

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

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

February 27, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: Executive Order No. 2021-05

Hafa Adai Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-05: Relative to Extending the
Public Health Emergency Declared to Respond to Novel
Coronavirus (COVID-19)**

Thank you.

Senseremente,

A handwritten signature in black ink, appearing to read "Leslie A. Travis".

LESLIE A. TRAVIS

Legal Counsel

(J.Borja)

Enclosure: Executive Order No. 2021-05

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



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

EXECUTIVE ORDER NO. 2021-05

**RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY
DECLARED TO RESPOND TO NOVEL CORONAVIRUS (COVID-19)**

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

WHEREAS, since first declaring a public health emergency, Guam has suffered One Hundred Thirty (130) COVID-19 related deaths in our community; and

WHEREAS, as of the time of this writing, over Seven Thousand Seven Hundred (7,700) individuals have tested positive for COVID-19 in Guam; and

WHEREAS, at its peak, One Hundred Two (102) individuals were hospitalized in Guam hospitals for conditions related to COVID-19, far exceeding the resources initially dedicated to COVID-19 patients, and requiring our hospitals to hire temporary contract nurses, and rededicate space at the Guam Memorial Hospital intended for non-COVID patients, and extending into previously non-COVID facilities; and

WHEREAS, since February 19, 2021, the island has been under Pandemic Condition of Readiness ("PCOR") 3, under which most businesses and activities have been permitted to operate under moderately restrictive conditions, including reduced capacities in all facilities with indoor operations, and prohibitions and limitations of social gatherings; and

WHEREAS, since June 2020, Guam has relied on the Covid Area Risk ("CAR") Score to assess the risk of COVID-19 spread, which is calculated using three main data points -- case doubling time, test positivity rate, and new cases per 100,000 persons; and

WHEREAS, Guam's CAR Score, has held steady below five (5) since late November 2020 and below 2.5 since the second week of December 2020, and is calculated at 0.2 as of the time of this writing; and

WHEREAS, as part of the vaccination plan, the Department of Public Health and Social Services ("DPHSS") and the Guam National Guard have held community vaccination clinics and utilized local clinics as community partners to disseminate vaccines to their patients; and

WHEREAS, as of the date of this writing, over thirty one thousand (31,000) individuals have begun the vaccination process by receiving at least the first of two vaccine shots, with over eighteen thousand (18,000) individuals having received both doses; and

WHEREAS, notwithstanding the implementation of our phased vaccination plan, I, along with DPHSS, the Guam National Guard Surgeon Cell, and the Physicians Advisory Group,



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will continue to monitor our island's response to our staggered reopening, so that further adjustments are made immediately as needed; and

WHEREAS, while our community has made significant advances in slowing the spread of COVID-19 by availing of opportunities for free testing and vaccinations and by practicing our mitigating measures, COVID-19 remains a significant threat to our public health; and

WHEREAS, the emergence of more contagious variants of the virus that causes COVID-19 in several countries, including the United States, necessitates continued public health precautions even while our hospitalizations and positivity rates have decreased and remained low for several weeks; and

WHEREAS, it is appropriate to continue the gradual restoration of government operations, including reverting to the regular notice requirements under applicable law while balancing the need to accommodate remote participation in light of continuing public health concerns; and

WHEREAS, the federal government has announced additional assistance to individuals, families, businesses, non-profit organizations, and local, state, tribal, and territorial governments to help bring vaccines to our communities and provide some much needed financial relief and economic recovery assistance; and

WHEREAS, as our community works to recover from the physical, emotional, and financial strain caused by this global pandemic, it is important for us to recognize that the emergency has not yet ended and that we are now, and will continue to be for some time, necessarily engaged in emergency response.

NOW THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam as amended, do hereby order:

- 1. EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** The public health emergency first declared in Executive Order No. 2020-03 and extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, 2020-24, 2020-29, 2020-35, 2020-38, 2020-41, 2020-46, and 2021-03 shall be extended for an additional thirty (30) day period, effective March 1, 2021. The public health emergency is now set to expire on April 1, 2021.
- 2. PANDEMIC CONDITION OF READINESS 3.** Guam continues to be in PCOR 3, during which most activities are permitted to operate under moderate restrictions imposed in an effort to slow the spread of COVID-19 in our community.
- 3. OPEN GOVERNMENT LAW.** Effective March 8, 2021, Item 5 of Executive Order No. 2020-06, Item 4 of Executive Order No. 2020-07, and Item 4 of Executive Order No. 2020-16 are rescinded. Boards and commissions of the government of



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Guam are directed to ensure compliance with the provisions of the Open Government Law as set forth in Chapter 8, Title 5 of the Guam Code Annotated.

- a. **Participation in Government Meetings via Teleconference.** Notwithstanding the requirements set forth in 5 G.C.A. § 43121, all members of government boards and commissions may attend and participate in regular and special meetings and executive sessions via video teleconferencing. All requirements in local law expressly or impliedly requiring the physical presence of members, other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived. Any government board or commission holding a meeting entirely via teleconference shall notice at least one telephonically or electronically available location from which members of the public shall have the right to observe and offer public comment at the public meeting, as applicable.
4. **VACCINATIONS.** Individuals are highly encouraged to get vaccinated as they become eligible under the phased approach adopted by the Vaccine and Antiviral Prioritization Policy Committee.
5. **USE OF THE GUAM COVID ALERT APP ENCOURAGED.** All residents with smartphone capability are encouraged to download the Guam COVID Alert app, which will alert individuals who may have been exposed to another individual who has tested positive for COVID-19. The app is free, and available to download for Apple and Android devices.
6. **CONTINUED AUTHORIZATION FOR OVERTIME.** As previously set forth in Executive Order No. 2020-16, incurrence of and payment for overtime for certain government of Guam employees is authorized for work performed in excess of forty (40) hours a week to mitigate, respond to, and recover from the effects of COVID-19. The Office of Homeland Security/Office of Civil Defense is authorized to determine eligibility of overtime resulting from work performed by government agencies, and approval of overtime plans by the Bureau of Budget Management and Research shall, to the extent possible, be obtained prior to incurring any such overtime.
7. **ENFORCEMENT.** Individuals and businesses who fail to comply with applicable DPHSS Guidance Memoranda and Directives may be subject to fines pursuant to 10 G.C.A. §19802 and 26 GAR Chapter 4 Article 28, as well as any other penalties available under Guam law. DPHSS and affected agencies may enforce applicable enforcement statutes and regulations with the assistance of the Guam Police Department.
8. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other



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provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

9. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagátña, Guam, this 27th day of February 2021.

Lou Ann Guerrero

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Attested by:

Joshua F. Tenorio

JOSHUA F. TENORIO

Sigundo Maga'låhen Guåhan

Lt. Governor of Guam

