

EAST  
ANGLE

5  
22

2  
22

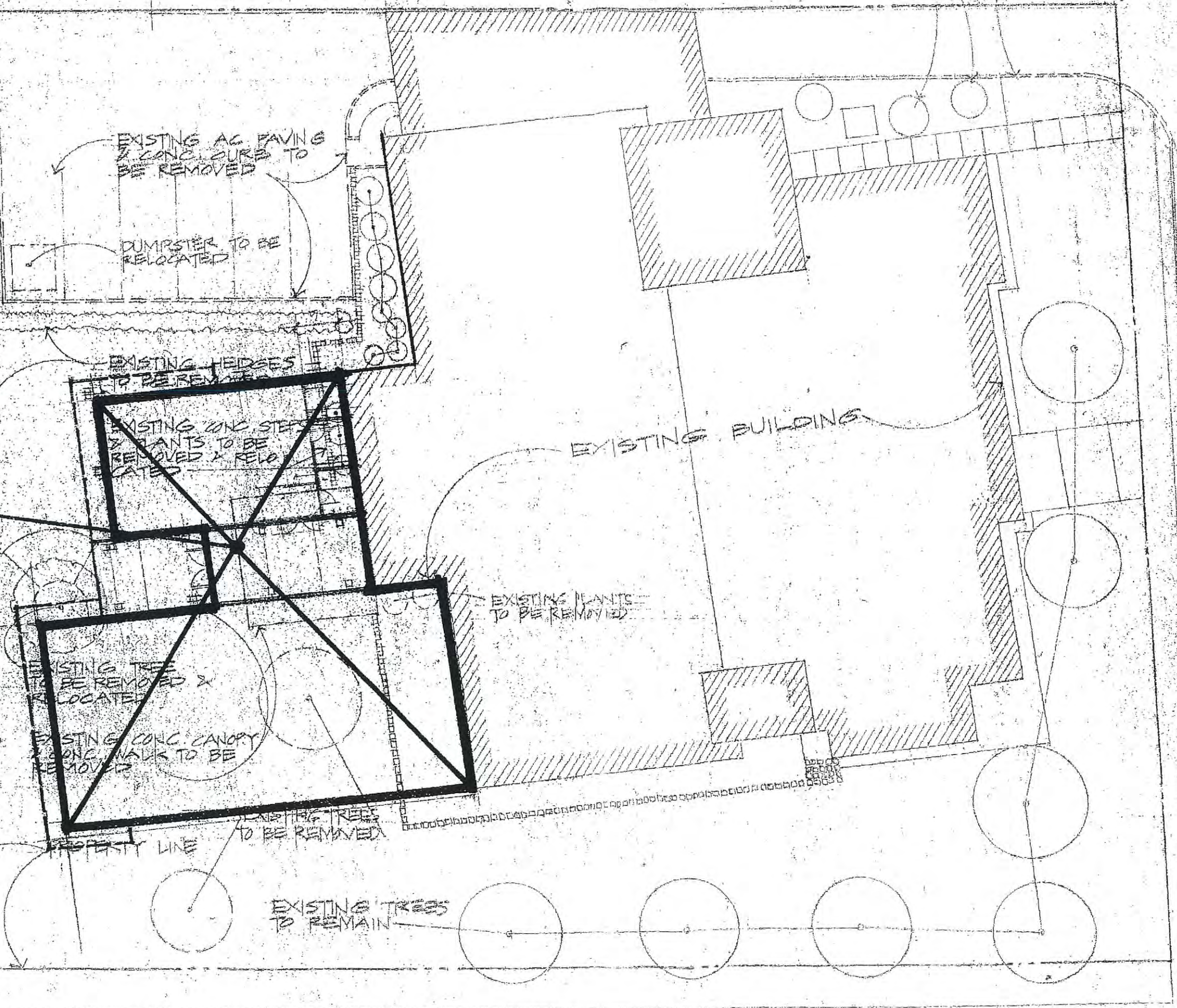
6  
22

EXTENSION  
LOCATION

TO BE REMOVED

TO BE RELOCATED

TO BE REMOVED



SITE PLAN

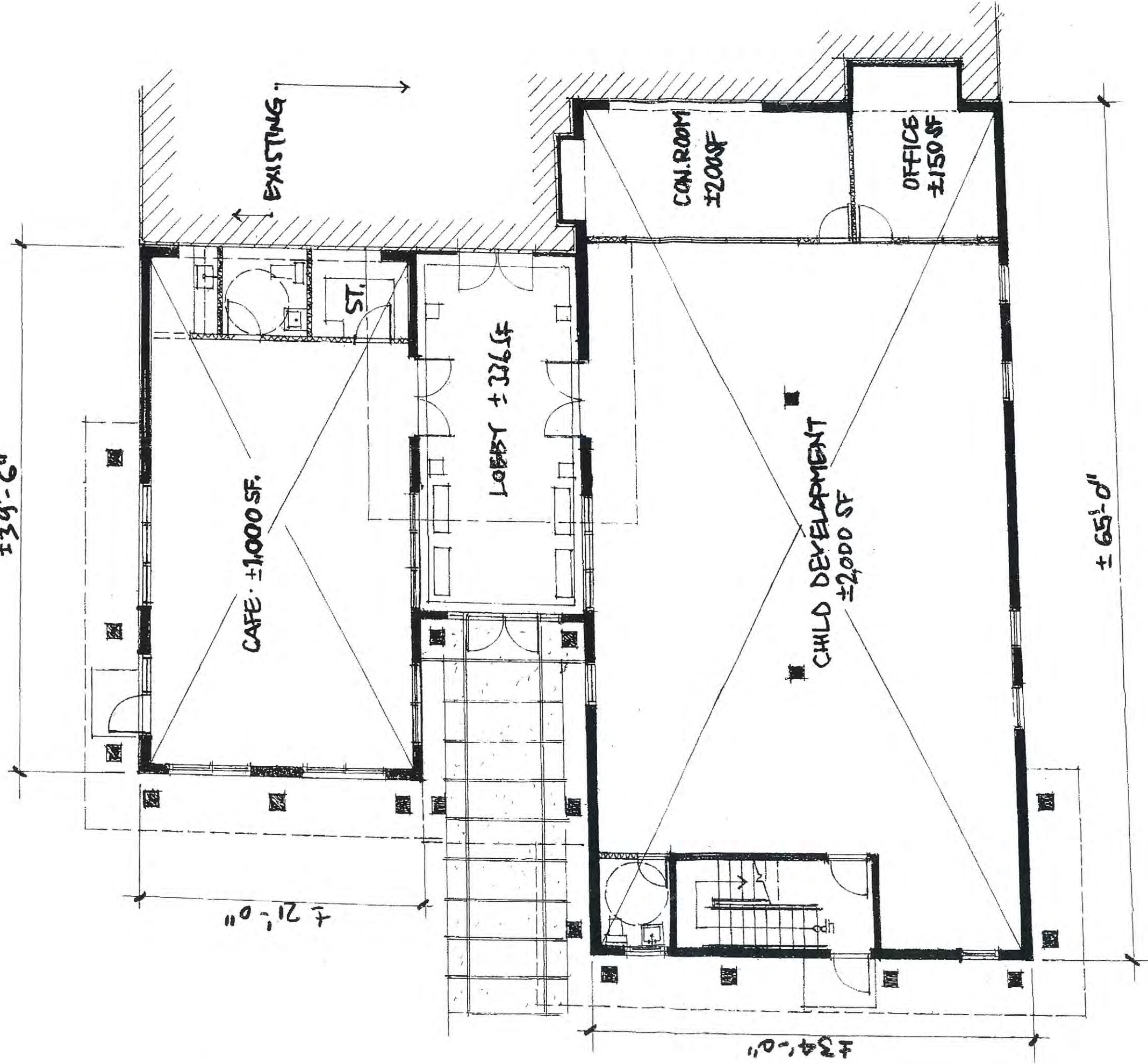


SCALE

SCALE



±39'-6"



FIRST FLOOR PLAN



RENOVATION NOTES FOR CHANGE ORDER

1. Restrooms on 1<sup>st</sup> floor

RENOVATE TO ADA COMPLIANCE BOTH  
MEN AND WOMEN INCLUDING TILES AND

2. Kitchen

Drop ceiling tiles

3. AC Units - 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floor

ADDITIONAL A/C UNITS ALL SPLIT  
TYPES WITH ELECTRICAL WORKS (OPTIONAL)

4. Carpeting - 1<sup>st</sup> & 2<sup>nd</sup>

ADDITIONAL SQUARE FOOTAGE (?)

5. Painting - Exterior & Interior

REPLACEMENT OF PAINTING (IN & OUT)

6. Fencing

INCLUDE FENCING CYCLOPS AROUND  
THE PERIMETER W/ GATE AND LOCKS

7. Others:

8. GSOW - 7 (AD - 2)



OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

MEMORANDUM

September 26, 2012

To: All Line Agencies, Autonomous and Semi-Autonomous Agencies, Public Corporations, and the Guam Mayors' Council with a Board or Commission

From: Doris Flores Brooks, CPA, CGFM *Doris Brooks*  
Public Auditor

RE: Notification of Reporting Requirements for Boards and Commissions Pursuant to Public Law 31-233, Budget Act of 2013.

This memorandum is to notify you of the **new reporting requirements for Boards and Commissions pursuant to Public Law (P.L.) 31-233:**

Section 38. A new §8113.1 is hereby added to Chapter 8 of Title 5 GCA to read:

“§8113.1. Reporting Requirements for Boards and Commissions.

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'låhen 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.”

Beginning with the first Board meeting on or after October 1, 2012, please provide audio recordings in **mp3 format via audio compact disc (CD)** no later than seven (7) calendar days after each Board meeting.

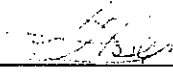
For questions on this reporting requirement, please contact Joy Bulatao at 475-0390 ext. 216 or [jbulatao@guamopa.org](mailto:jbulatao@guamopa.org), or Jerrick Hernandez at ext. 203 or [jhernandez@guamopa.org](mailto:jhernandez@guamopa.org).

Thank you and Sensesramente.


*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2012 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Substitute Bill No. 426-31(COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 28<sup>th</sup> day of August 2012, duly and regularly passed.

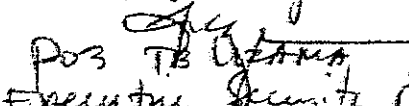
  
\_\_\_\_\_  
**Judith T. Won Pat, Ed.D.**  
Speaker

Attested:

  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
Legislative Secretary

-----

This Act was received by *I Maga'lahaen Guåhan* this 29<sup>th</sup> day of August, 2012, at 12:50 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahaen Guåhan*

Date: 9/7/12

**Public Law No. 31-233**

Note: Public Law 31-233 added a new Section 8133.1 to Chapter 8 of Title 5 Guam Code Annotated.

## CHAPTER XII

### MISCELLANEOUS PROVISIONS

1           **Section 1. Retirement Option for Government of Guam Employees.** A  
2 member of the Government of Guam Retirement Fund (GGRF) who is eligible for  
3 retirement may retire upon the complete remittance of his outstanding individual  
4 contributions to the GGRF, including the employee and employer retirement  
5 contributions. Any and all fees, interest at actuarial set assumed rate of return for  
6 fund investments rates, and penalties required by the GGRF *shall* be paid by the  
7 government. This Section *shall not* restrict the continuing remittance of existing  
8 GGRF contributions as required by law or by the GGRF. By the fifteenth (15th)  
9 day of each month, the Director of the GGRF *shall* provide a detailed report to the  
10 Speaker of *I Liheslaturan Guåhan* regarding said remittances and the number of  
11 retirements pursuant to this Section during the previous month.

12           **Section 2. Volunteers and Donations for Skinner Plaza, the Plaza De**  
13 **España, and the Guam Congress Building.** A new §79603 is hereby *added* to  
14 Article 6, Chapter 79 of Title 21 GCA to read:

15           “§79603. **Volunteers and Donations for Skinner Plaza, Plaza De**  
16 **España and Guam Congress Building.** The Executive Director of *I*  
17 *Liheslaturan Guåhan* may receive donations, including, but not restricted to,  
18 donations of goods, materials and services, for the purpose of maintaining  
19 and renovating Skinner Plaza, the Plaza de España, and the Guam Congress  
20 Building (also known as the Old Legislative Building). The Executive  
21 Director *shall* maintain records of all monetary and non-monetary donations  
22 received for the purpose of maintaining and renovating Skinner Plaza, the  
23 Plaza de España, and the Guam Congress Building. A Report and financial  
24 statement on said projects, *supra*, *shall* be submitted to the Speaker of *I*  
25 *Liheslaturan Guåhan* and the Office of Public Accountability each fiscal

1 (d) **Timely Implementation.** The Department of Administration *shall*  
2 fully implement the provisions of this Act within forty-five (45) days of its  
3 enactment, and failure to do so *shall* authorize the Department of Public Health  
4 and Social Services to implement the provisions of this Act where possible, as  
5 amended, and *shall* seek necessary retroactive actions from the Department of  
6 Administration, including, but not limited to, compensation and personnel action.

7 **Section 38. A new §8113.1 is hereby added to Chapter 8 of Title 5 GCA**  
8 **to read:**

9 **“§8113.1. Reporting Requirements for Boards and Commissions.**

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

21 **Section 39. A new §22109.1 is hereby added to Article 1, Chapter 22 of**  
22 **Title 5 GCA to read:**

23 **“§22109.1. On-line Electronic Access to Bank Account**  
24 **Information.** *All* banks receiving government funds for deposit in a  
25 government bank account established at said bank *shall* provide “READ  
26 ONLY” access to such bank accounts via said bank’s on-line banking  
27 website or via electronic access via other access source provided to the

# The Office of Public Accountability - Guam

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- UPDATES
- FINANCIALS
- PROCUREMENT APPEALS
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- FAQ



Notice of new Guam OPA Website




## Procurement Appeals Hearing Schedule

There are no hearings scheduled at this time.

The status of these appeals can be found at:  
[http://www.guamopa.org/?pg=procurement\\_appeals](http://www.guamopa.org/?pg=procurement_appeals)

## New OPA Releases

September 12, 2014

OPA announced the professional certifications of OPA Audit Supervisor Mrs. Laine M. Tameja and Auditor Mr. Job B. Buetas.

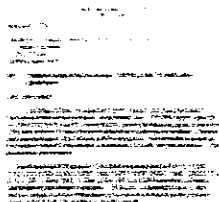
- CGFM Press Release



September 4, 2014

The Office of Public Accountability has passed its review of testimony for B-145-32 (OP) and Substitute B-124-32 (OP).

- Bill 246-32 (COR)
- Bill 224-32 (COR)



## CAREER OPPORTUNITIES

- Job Announcements
- Government of Guam Job Application Form

## HOTLINE

Call to report improper government activities  
(47AUDIT or 472-8348)

- Report a Citizen Concern or Abuse
- Audit Request

## PROCUREMENT APPEALS

- Rules of Procedure for Procurement Appeals
- Appendix A - Notice of Appeal Form
- Appendix B - Declaration Form
- Appendix C - Notice of Hearing Form
- Appendix D - Hearing Request/Waiver Form
- Click here for Procurement Appeals Flowchart
- Click here for Proposed Rules and Related Procurement Laws
- Click here for Filed Appeals

## CITIZEN - CENTRIC REPORT

The Citizen-Centric Reporting Initiative (CCR) is intended to foster innovative means of communication between governments and their citizenry. The CCR seeks to provide government financial information to its citizens in forms that are clear and understandable, updated regularly and often, delivered to all, easy to locate, honest in breadth and technically accurate in detail.

- Public Law 30-127
- Memo to Entities
- CCR Guidelines
- Click Here for Official Citizen Centric Reports



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**September 4, 2014**

The Office of Public Accountability has released the Government of Guam 2013 Financial Statements and Report on Compliance and Internal Controls.



- Highlights
- 2013 Financial Statements and Report on Compliance and Internal Controls
- 2013 Letter to Those Charged with Governance

[VIEW ALL SEPTEMBER RELEASES](#)

**August 22, 2014**

The Office of Public Accountability has released the Department of Public Safety's decision regarding the access of Pacific Data Systems, Inc. concerning the Guam Police Bureau's forensic assessment of existing CCTV Systems and New Acquisition CCTV Infrastructure including Maintenance Services and 24-Hour Alarm Monitoring.



- Decision

**August 19, 2014**

The Office of Public Accountability has released the Citizen Centric Report.



- Citizen Centric Report

[VIEW ALL AUGUST RELEASES](#)

[VIEW ALL RELEASES](#)

**BOARD AND COMMISSION MEETINGS**

As required by Public Law 31-233, the Office of Public Accountability will post audio recording of each monthly meeting of Boards and Commissions of all agencies, public corporations, and departments of the Government of Guam.

- [P.L. 31-233 Budget Act](#)
- [Memo to Entities](#)
- [Click here for the audio files](#)

**ETHICS**

As required by Public Law 28-76, the Office of the Public Auditor has established an ethics in government program for elected and appointed government officials.

- [Ethics in Government Program](#)
- [Public Law 28-76](#)
- [Ethical Standards for Government Employees](#)
- [Ethics in the Public Sector Course Material](#)
- [Ethics Law Compliance Best Practices](#)
- [Public Service Values for Local Elected Officials](#)
- [Ethical Tool Kit](#)

**Non-Profit Filing Requirements**

If the Guam Department of Revenue and Taxation (DRT) recognizes an organization as exempt, the organization will be required to file certain returns and applications and publish its financial statements.

- [Exempt Organization Requirements](#)
- [FCN-2-2-111](#)
- [Form 990-N](#)
- [Click here for more DRT Forms](#)

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**APIPA**

5 GCA GOVERNMENT OPERATIONS  
CH. 8 OPEN GOVERNMENT LAW

CHAPTER 8  
OPEN GOVERNMENT LAW

- § 8101. Citation.
- § 8102. Policy.
- § 8103. Open Meetings.
- § 8104. Definitions.
- § 8105. Exception.
- § 8106. Regular Meetings.
- § 8107. Notices.
- § 8107.1. Guam Public Notice Website - Creation, Establishment and Administration.
- § 8108. Special Meeting.
- § 8109. Adjournments.
- § 8110. Same.
- § 8111. Executive Sessions.
- § 8112. Disturbances.
- § 8113. Minutes.
- § 8113.1. Reporting Requirements for Boards and Commissions.
- § 8114. Action Voided.
- § 8115. Penalties and Court Jurisdiction.
- § 8116. Severability.

**§ 8101. Citation.**

This Chapter may be cited as the *Open Government Law of Guam*.

**SOURCE:** GC § 3225 added by P.L. 13-35.

**A.G. OPINION 77-47:** The Open Government Law applies to the elected school board.

**§ 8102. 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.

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SOURCE: GC § 3226 added by P.L. 13-35.

CROSS-REFERENCE: 12 GCA § 50118.

**§ 8103. Open Meetings.**

(a) Every meeting of a public agency *shall* be open and public, and any person *shall* be permitted to attend any public agency meeting, *except* as otherwise provided in this Chapter. A member of the public *shall not* be required, as a condition to attendance at a meeting of a public agency, to register his name and other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his attendance.

(b) This Chapter does *not* require that a person who is admitted to a meeting of a public agency shall, because of his mere presence, be accorded an opportunity to participate in such a meeting. Each public agency retains the right to reserve areas for the public, and to exclude the public from any area necessary for the orderly conduct of its business.

(c) *Except* for executive sessions and other meetings expressly authorized by public law to be closed, *no* board, commission or public officer of the government of Guam may prevent or deny the recording (audio and/or video) of any public meeting.

SOURCE: GC § 3227 added by P.L. 13-35. Amended by P.L. 31-052:1 (May 23, 2011).

**§ 8104. Definitions.**

(a) (1) *Public agency* includes any board, commission or comparable unit of government, any of whose members are elected, appointed by *I Maga'lahaen Guåhan* or appointed by *I Liheslatura*; any non-profit corporation created by one (1) or more public agencies or *I Liheslatura*, and whose board of directors is appointed by such public agencies or by *I Maga'lahaen Guåhan* or *I Liheslatura*, and which is formed to acquire, construct, reconstruct, maintain or operate any public work project, or any board, commission, committee or other body on which officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.



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(2) *Public agency* also includes any advisory commission, advisory committee or advisory body of a public agency, created by law, resolution or any similar formal action of a public agency.

(3) The *Legislature* is a *public agency* when it is holding a daily session but meetings of political caucuses composed of members of the Legislature are not required to be conducted in public.

(4) A *Committee of a Legislature* is a *public agency* when it is holding a hearing but committee meetings other than hearings are not required to be conducted in public.

(5) (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.

(C) Government entities that access cable channels *shall* also be required to broadcast public notices on that channel for that respective branch of government.

(b) *Meeting* means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program.

(c) *Action taken* means a collective decision made by a majority of the members of a public agency, a collective commitment or promise by a majority of the members of a public agency to make a positive or a negative decision, or an actual vote by a majority of the members of a public agency when sitting as a body or entity, upon a motion, proposal, resolution or order.

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**SOURCE:** GC § 3228 added by P.L. 13-35; subsection (a)(5) added by P.L. 15-86:1. Subsection (a)(1) amended by P.L. 27-93:1. Subpart (a)(5)(A) amended by P.L. 32-037:2 (June 7, 2013). Subpart (a)(5)(C) added by P.L. 32-037:3 (June 7, 2013).

**2012 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

**A.G. OPINION GHPDA 92-1244:** Although the foregoing [subsection c] is merely a definition and not substantive law, it seems unlikely that the Legislature would allow circumvention of the Open Government Law by not addressing action taken by less than a majority. Therefore, it is our conclusion that the Legislature intended that action taken by boards be by a majority of the body.

**§ 8105. Exception.**

A chance meeting of two or more members of a public agency shall not be considered a public meeting. No chance meeting, informal assemblage or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this Chapter.

**SOURCE:** GC § 3229 added by P.L. 13-35.

**§ 8106. Regular Meetings.**

A public agency shall provide by appropriate administrative action rules to govern the conduct of its business. Such rules shall provide for the time for holding an agency's regular meetings. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the next business day unless continued until some other publicly announced date by action of the agency. If, by reason of an emergency, it shall be unsafe to meet at the time designated, the meetings may be held for the duration of the emergency at such other time as is designated by the presiding officer of the public agency.

**SOURCE:** GC § 3230 added by P.L. 13-35.

**§ 8107. Notices:**

(a) Notice of Regular Meetings. Any public agency which holds a meeting required by statute, regulation or resolution, shall give five (5) working days public notice, and a second public notice at least forty-eight (48) hours prior to the start of the meeting. 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

5 GCA GOVERNMENT OPERATIONS  
CH. 8 OPEN GOVERNMENT LAW

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.

(b) Notice of Special Meetings. Any public agency which holds a meeting not previously scheduled by statute, regulation or resolution, or for which notice is not already provided by law, shall give five (5) working days public notice of such meeting, and a second notice at least forty-eight (48) hours, prior to the start of such meeting as required by this Chapter. The public agency must comply with the Title II of the 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 TDD, of the designated ADA Coordinator.

(c) The notice requirements of this Chapter are in addition to and not in substitution of any other notice required by law.

**SOURCE:** GC § 3231 added by P.L. 13-35. Subsections (a) and (b) amended by P.L. 24-109:1.

**A.G. OPINION 78-2:** Public notice of any time, place and agenda of any special meeting must be given by delivery of such notice to the news media 24-hours before the beginning of the meeting. Emergencies are exempted from these requirements.

**A.G. OPINION DLM 93-1724:** The public notice of the October 28 meeting, which showed an agenda item of a "status report" on a conditional use application for the Bubulao Golf Course Project adequate notice so as to allow approval of the application by the Territorial Land Use Commission at that meeting, was not adequate notice and therefore the action was void.

**§ 8107.1. Guam Public Notice Website – Creation, Establishment and Administration.**

(a) As used in this Section:

(1) *Website* means the "Guam Public Notice Website" created under this Section.



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CH. 8 OPEN GOVERNMENT LAW

(b) There is created the "Guam Public Notice Website" to be administered by the Department of Administration.

(c) The website *shall* provide assistance to the public to find posted public notices for public agencies of the government of Guam, and its political subdivisions, as required under Title 5, Chapter 8, the Open Government Law.

(d) The Department of Administration *shall* create the website which shall:

(1) allow a public agency, or other certified entity, to easily post any public notice information that the public body or other entity is required to post under statute;

(2) allow the public to search the public notices by:

(A) public agency name;

(B) date of posting of the notice;

(C) date of any meeting or deadline included as part of the public notice; and

(D) any other criteria approved by the Department of Administration;

(3) allow the public to search and view past, archived public notices;

(4) allow a person to subscribe to receive updates and notices associated with a public body or a particular type of notice;

(5) be easily accessible by the public from the government of Guam and Guam Legislature home pages;

(6) have a unique and simplified website address;

(7) be directly accessible via a link from the main page of the official government website; and

(8) include other links, features, or functionality that will assist the public in obtaining and reviewing information in relation to public notices posted on the website, as may be approved by the Department of Administration.

(e) The Department of Administration *shall* be responsible for:

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- (1) establishing and maintaining the website, including the provision of equipment, resources, and personnel as is necessary;
- (2) providing a mechanism for public agencies to have access to the website for the purpose of posting and modifying notices; and
- (3) maintaining an archive of all notices posted to the website.

(f) The time period for posting and the content of the public notices posted to the website *shall* be the responsibility of the public agency or other entity posting the notice. The agency or entity posting or publishing the public notice required under this Section must meet all the requirements for public notice under the Open Government Law.

**SOURCE:** Added by P.L. 32-037:1 (June 7, 2013), effective 180 days after enactment pursuant to P.L. 32-037:4 (June 7, 2013).

**§ 8108. Special Meeting.**

A special meeting may be called at any time by a public agency, by delivering personally, or by mail, written notice to each member of a public agency. Notice shall also be given to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam. Such notice must be delivered personally or by mail at least five (5) working days, and a second public notice at least forty-eight (48) hours, before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the public agency. The five (5) days notice and the forty-eight (48) hours notice may be waived in the event of an emergency certified to in writing by a public agency. A public agency may also consider all necessary business in the event of an emergency. This Section shall not require a public agency to give notice of its meetings by paid advertisements in any newspaper or over any broadcasting station. Written notice may be dispensed with as to any member who at, prior to or subsequent to the time the meeting convenes, files with the clerk or secretary of the public agency a written waiver of notice. Such written notice may be dispensed with as to any member who is actually present at a meeting at the time it convenes.

**SOURCE:** GC § 3232 added by P.L. 13-35. Amended by P.L. 24-109:2.

**§ 8109. Adjournments.**

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A public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the public agency may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in § 8108 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.

SOURCE: GC § 3233 added by P.L. 13-35.

**§ 8110. Adjournment: Same.**

Any hearing being held or noticed or ordered to be held by a public agency at any meeting may by order or notice of continuance be continued or recontinued by any subsequent meeting of the public agency in the same manner and to the same extent set forth in § 8109 for the adjournment of meetings; provided, that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

SOURCE: GC § 3234 added by P.L. 13-35.

**§ 8111. Executive Sessions.**

(a) No public agency is prohibited because of this Chapter from holding executive sessions with the Attorney General, Chief of Police or the respective designated representatives of each on a matter which poses a threat to the public health, safety or welfare or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by



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another public officer, person or employee unless such officer or employee requests a public hearing. Under no circumstances, however, shall a public agency hold an executive or closed meeting to discuss salaries, salary levels or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public. A public agency may exclude from any public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the public agency, but may not exclude a party, complainant or the subject of an adverse action.

(b) Notwithstanding any other provision of law, a public agency may hold executive sessions with its staff to consider matters with the scope of the Public Employee-Management Relations Act.

(c) Under no circumstances shall a public agency hold an executive or closed meeting to discuss legal matters, impending legal matters or legal strategies with an attorney, except as herein provided below. All such discussions must be held in a public meeting and minutes shall be kept and opened to the public, except as herein provided:

(1) No such meeting may be closed except on the written recommendation of the attorney, and an affirmative vote of a majority of the members of the Board of the Public Agency to go into executive session.

(2) Only matters directly relating to ongoing litigation or litigation which has been threatened as is reasonably expected may be discussed. Only the attorney(s), court reporter, board members, and the Executive Director or managing officer of the agency may attend such a meeting.

(3) A verbatim transcript by an authorized court reporter must be taken of all meetings which are closed to discuss litigation or possible litigation and such transcript shall promptly be reduced to writing.

(4) Notice of the meeting shall be given as required for any other meeting. The notice shall indicate the place and time of the meeting, and shall indicate the general subject matter to be discussed, (if not confidential) as well as the specific exemption permitting an executive or closed meeting.

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(5) After such meeting, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matter relating to litigation or pending litigation have been discussed.

(6) There shall be public minutes made of all such executive sessions indicating the existence of the transcript, the subject matter of the meeting (if not confidential), the names of all persons attending the closed meeting, their capacities and the date and times the meeting started and closed.

(7) The transcript of such meeting shall be sealed for a period of six (6) months, and shall thereafter be a public document unless there is a court order, further sealing the transcript. Before issuing such an order, the court must read the transcript in camera and determine that the Agency would be unduly prejudiced by the release of the transcript, taking into account the public's right to know. In such event, the court may order the transcript released and made public, or may order the transcript sealed for a period not exceeding six (6) months only if there is ongoing litigation over the matters discussed and release would prejudice the Agency, or if the court finds there is a strong likelihood of litigation concerning the subject matters within six (6) months. Unless the court orders otherwise all transcripts concerning litigation or potential litigation shall become public immediately upon the termination of litigation or the threat of litigation. Under no circumstances may a matter concerning litigation be sealed for more than three (3) months after the conclusion of the litigation. In the case of expected litigation, all such transcripts cannot be sealed for more than one (1) year after the closed hearing if no litigation results.

(d) Under no circumstances shall a public agency vote on any matter before it during an executive or closed meeting. All voting must be held in a public meeting and minutes shall be kept and opened to the public.

SOURCE: GC § 3235 enacted by P.L. 13-35. R/R by P.L. 19-5:138. Subsection (d) added by P.L. 25-171:1.

**§ 8112. Disturbances.**

In any event that any person willfully interrupts a meeting of a public agency so that a meeting may not be conducted in an orderly

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fashion and order cannot be restored by the removal of the person who is wilfully interrupting the meeting, the members of the public agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such session. Duly accredited news reporters and photographers shall be allowed to attend any session held pursuant to this Section, provided that any such person who wilfully interrupts a meeting of a public agency may be removed, in the same manner as any other person.

SOURCE: GC § 3236 added by P.L. 13-35.

**§ 8113. Minutes.**

The minutes of every meeting of each public agency shall be promptly and fairly recorded, shall be open to public inspection and shall include but not be limited to a record of all motions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call. Insofar as it may do so without violating § 8103 of this Chapter, an agency may also maintain a record of persons present at a meeting.

SOURCE: GC § 3237 added by P.L. 13-35.

**§ 8113.1. Reporting Requirements for Boards and Commissions.**

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'lahaen 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.

SOURCE: Added by P.L. 31-233:XII:38 (Sept. 7, 2012).

**§ 8114. Action Voided.**

Any action taken at a meeting in violation of any Section of this Chapter shall be void and of no effect, provided that this nullification of

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actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

SOURCE: GC § 3238 added by P.L. 13-35.

**§ 8115. Penalties and Court Jurisdiction.**

(a) The Superior Court shall have jurisdiction to enforce any action brought as a result of a violation of this Chapter. Any person shall have standing to sue for the enforcement of this Chapter.

(b) Each member of a public agency who attends a meeting of a public agency where action is taken in violation of any provision of this Chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

(c) Any interested persons may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing a violation or threatened violation of this Chapter by members of an agency or to determine the applicability of this Chapter to actions or threatened future action of an agency.

(d) In each suit brought under the Chapter, the court shall file a written Findings of Fact and Conclusions of Law and final judgment which shall also be recorded in the minutes of body involved.

(e) The court shall permanently enjoin any person adjudged to have violated this Chapter from further violating this Chapter. Each separate action taken which is not in accordance with this Chapter shall constitute a separate violation.

(f) The final judgment or decree in each suit shall state that the court shall retain jurisdiction over the parties and subject matter for a period of one (1) year from date of entry and the court shall order the defendants to report in writing twice annually to the court of their compliance with this Chapter.

SOURCE: GC § 3239 added by P.L. 13-35.

**§ 8116. Severability.**

If any provision of this Chapter or the application of any Section thereof, to any person or circumstance is held invalid, the validity of the remainder of said Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.



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SOURCE: GC § 3240 added by P.L. 13-35.

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