



**BOARD OF COMMISSIONERS  
REGULAR SCHEDULED MEETING  
12:00 P.M., March 11, 2022  
GHURA's Main Office (via Zoom)  
1<sup>st</sup> floor, Conference Room, Sinajana  
AGENDA**

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**I. ROLL CALL**

**II. BOARD MEETING PUBLIC ANNOUNCEMENTS**

1<sup>st</sup> Printing – Thursday, March 3, 2022

2<sup>nd</sup> Printing – Wednesday, March 9, 2022

**III. APPROVAL OF PREVIOUS BOARD MINUTES – February 25, 2022**

**PAGE (S)**

**IV. OLD BUSINESS**

1. LIHTC 2021 Application, Panel Results and Recommendation ..... 1 - 2  
(Ongoing Discussion) Ref: Minute No. 183/32 & 184/21

**V. CORRESPONDENCE AND REPORTS**

1. MIS Status of Agency Transparency and Open Government Law ..... 3 - 15

**VI. GENERAL DISCUSSION / ANNOUNCEMENTS**

1. Next proposed scheduled Board Meeting: Friday, April 8<sup>th</sup>, 2022  
@ 12:00 p.m.

**VII. ADJOURNMENT**

# Biden: Inflation battle to be 'top priority'

WASHINGTON (The Washington Post) — President Joe Biden on Tuesday night sought to assuage Americans about the trajectory of the U.S. economy, pledging in his first-ever State of the Union address that his “top priority is getting prices under control.”

Speaking from the dais of the House, Biden began by emphasizing that jobs have returned, wages have risen and the country has resumed many of its daily rhythms under his watch, roughly two years after the coronavirus pandemic touched off the worst economic crisis since the Great Depression.

But the president also acknowledged that millions of Americans still

face financial hardships, particularly as the cost of groceries, gasoline, cars and rents have skyrocketed in what has become the fastest period of inflation in four decades. On a day when geopolitical tumult threatened additional shocks, Biden promised fresh vigilance in Washington to protect families at risk of falling further behind.

“With all the bright spots in our economy, record job growth and higher wages, too many families are struggling to keep up with their bills,” Biden said. “Inflation is robbing them of the gains they might otherwise feel.”

“I get it,” Biden continued. “That’s why my top priority is getting prices under control.”

Specifically, Biden called on

On a day when geopolitical tumult threatened additional shocks, Biden promised fresh vigilance in Washington to protect families at risk of falling further behind.

Congress to support a series of economic initiatives, including efforts to provide monthly tax payments for families with children, reforms

to lower prescription drug prices for seniors, and legislation to raise the minimum wage for millions of workers. The president vocalized anew his plans to address logjams in “global supply” chains that have driven up demand for some goods, like automobiles, leading to higher prices. And he promised to combat corporate conglomerates, which he said may be squeezing consumers through price gouging.

Many of Biden’s ideas originated in a slew of blueprints he has unveiled since assuming the presidency, including a signature initiative known as the Build Back Better Act, which ultimately faltered last year because of divisions among Democrats.

# Abbott, O’Rourke to face off in contest for Texas governor

WASHINGTON (Reuters) — Republican Texas Gov. Greg Abbott won his party’s nomination on Tuesday to seek a third term in office, setting up a November contest with Democratic former Congressman Beto O’Rourke, U.S. media reported.

Abbott, who was endorsed by former President Donald Trump, easily turned back several right-wing challengers, will enter the general election as a favorite over O’Rourke, the state’s most prominent Democrat, is seeking to become the first Democratic governor of Texas in nearly three decades.

Texas voters were also selecting their parties’ nominees on Tuesday for the U.S. House of Representatives. The first-in-the-nation nominating contests could offer clues about the

mood of American voters ahead of the Nov. 8 elections that will determine control Congress for the rest of President Joe Biden’s four-year term.

The election is also the first test of new Republican-backed voting restrictions passed in response to Trump’s false claims of election fraud.

As of Tuesday evening, there were no reports of long delays or major problems at polling places, following weeks in which several counties recorded an unprecedented number of rejected mail-in ballots due to new identification requirements.

Texas Secretary of State John Scott said Harris County, the state’s largest and home to one in six Texans, had informed his office that it would be unable to tally all votes within 24 hours

of the polls closing, as required by law.

The delay is due to “damaged ballot sheets” that must be copied before they can be scanned, Scott said in a statement, adding that his office would offer assistance as needed.

A Harris County election office spokeswoman declined immediate comment.


Midterm elections typically serve as a referendum on the sitting president, and Republicans are favored to win a majority in at least one of the two chambers of Congress that Democrats control by razor-thin margins. That would allow Republicans to block Biden’s legislative agenda and launch investigations that could damage his administration.

Biden, whose public approval


remains at a low 43%, according to a Reuters/Ipsos poll completed on Tuesday, delivered his annual State of the Union address in the evening.

The Republican race for attorney general may provide an early measure of Trump’s power among the party’s faithful. Ken Paxton, the incumbent, is running for a third term with Trump’s backing, despite his pending 2015 indictment for securities fraud and a separate federal investigation into allegations of bribery. Paxton has denied any wrongdoing.

He held an early lead over Land Commissioner George P. Bush, grandson of former President George H.W. Bush, firebrand U.S. Rep. Louie Gohmert and former state Supreme Court Justice Eva Guzman.



**GHURA**  
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Website: www.ghura.org



Joshua F. Tenorio  
Lieutenant Governor of Guam

**Board of Commissioners Meeting**  
**Friday, March 11, 2022 at 12:00 PM.**  
**This meeting is open to the public via Zoom.**

**Topic:** GHURA BOC Mtg. March 11, 2022  
**Time:** Mar. 11, 2022 12:00 PM Guam, Port Moresby  
**Join Zoom Meeting:**  
<https://us06web.zoom.us/j/81145127325?pwd=RXlzcjg4a3FsaFNqS0UyVkpRSXZkQ09>  
**Meeting ID:** 811 4512 7325      **Passcode:** 841106


**Watch Youtube Live Stream:**  
<https://www.youtube.com/channel/UC1LT40uuVrfGQ8KvSo7yYA>

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VII. ADJOURNMENT


**The complete Board packet may be viewed on our website at [www.ghura.org](http://www.ghura.org).**

**For more information, please contact Audrey Aguon at 475-1378 and for special accommodations, please contact Chief Planner - Designated Section 504 / ADA Coordinator at 475-1322 or TTY 472-3701.**

This advertisement was paid for by GHURA



**PORT OF GUAM**  
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Website: [www.portofguam.com](http://www.portofguam.com)



Loures A. Leon Guerrero  
Governor of Guam  
Joshua F. Tenorio  
Lieutenant Governor

**THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:**  
**PORT AUTHORITY OF GUAM**

**INVITATION FOR BID:**

<b>BID NO:</b>	IFB-PAG-005-22
<b>FOR:</b>	ALL EQUIPMENT PARTS BID
<b>PRE-BID CONFERENCE</b>	10:00 a.m., TUESDAY, MARCH 8, 2022
<b>BID SUBMISSION DEADLINE:</b>	2:00 p.m., MONDAY, MARCH 21, 2022
<b>LOCATION TO SUBMIT:</b>	PAG PROCUREMENT OFFICE, 1 <sup>st</sup> FLOOR, ADMIN. BLDG.
<b>BID OPENING LOCATION:</b>	PAG, BOARD ROOM 1 <sup>st</sup> FLOOR, ADMIN.

The Port Authority of Guam (PAG) is issuing this Invitation for Bid for all equipment parts bid. A PDF copy of the bid packet is available to download at [www.portofguam.com](http://www.portofguam.com), or a hard copy can be obtained at the PAG Procurement Office located on the 1st floor of the PAG Admin Bldg. from 8:00 a.m. - 5:00 p.m., Monday through Friday, beginning Thursday, March 3rd, 2022, until Monday, March 21st, 2022.

Bidders must register their current contact information with PAG to ensure they receive any notices regarding changes or updates to the IFB. The Port will not be liable for failure to provide notice to any party who did not register current contact information.

The PAG reserves the right, in its sole and absolute discretion, to reject any and all bids, cancel in its entirety, or waive informalities and minor irregularities in the bids, which in its sole and absolute judgment, will under all circumstances best serve the Government's interests. This right to reject and/or cancel is pursuant to 2 GAR Div. 4 Procurement Regulations§ 3115 (d)(2)(A). This project is funded by the Port Authority of Guam.

**/s/ RORY J. RESPICIO**  
**General Manager**



**CURRENCY EXCHANGE RATES**  
**On Mar. 8, \$1 was worth:**

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at [postguam.com/stock\\_market](http://postguam.com/stock_market).

52.21 PHPP	115.50 JPY¥	1,237.90 KRW₩	28.345 TWD NT\$	6.3159 CNY¥	1.3729 AUD A\$	0.9207 EUR €
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## New Harmon restaurant features roast pork, chicken



**ROASTING:** Edwin Flores on Tuesday assembles generous cuts of pork belly on a skewer at the Pacific Roasters restaurant in the Harmon Industrial Park. Flores, the owner of the restaurant, said the featured menu items will be roasted chicken and pork belly. The restaurant held a grand opening Tuesday. Norman M. Taruc/  
*The Guam Daily Post*

## Oil prices reach \$126

(Reuters) - Oil prices seesawed Tuesday with Brent crude reaching \$125 per barrel, around 10% below a 14-year high struck in the last session, reflecting relief that European allies were not planning to join a possible U.S. ban on Russian oil imports.

Brent crude futures were up \$2.01 at \$125 a barrel Tuesday after trading as high as \$126.35.

U.S. West Texas Intermediate crude futures were up \$1.53 at \$120 a barrel.

"Unless the war stops, (Brent) prices can go anywhere towards \$156 to \$185 a barrel, said Ajay Kedia, director at Kedia Commodi-

ties in Mumbai.

If all of Russia's oil exports were blocked from global markets, analysts have said prices could rocket to \$200 a barrel, while Russia's Deputy Prime Minister Alexander Novak said oil could soar to more than \$300.

"There is no capacity in the world in the moment that can replace 7 million barrels of exports," OPEC Secretary-General Mohammad Barkindo told reporters at an industry conference in Houston.

A year ago, U.S. oil traded for \$50 a barrel, according to the U.S. Energy Information Administration.

**(Daily Post Staff contributed to this report.)**



**AMENDMENT NO. 1 (February 16, 2022)**  
**\* PRE-PROPOSAL CONFERENCE has been extended until**  
**March 11, 2022 ~ 10:00 AM ~ UOG JELG-SBPA Room 261**  
*(Site visit will follow for interested parties.)*



### REQUEST FOR PROPOSALS RFP No. P22-02

*The University of Guam is soliciting sealed proposals for:*

**DESIGN-BUILD CONSTRUCTION SERVICES** to implement projects approved in UOG Endowment Foundation's USDA Rural Development Community Facilities Loan Application to design and build for the University of Guam (in Mangilao, Guam) a new **School of Engineering**.

This **REQUEST FOR PROPOSAL** contains one (1) *Contract Award for the UOG School of Engineering*. This potential award is dependent on the total **Guaranteed Maximum Price(s)**. The Proposal offers will be evaluated and ranked.

Copies of instruction and information may be obtained from the University of Guam by emailing [uog.bids@triton.uog.edu](mailto:uog.bids@triton.uog.edu).

**UOG Consolidated Procurement Office**  
 Administration Annex Building  
 UOG Station  
 Mangilao, Guam 96923

Tel. No.: (671) 735-2925  
 Fax No.: (671) 735-3010  
 Alt. Fax.: (671) 734-3118  
 Web Site: <https://www.uog.edu/procurement/>

This RFP packet will be **ISSUED on Monday, January 31, 2022**. In accordance with 5 G.C.A. §5220(a), a digital copy of this solicitation shall be posted on UOG's website at <https://www.uog.edu/procurement/>. No fees shall be assessed to potential Offerors or other parties for accessing or downloading a copy of this solicitation from UOG's website. Potential Offerors who access or download a copy of this solicitation from UOG's website must register their contact information with UOG to ensure that they receive any notices regarding to any changes or updates to this solicitation. In accordance with 5 G.C.A. §5220(b), UOG shall not be liable for failure to provide notice to any party who accesses or downloads a copy of this solicitation from UOG's website who fails to register their contact information with UOG as required herein. **In accordance with 5 G.C.A. §5220(c), potential Offeror's may also obtain a hard copy of this solicitation by paying a non-refundable fee of twenty-five (\$25.00) U.S. dollars for each RFP packet (hard copy of CD disc).** However, interested parties may review a copy of the RFP free-of-charge at UOG's Procurement Office prior to purchasing the RFP. All payments shall be by cash, certified check, or money order and shall be made payable to: The University of Guam. **Potential Offerors who pay the aforementioned fee shall have their contact information registered with UOG at the time they make payment and receive the RFP packet.** UOG will advertise this RFP in print media with general circulation on Guam and will circulate the notice of the RFP in industry areas pertinent to type of procurement. This notice will be posted in UOG's website and emailed to known Offerors to secure maximum competition as required by Section 3.14.5 and Section 3.9.6, UOG Procurement Regulations. University of Guam, reserves the right to reject any or all proposals, solicit new proposals, or waive minor informalities or irregularities. All questions regarding the proposal should be made in writing and directed to the Procurement Office via email at [uog.bids@triton.uog.edu](mailto:uog.bids@triton.uog.edu).

**A PRE-PROPOSAL CONFERENCE AND SITE VISIT** is scheduled for **Wednesday, February 23, 2022 at 10:00 AM** at the **UOG School of Business & Public Administration (SBPA)** building. Attendance at the Pre-Proposal Conference is NOT required for participation in this RFP.

**NOTICE:** The last day for UOG to accept **WRITTEN QUESTIONS** and/or **CLARIFICATIONS** is ten (10) calendar days **BEFORE** the proposal submission deadline (**Monday, April 11, 2022**). Please adjust accordingly if deadline is extended.

The **DEADLINE FOR SUBMISSION** of sealed RFP Proposals is on **Wednesday, April 20, 2022 ON OR BEFORE 4:00 PM Guam Time** to the UOG Procurement Office Share folder link to be provided to all registered offerors. One original copy of uploaded file should be dropped off to the procurement office located in the UOG Business Office Annex building.

/s/ DR. WILFRED P. LEON GUERRERO, BOARD CHAIRMAN, UOGEF

/s/ DR. THOMAS W. KRISE, UOG PRESIDENT

The UOG Endowment Foundation is a collaborative non-profit organization between community members and school administrators to improve the quality of higher education in Guam by encouraging private and public support for the University of Guam.

The University of Guam is the major institution of higher education in the Western Pacific. It is a United States of America Land-Grant institution accredited by the Western Association of Schools & Colleges. UOG's Mission: To Enlighten, To Discover, To Serve.

THE UOG ENDOWMENT FOUNDATION AND THE UNIVERSITY OF GUAM ARE BOTH EQUAL OPPORTUNITY EMPLOYER & SERVICE PROVIDERS. THIS AD WAS PAID FOR USING UNIVERSITY OF GUAM FUNDS.



If you wish to file Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.asec.usda.gov/complaint\\_filing\\_instructions](http://www.asec.usda.gov/complaint_filing_instructions), fill, post, send, or call (866) 632-6892 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).



**GUAM ENVIRONMENTAL PROTECTION AGENCY**  
**AHENSAN PRUTEKSION LINA'LA GUAHAN**

### PUBLIC NOTICE - PUBLIC COMMENT

GUAM 2022 303(D) LIST OF IMPAIRED WATERS

The Clean Water Act (CWA) requires states to provide every two years an assessment of the quality of all their waters [section 305(b)] and a list of those that are impaired or threatened [section 303(d)]. The Guam Environmental Protection Agency (Guam EPA) hereby commences a thirty-day review and comment period:

**FEBRUARY 11, 2022 – MARCH 14, 2022**

The public and other stakeholders are invited to comment on the 2022 Guam 303(d) List of Impaired Waters. This list of water bodies and supporting documents are available at Guam EPA's Main Office, Building #17-3304, Mariner Avenue, Tiyan, between 8:30am and 4:30pm weekdays (except holidays).

**DEADLINE TO SUBMIT WRITTEN COMMENTS IS 5:00 PM CHST MONDAY • MARCH 14, 2022**

Written comments may be hand delivered or mailed to:

Guam EPA 17-3304, Mariner Avenue Barrigada, Guam 96913-1617. No fax submissions will be accepted. The final decision to accept this list or make any changes will be decided after all comments have been considered. Please bring this information to the attention of all persons who may be interested in this matter.

For more information, please contact Margaret Aguilar via email: [margaret.aguilar@epa.guam.gov](mailto:margaret.aguilar@epa.guam.gov).

/s/ WALTER S. LEON GUERRERO, Administrator  
**(THIS AD PAID FOR WITH LOCAL FUNDS)**

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | [epa.guam.gov](http://epa.guam.gov)  
 TODU Y NILALAY TANO MAN UNO • ALL LIVING THINGS ARE ONE  
 Like and follow guamepa



Loures A. Leon Guerrero  
 Governor of Guam

### GHURA

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Joshua F. Tenorio  
 Lieutenant Governor of Guam

**Board of Commissioners Meeting**  
**Friday, March 11, 2022 at 12:00 PM.**  
**This meeting is open to the public via Zoom.**

Topic: GHURA BOC Mtg. March 11, 2022

Time: Mar. 11, 2022 12:00 PM Guam, Port Moresby

Join Zoom Meeting:

<https://us06web.zoom.us/j/81145127325?pwd=RXlzcjg4a3FsaFNqS0UyVkpRSXZhQT09>

Meeting ID: 811 4512 7325 Passcode: 841106

Watch Youtube Live Stream:

<https://www.youtube.com/channel/UC1LT40uuVvfGQ8K7vSo7yYA>

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# GHURA

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Website: [www.ghura.org](http://www.ghura.org)



**Lourdes A. Leon Guerrero**  
Governor of Guam

**Joshua F. Tenorio**  
Lt. Governor of Guam

**John J. Rivera**  
Chairman

**Monica O. Guzman**  
Vice Chairwoman

**Anisia S. Delia**  
Commissioner

**Frank T. Ishizaki**  
Commissioner

**Emilia F. Rice**  
Commissioner

**Nathanael P. Sanchez**  
Commissioner


**Karl E. Corpus**  
Resident Commissioner

**Elizabeth F. Napoli**  
Executive Director, Acting

**Audrey A. Agunon**  
Deputy Director, Acting

## MEMORANDUM

TO: ACTING EXECUTIVE DIRECTOR NAPOLI  
BOARD OF COMMISSIONERS

FR: CHIEF PLANNER 

DATE: MARCH 11, 2022

SUBJECT: LIHTC 2022 Tax Credit Allocation to Summer Vista I

Hafa Adai Director Napoli and Commissioners,

At the regular meeting of GHURA's BoC on November 26, 2021, a motion was made by Commissioner Pereda and seconded by Commissioner Delia to approve the award of additional LIHTC Credits in the amount of \$197,832 for the Villa Del Mar II, LLC<sup>1</sup> project and the new award of \$3,663,526 to Summer Breeze I, LLC<sup>2</sup>.

The Board further directed management to examine the possibility of awarding the balance of the available tax credits to support bringing additional affordable units online soonest, acknowledging the earnestly increasing need for affordable units. Commissioner Ishizaki recommended to continue negotiations with Summer Vista I developer Core Tech Development to see if it is viable to continue the project with the amount of credits available.

The breakdown of credits available from 2021 and now also 2022 are listed below.

Credits Available LIHTC 2021	\$ 6,660,957
LIHTC 2019 (National Pool) Returned	\$ (197,832)
LIHTC 2021 Additional Credits (VDMII)	\$ (336,200)
LIHTC 2021 Award (Summer Breeze)	<u>\$ (3,663,526)</u>
LIHTC 2021 Allocation Remaining	\$ 2,463,399
LIHTC 2022 Allocation	<u>\$ 2,975,000</u>
<b>Credits Available LIHTC 2022</b>	<b>\$ 5,438,399</b>

Presently, the amount of tax credits available to be allocated by the GHURA Board of Commissioners for LIHTC proposed projects is \$5,438,399.

GHURA met with Summer Vista, LLC representatives on two occasions.

<sup>1</sup> Villa Del Mar II, LLC project, 88 units in Toto, Guam

<sup>2</sup> Summer Breeze, LLC project, 64 units in Barrigada, Guam





- On January 13, 2022, Core Tech Development<sup>3</sup> met with GHURA staff to consider options for the award of available tax credits, possibly to include HOME American Rescue Plan funds. Four ways were contemplated:
  1. HOME funds as a market-rate loan direct to the project
  2. HOME funds as a below market-rate loan with 9% credits utilizing the 40/50 rule and no basis boost for QCT/DDAs
  3. As a below market-rate loan with 4% credits (require use of tax exempt bonds which GHURA does not administer or acquisition projects)
  4. As a Grant from GHURA
    - Direct Grant to the Owner/Developer
      - While HOME funds can be awarded as a grant, this would likely result in a reduction of the project's Eligible Basis under LIHTC. Grants are almost always treated as taxable income opening the possibility of significant tax consequences from the LIHTC perspective.
    - Direct Grant to Guam Facilities Foundation, Inc. (non-profit entity providing property management services to CTD-constructed LIHTC properties) for the purpose of lending the grant money to the development.
      - A grant to GFFI may address the issue of a reduced Eligible Basis and is unlikely to incur negative tax consequences. However, the requirements of HOME as financial investment in a LIHTC project is unknown. GHURA's due diligence to ensure HOME program regulations are met could impact the development schedule.
- On February 17, 2022, Summer Vista, LLC representatives and GHURA staff, after evaluating options concluded the following:
  - A LIHTC/HOME mixed financing structure may not be achievable given the timeline expectations of the LIHTC component at this time.
  - A LIHTC-only financing for the Vista project to utilize 2021/2022 tax credits could develop 96 of the 128 units originally proposed.

As of March 07, 2022, Summer Vista I submitted an amended/updated application to reflect the reduction of units from 128 to 96. The updated application represents a scaled down proposal with no changes to any of the previously reviewed selection criteria elements. The Summer Vista I updated application requests to utilize the full amount of \$5,438,399. Should the IRS increase the allocation to LIHTC jurisdictions at some later time in 2022, Summer Vista I may request an allocation of additional credits for the purpose of completing 128 total units.

Approval by the GHURA Board of Commissioners is required at this time to award LIHTC program tax credits to Summer Vista, LLC in amount of \$5,438,399 for the development of 96 affordable housing units as proposed in their amended/updated application.

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<sup>3</sup> Core Tech Development is the owner/developer of both the Summer Vista project and the Summer Breeze project.

## **Management Information Systems (MIS) Report – 03/08/2022**

### **“OPEN GOVERNMENT LAW IN GUAM”**

1. Purpose of Open Government is to ensure all government agencies are compliant with disclosure laws. Its efforts are to confirm each entity is transparent in reporting and allowing the public accessibility to agency information.
2. The Vigilance Committee (President Lee Webber) goal is to provide “the people’s right to know the process of governmental decision-making and to review the documents and statistics leading to these determinations”. It is “key to holding public officials and government representative accountable”.
3. Attorney General (Leevin Camacho) Open Government Law was issued December, 2021 to all Gov Guam agencies to ensure reporting requirements are met. In part the policy includes, “the people insist on remaining informed so that they may retain control over the instruments they have created”.

For MIS, these requirements included video teleconferencing, agency home page, video live stream applications, Government of Guam Public Notices Portal, compliance with Americans with Disabilities Act (ADA), website message regarding government funds, audio to Office of Public Accountability, and finally, email communications subject to FOIA (informational only).

4. Prior to Open Government Law issued by the Attorney General, and relating to the Vigilance Committee requirements, GHURA had been in full and confirmed compliance. Post Open Government Law GHURA had two outstanding requirements to fulfill, 1) to make available all notices to the Government of Guam Public Notices Portal, and 2) video live stream applications. To date, these two requirements as well as all others are being met that require MIS interactions.
5. The included attachments are twelve (12) pages of information relating to Open Government Law as it relates to the MIS division.

# Everything You Need to Know About the Open Government Law in Guam

For Government of Guam Departments and Agencies Directors and Employees; Elected and Appointed Boards and Commissions Members and Staff



LEEVIN TAITANO CAMACHO  
Attorney General  
ROBERT M. WEINBERG  
Assistant Attorney General  
Office of the Attorney General  
590 S. Marine Corps Drive  
Suite 802, ITC Building  
Tamuning, Guam 96913  
(671) 475-2709 (Public Direct Line)

# THE OPEN GOVERNMENT LAW – POLICY

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.

5 GCA § 8102. Added by P.L. 13-35 (June 26, 1975)



## Use of Video Teleconferencing at Meetings

(a) Board and commission members may participate in regular and special meetings via video teleconferencing. The board or commission member shall submit a written request to participate in regular and special meetings via video teleconferencing to the Chairperson. Such request shall be attached to the minutes of said meeting.

(b) Participation via video teleconferencing shall meet the requirements for a quorum.

\* \* \*

(d) Executive sessions and due process hearings shall not be conducted via video teleconferencing.

5 GCA § 43121. Added by P.L. 34-133 (Oct. 17, 2018).

## AGENCY HOME PAGE

### 5 GCA § 10305. Home Page for Each Department or Agency of Government.

(a) Every department or agency of the Executive Branch of the government of Guam, inclusive of all autonomous agencies...shall develop and post on the Internet a home page or website.

Added by P.L. 24-301 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057 (June 30, 2005); amended by P.L. 29-19:IV:88 (Sept. 29, 2007)

### 5 GCA § 10306. Information Required.

The following information must be posted, at a minimum, on each official website or homepage required pursuant to Section 10305 above.

(a) Notice of all meetings, hearings and public events as required by public law and for such duration as required by public law and containing such information as is required by public law.

Added by P.L. 24-301 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057 (June 30, 2005); amended by P.L. 29-19:IV:88 (Sept. 29, 2007)

## USE OF VIDEO LIVE STREAMING AT MEETINGS – NOW MANDATORY

(a) Boards and commissions shall broadcast regular and special meetings via video live streaming applications.

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(c) Boards and commissions shall provide instructions on how the public can access these video live streams on their meeting notices.

5 GCA § 43122. Added by P.L. 34-133 (Oct. 17, 2018). Amended by P.L. 36-34 (June 11, 2021), effective 30 days after enactment.

## PUBLIC NOTICE DETAILS – GENERAL

(A) *Public Notice*, as used in this Chapter, means a publication by newspaper of general circulation or by radio or television which is reasonably calculated to provide notice of the facts it announces to the public at large, and by **electronic publication on the Guam Public Notice Website**.\*

(B) As used in this item, *newspaper of general circulation* means a newspaper which is printed and distributed not less than once a week, at regular intervals, throughout the territory of Guam, which has a paid circulation and holds a valid second class mailing permit from the United States Post Office, and **which contains news, articles of opinion, features, and other matters of current interest published for public dissemination.**

**5 GCA § 8104(a)(5).** Added by P.L. 13-35 (June 26, 1975); amended by P.L. 24-109 (Oct. 24, 1997); subpart (a)(5)(A) amended by P.L. 32-37 (June 7, 2013).

\* **Government of Guam Public Notices Portal** – <https://notices.guam.gov/>



## Guam Public Notice Website Now Available

by Office of the Governor | Jun 15, 2021 | Press Releases



Hogåthia, Guam – The Office of Technology (OTECH), in partnership with the Office of the Governor of Guam, is proud to announce the launch of the Guam Public Notice website, available at [notices.guam.gov](https://notices.guam.gov). This portal provides a platform for public information regarding news, events, press releases, notifications, alerts, and announcements from Government of Guam agencies and boards, pursuant to Guam Public Law 32–037, and codified under 5 GCA §8107.1

## Compliance with the Americans with Disabilities Act

The public agency must comply with the Title II of the Americans with Disabilities Act ('ADA') requirements for effective communication for people with disabilities and include information in the notice that individuals requiring special accommodations, auxiliary aids or services shall contact and submit their request to the designated agency or department representative or ADA Coordinator. The public agency shall make available the name, office address and telephone number, including Telecommunications Device for the Deaf ('TDD'), of the designated ADA Coordinator.

5 GCA § 8107(a) (Notice of Regular Meetings); 5 GCA § 8107(b) (Special Meetings).

## SOURCE OF PAYMENT FOR GOVERNMENT NOTICES / WEBSITE REQUIRED.

(a) Any website, public notice, advertisement or message issued or published by an agency, or agencies, and paid for, partially or fully, using government funds *shall* include a disclosure statement that the public notice, advertisement or message is paid for by government funds, and the name of the agency or agencies paying for the notice.

(b) As used in this Section, *Agency* means any authority of the government, and includes a department, institution, board, bureau, commission, council, committee of Guam government, branch, autonomous instrumentality *or* other public entity of the government of Guam, whether or not it is within or subject to review by another agency.

(c) *Public notice, advertisement or message* as used in this Section means all media including print, radio, television or the internet.

5 GCA § 22430(a). Added by P.L. 26-12 (May 18, 2001); subsection (c) added by P.L. 30-119 (Apr. 1, 2010).

## POST-MEETING REPORTING REQUIREMENTS

The governing Boards and Commissions of all agencies, public corporations, and departments of the government of Guam shall provide electronic copies of the monthly Board and Commission meeting agendas, approved minutes, and other attachments and addendums as discussed in each monthly meeting, to *I Maga'lahañ Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than fifteen (15) days after the end of said meeting and post the same on its website of the agency, public corporation, or department to which it governs. The audio recording of each meeting shall be provided to the Office of Public Accountability within seven (7) calendar days after the meeting. The Office of Public Accountability shall post these audio files on its website upon receipt of audio files.

5 GCA § 8113.1



# WHERE THE PROOF IS POSTED

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## GUAM LEGISLATURE MESSAGES AND COMMUNICATIONS

<https://guamlegislature.com/index/messages-and-communications/>

## OFFICE OF PUBLIC ACCOUNTABILITY – AUDIO RECORDINGS

<https://www.opaguam.org/reports-audits/board-and-commission-meetings>

Recommendation. Post EVERYTHING on your Web Page:

## EMAIL COMMUNICATIONS ARE SUBJECT TO FOIA

Legal Memorandum  
Honorable Rory J. Respicio  
Re: Applicability of Open Government (Sunshine) Law to Subcommittees  
Ref: LEG 14-0413  
Page 4 of 4

Finally, we observe from a practical standpoint that substantive communications between members of a public agency conducted by electronic means, e.g., electronic mail or text messaging are presumed to be subject to Freedom of Information Act requests. *See, generally*, 5 GCA § 10101 *et seq.*; *see esp.*, 5 GCA § 10103(a) (“Every person has the right to inspect and take a copy of any public document on Guam, except as otherwise expressly prohibited in law, and except as provided in § 10108 of this Chapter.”); and § 10103(d) (“Public records includes *any writing containing information relating to the conduct of the public’s business* prepared, owned, used, or retained by any state or local agency in any format, including an electronic format.”) (emphasis added). Therefore, members of public agencies, boards, commissions and advisory councils who communicate electronically should take care to remember that their communications are presumed to be public and are subject to Sunshine Act requests.