2) Applications are then reviewed by assigned staff for completeness. If an application is missing documents/information, assigned staff shall contact the applicant and instruct them to provide the necessary documents/information. Incomplete applications will not progress further in the review process until all documents are received by the authority.
   3) All complete applications are then reviewed according to program parameters. The review shall consist of the following:
      i. Determining whether applicant is eligible to receive grant assistance;
      ii. Calculating total annual/annualized gross receipts;
      iii. Calculating business interruption percentage;
      iv. Determining approval or disapproval of grant application;
      v. Determining total amount of grant if approved; and
      vi. Determining whether eligible applicants fit into either funding award series one or two.

e) **Notice to Applicant.** No more than five (5) working days after action has been taken on a complete application, assigned shall provide notice either indicating approval or disapproval of said application. All notices shall be signed by the employee that reviewed the application as well as a certifying authority prior to final signature by the CEO/Administrator. All notices shall contain the following:
   1) In the case of grant approval, notice shall include the final calculation that determined eligibility, the approved grant amount, and all other necessary information.

2) In the case of grant disapproval, notice shall include reasons for disapproval and provide guidelines for reconsideration as detailed in 2.3 below.

f) **Fund disbursement.** Assigned staff shall prepare regular payment schedules to the Department of Administration to ensure prompt check issuance of grant awards. This payment schedule shall first be approved by the CEO/Administrator prior to submission to DOA, and shall include the following:
   1) Grant Application Number
   2) Applicant Business Name
   3) Applicant Mailing Address
   4) Grant Amount.

2.3 Reconsideration. Applicants who have had their applications disapproved may seek reconsideration based on the following:

a) Applicants must submit a written request for reconsideration, addressed to the GEDA CEO/Administrator no more than seven (7) working days after the receipt of grant disapproval notice which shall detail their reasoning as to why disapproval is not warranted;
b) The GEDA CEO/Administrator shall assign appropriate staff to reevaluate the application to determine if any information was improperly evaluated. Applicant may be asked to provide additional information as needed;
c) Reevaluation shall be provided to GEDA Grant Review Committee for review, whose recommendation will be presented to GEDA CEO/Administrator for final action; and
d) Final action by GEDA CEO/Administrator shall be provided to Applicant no later than two (2) working days from said action. Applications that have been reconsidered and approved for grant funding will be provided to DOA for check issuance.

2.4 Compliance Monitoring. Assigned staff shall perform audits of applications that have gone through the review process to ensure accountability.

2.5 Grant Application Files. Assigned staff shall ensure that all necessary documents, both digital and physical, are properly filed and stored. Such documents shall include, but not be limited to, the following:

a) Application form;
b) All application supporting documents (business license, business privilege tax filings, etc.);
c) Copies of all notices to applicant;

d) All documents related to the disbursement of funds; and
e) In the cases of a reconsideration of a disapproved application, all documents pertaining to such reconsideration.

2.6 Grant Application Package (Contents). Listed below are the minimum documents required to be submitted by an applicant. There may be additional information required of the applicant. Any additional documentation required must be promptly identified and communicated to the applicant and properly documented.

a) Grant application form;
b) Copy of applicant current business license;
c) Applicant's BPT filings; and
d) All other information as may be required.

2.7 Cost to be Covered by Applicant. There are no costs to be borne by the applicant in the course of the application process.

GUAM ECONOMIC DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS

Resolution Number 20-11

RELATIVE TO APPROVING THE STANDARD OPERATING PROCEDURES FOR THE GUAM SMALL BUSINESS PANDEMIC ASSISTANCE GRANT PROGRAM

WHEREAS, COVID-19 and the subsequent public health emergency measures to eradicate the virus from Guam have had an adverse impact on Guam's small businesses; and

WHEREAS, in an effort to provide financial relief to small businesses, the Honorable Lourdes A. Leon Guerrero, *I Maga'Hågan Guåhan,* allocated $20,000,000 from the funds received by the government of Guam from the Coronavirus Relief Fund established by Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide grants to small businesses to reimburse costs of business interruption caused by required closures resulting from the COVID-19 public health emergency; and

WHEREAS, Executive Order 2020-18 formally established the Guam Small Business Pandemic Assistance Grant (GSBPAG) Program and designated the Guam Economic Development Authority (GEDA) as the program administrator; and

WHEREAS, in an effort to promote effective program management as well as to comply with the requirements of Executive Order 2020-18 the GEDA Board of Directors desires to adopt Standard Operating Procedures for the GSBPAG Program.

NOW THEREFORE BE IT:

RESOLVED, that the Standard Operating Procedures for the Guam Small Business Pandemic Assistance Grant Program is in the form attached hereto, and that the same is hereby APPROVED, RATIFIED and CONFIRMED by the Board of Directors of the Guam Economic Development Authority; and be it further

RESOLVED, that the Standard Operating Procedures shall be in force and effect until the expiration of the program on December 31, 2020, unless the

program period is extended by *I Maga'Hågan Guåhan* via a subsequent executive order; and be it further

RESOLVED, that the Chairman certify and the Secretary attest to the adoption of this resolution.

SO RESOLVED AND DULY AND REGULARLY ADOPTED this eleventh day of June, 2020.

David J. John
Chairman

ATTEST:

Gia Ramos
Secretary

ATTACHMENT

OFFICE OF PUBLIC ACCOUNTABILITY

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Guam Economic Development Authority – Fiscal Year 2019 Financial Highlights

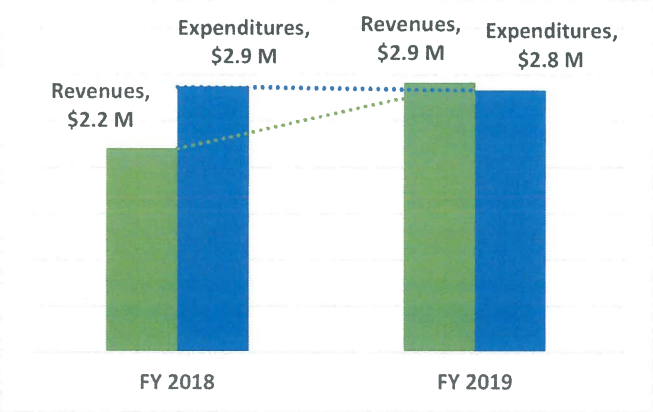
May 21, 2020

Hagåtña, Guam – The Office of Public Accountability (OPA) has released the Guam Economic Development Authority (GEDA) financial statements, report on compliance and internal control for GEDA, report on compliance and internal control for Trust Funds administered by GEDA, and letter to those charged with governance for fiscal year (FY) 2019. GEDA's total combined operating funds closed with a decrease in net position (net loss) of $95 thousand (K), a decrease of $695K from FY 2018's net loss of $790K.

Independent auditors Ernst & Young LLP issued an unmodified (clean) opinion on GEDA's FY 2019 financial statements and did not identify any material weaknesses or significant deficiencies in the reports on compliance and internal control for GEDA and Trust Funds administered by GEDA. GEDA is commended for its 16th year of having no instances of noncompliance in their financial statements.

GEDA Operating Fund

GEDA's main operating fund had an increase in net position of $207K. Net operating revenues increased by $707K, from $2.2 million (M) in FY 2018 to $2.9M in FY 2019. This was primarily due to the $695K increase in lease commission from Guam Ancestral Lands Commission (GALC) and no provision for bad debts, which was offset by a $413K decrease in bond fees earned and $50K decrease in other revenue. Operating expenses slightly decreased by $38K, from $2.9M in FY 2018 to $2.8M in FY 2019, which was mainly due to decreases in travel, miscellaneous, advertising and promotions, legal and professional services, and other expenses.



State Small Business Credit Initiative (SSBCI) & Tobacco Settlement Authority (TSA) Funds

The SSBCI program provides additional sources of credit to support small businesses and provide credit opportunities to women-owned and minority-owned businesses. GEDA's SSBCI closed with an increase in net position of $116K, an increase of $28K from FY 2018's net income of $88K. This was due to the $112K increase in other income and $16K decrease in salaries and benefits expenses. This was offset by the $82K decrease in net operating revenues, which was primarily due to no grants and loan guaranty recovery revenues in FY 2019 and increases in legal and professional services and miscellaneous expenses.

The TSA Fund is a separate fund that records the annual tobacco settlement revenues allocated to Guam. In turn, these revenues are used to pay annual debt service on the outstanding bond principal and interest. TSA fund revenues increased by $278K, from $1.2M in FY 2018 to $1.5M in FY 2019.

Guam Development Fund Act (GDFA) and Agricultural Development Fund (ADF)
GEDA administers two trust funds, GDFA and ADF, which had investments of $11.5M and $1.1M, respectively. Investment income is GDFA and ADF's main revenue source, which decreased to $404K in FY 2019 compared to the prior year's investment income of $952K. Meanwhile, interest income on the remaining loans amounted to $9K in FY 2019, an increase of $4K or 66%. Since FY 2014, GEDA had not issued a loan from either GDFA or ADF, but in FY 2019, GEDA made one farm loan from ADF in the amount of $50K for working capital and two commercial loans from GDFA totaling $50K for working capital and leasehold improvements that resulted in the creation of two new jobs.

Other Post-Employment Benefits (OPEB)
Governmental Accounting Standards Board (GASB) No. 75 pertains to post-employment benefits other than pensions. These benefits provided by the Government of Guam (GovGuam) include medical, dental, and life insurance to retirees, spouses, children, and survivors. For FY 2019, GEDA's proportionate share of GovGuam's OPEB liability was $2.2M, a $1.6M decrease from $3.9M in FY 2018.

FY 2019 Transition and Initiatives
The second quarter of FY 2019 began with a period of transition in executive management. The newly appointed Administrator and Deputy Administrator consolidated two divisions into one to form the Business and Economic Development Department (BEDD), with all other divisions remaining unchanged. In addition to their established programs, the newly formed BEDD was asked to assist and support the Office of the Governor of Guam's appointed Chief Advisor on Economic Development, National & International Affairs (EDNIA) in promoting economic development, as well as provide support for other national affairs.

In June 2019, the Chamorro Land Trust Commission (CLTC) passed a resolution officially authorizing GEDA to solicit proposals for the lease of five properties in Tamuning and Yigo, consisting of over 50 acres in prime locations. Leveraging the proceeds generated from these potential leases will provide additional resources to augment CLTC's current programs and initiatives, as well as provide GEDA with a new revenue source in terms of property management fees. Similar to CLTC, GALC has also authorized GEDA to solicit over 395 acres of land for lease in the Andersen South area of Yigo.

Public Law 35-21 authorized the issuance of bonds to finance a New Landfill Cell Development for the benefit of the Guam Solid Waste Authority. On July 16, 2019, GovGuam successfully sold General Obligation Bonds to fund a new Layon Landfill Cell 3 at a true interest rate of 3.25% after all costs. Guam's offering was well received, with initial interest rates being reduced by 25 basis points from pre-pricing levels and an oversubscription by investors of 12.9 times.

For more details, refer to Management's Discussion and Analysis in the audit report at www.opaguam.org and www.investguam.com.