



# The Vigilance Committee

GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

There is a growing concern with the actions of governmental Boards or Commissions and their ability to be transparent with their decision-making to the public. In order to ensure openness in the decision-making of our government, the Vigilance Committee recommends the following language be *added* to the Open Government Law.

**Section 1.** A new § 8103.1 is *added* to 5 GCA to read: "No attempted action of a board, commission or council is valid if not stated in the notice of meeting required by § 8107 of this chapter."

**Section 2.** A new § 8107 (d) is *added* to 5 GCA to read: "(d) Notices must contain the agenda of matters to be discussed at the respective meeting. Agenda items must be in sufficient detail as to put the public on notice as to what is to be discussed."

## 5.) How will you require every Board or Commission to publicly disclose their actions prior to their final decisions?

### CANDIDATE RESPONSES

ADA, Vicente Anthony Borja (R) Tony Ada (Daso/Bodig)	I have no objections to the two proposed amendments and, if elected, I would look forward to hearing arguments in opposition. I know that boards and commissions in many jurisdictions have for years conducted business by having one board meeting in a month for discussion only and another meeting for action only. This could serve to provide outside interested parties opportunity to become informed of potential board actions and additional time to make their positions known the board and the administration before final action is taken.
ANANICH, John Albert, II (D) Perez Aguon	Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".
ARMENTA, Michelle Lynn (R) Familian Dasu	I will add language to the Open Government Law as recommended above.
BLAS, Frank Flores, Jr. (R) Dero Jeje Papa	Unless it can be justified that the decision is time sensitive and urgent, it is probably prudent to allow for a reasonable period for public comment with a process to reconsider the decision based on information received in that period.
BORDALLO, Fred E., Jr. (D) Kotla Queto	When elected I will be ready to support the suggested amendments to this open Government law. Boards and Commissions are obligated to provide all documentations of meeting minutes I will support the advancement in technology for more public participation to virtually attend Government of Guam board and commission meetings.

BORJA, Vincent A.V. (R) Dasso & Karabao	Review laws and policies to ensure there are no gaps and ensure enforcement and/or removal of those who think they are above the law.
BROWN, Joanne M. (R)	With modern technology that is more affordable and accessible, every board and commission should be able to transmit their meetings live and online so the people know what decisions are being made with their government resources before decisions are made. Also, the details of the meeting agenda to be published ahead of the meeting as this will also provide the public an opportunity to be informed of the agenda items and not just the notice of the meeting. This should not be optional. Too much can be hidden when the lights are out. We need to turn on the lights! I would also support amending the law to include these recommended amendments.
CARILLO, Christopher L. (D) Chris	Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".
CRUZ, Joseph Iglesias (R) JI Cruz / Familian Lazaro	Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".
DUENAS, Christopher M. (R) Chris	This proposed legislation seems logical and transparent. I support it.
DUENAS, David Ralph (D) Dave Inchick	Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".
EDQUILANE, Don Antonio Ada (R) Balaku Atdot Sam Clara	Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".
HERNANDEZ, Dominic Joaquin (R) The Informant	Enforcing it. If the law requires for them to be transparent then it needs to be enforced. If the law needs to be adjusted to ensure it is enforced then we need to ensure it gets adjusted properly to meet the requirements to enforce it. Again the problem with why this is happening is because it isn't being enforced enough. I believe that we need individuals who are not afraid to speak up or stand up against those who wish to bypass the law or system. I am one of those individuals who will question the matter and look into what is the facts. Facts is facts. If the issue is questionable without much facts to back it than it comes down to right or wrong. In my opinion, a government who does not have a legitimate reason to be transparent such as "national security reasons" than it is our duty as citizens to ensure that our government is transparent with our people.
LEON GUERRERO, Frank G. (D) Nacha / Liberato	Again, if elected into the next Guam Legislature, I will be open to entertain your concerns. It will certainly require more than just one vote, but perhaps a committee will be available to entertain your concerns and recommendations. Based on these recommendations that you have provided, I hope that the policy satisfies your concerns if adopted into law. Henceforth, its just a matter of compliance.

<p>LEON GUERRERO, Joaquin Vicente (R) Ken Leon Guerrero</p>	<p>These are badly needed changes I support. Boards and Commissions, who are political appointees, hide their actions behind public notices that contain boilerplate language published in public notices that basically reads: Agenda Items 1.Approval of Minutes 2. Directors Report 3. Old Business 4. New Business 5. Public Comments 6. Adjournment. I will also introduce legislature mandating all board and commission meetings be live streamed, recorded, and posted on the agency website within 48 hours of the meeting.</p>
<p>MARSH, Kelly G. (D) (Incumbent) Taitano Kaluu</p>	<p>One possibility that some boards and commissions have started doing is to live-stream their meetings. Because boards and commissions may only meet once a month or a quarter, it may be difficult to have disclosure prior to decisions which would then necessarily be delayed by a significant amount of time. I would research this further and seek legal counsel for guidance.</p>
<p>MENO, Franklin J. (D) Bunker</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>
<p>MOYLAN, James C. (R) (Incumbent) Jim Camacho Aragon Jeju</p>	<p>Just as with the previous question, I am certainly open to fine tuning, or rather, modernizing the Open Government Law to assure that there is a better level of fluidity with Board or Commissions in being transparent with their actions, inclusive of how they display their decision making process. Likewise, I am open to having a discussion with the Vigilance Committee on this recommended amendment, and possibly introducing it as a measure.</p>
<p>MUÑA BARNES, Tina Rose (D) (Incumbent) Pungco/Che/Inda</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>
<p>NELSON, Telena Cruz (D) (Incumbent) Flores Torres Fungo</p>	<p>"Vice Speaker Telena Cruz Nelson has always been a champion of transparency and accountability within our government. In this term alone and to ensure accountability, Vice Speaker Nelson has conducted numerous oversight hearings with agencies under her purview, including the Guam Department of Education, charter schools, and the Guam International Airport Authority. In late 2019, Nelson assumed temporary oversight of the Committee on Public Safety and oversaw two oversight hearings with the Department of Corrections after multiple inmates had been erroneously released. Nelson has gone as far as to oppose the confirmation of a government board member who had a controversial history with transparency and complying with Guam's Open Government Law. Through innumerable Sunshine Reform Act (FOIA) requests and letters to various government agencies, a host of oversight hearings and, in her capacity as a check and balance of the government, Vice Speaker Nelson has proved time and time again that transparency and accountability is of the utmost importance in our democracy. She has fought to</p>

	<p>protect an open government and one that is accountable to the people it serves, and has always pledged to uphold these values in service to the People of Guam. Currently, Vice Speaker Nelson is on active duty orders with the Guam National Guard and is unable to participate in this survey while she continues serving our island in a different capacity. This official response has been submitted on her behalf from The Office of Vice Speaker Telena Cruz Nelson."</p>
<p>PEREZ, Sabina E. (D) (Incumbent) Familian Gollo, Cabesa</p>	<p>I strongly support the intent of this proposed amendment to the Open Government Law. I would like to research the wording, including obtaining advice for the Legislature's Legal Counsel, to ensure we properly accommodate a number of edge cases which we may not wish to fall under this language. For example, an extremely broad reading of this proposed amendment may argue that advance publication is required of every single motion conducted by a board or commission. Will this apply to procedural, but nevertheless critical, actions? If so, and a board or commission does not publish in advance an agenda item regarding "adjourning or recessing", it may jeopardize other actions taken during that meeting. Significant court cases have pivoted on other seemingly inconsequential issues such as this, and I would simply request further legal guidance before determining whether slight edits are needed to this language. Additionally, some board actions should not be a matter of public record, such as executive sessions to discuss privileged legal matters (procurement, ongoing personnel investigations, etc). As such, I believe the proposed amendment may need to be changed slightly to accommodate these types of matters. But such language must not open loopholes for abuse, such as with the CCU pay raises. In short, yes, I support this amendment. I just intend to have our Legislative Legal Counsel weigh in and potentially provide some rewording for functional purposes.</p>

<p>RIDGELL, Clynton E. (D) (Incumbent) Clynt Ridgell</p>	<p>I agree to the intent of the proposed amendments. However I would like to research the issue further to ensure that the proposed language is appropriate. For example the language could be read to mean that every single motion that is made during a meeting must be published ahead of time as a motion is an action of the board. Some motions are simple house keeping or procedural motions. Some motions aren't even thought of until there is deliberation and debate that brings about the need for a particular motion. A board or a commission does need some flexibility to be able to operate. However, for major decisions such as the approval of a contract or the increase of an employees salary or a policy change or policy adoption that affects the public should definitely be indicated clearly on a meeting notice. I definitely agree that agenda items must be in sufficient detail in order for the public to be able to reasonably determine the subjects that will be discussed during the meeting.)</p>
<p>SAN AGUSTIN, Joe Shimizu (D) (Incumbent)</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>
<p>SEAU, Sandra Reyes (R) Familian Tung &amp; Kinto</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>
<p>SHELTON, Amanda (D) (Incumbent) Familian Carabao</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>
<p>TAITAGUE, Telo Teresa (R) (Incumbent) Tell it to Telo</p>	<p>Although I am open to supporting amendments which may be necessary to strengthen the current Open Government Law (such as the 5-day and 48-hour notice requirements), I believe boards and commissions should be held responsible for taking any action outside of their applicable laws and regulations. Potentially criminal or unethical actions by boards and commissions must be reported to authorities for appropriate action to be taken.</p>
<p>TERLAJE, Jose Toves (D) (Incumbent) Jose "Pedo" Toves Terlaje</p>	<p>All government meetings should be publicly live streamed and video recorded.</p>
<p>TERLAJE, Therese M. (D) (Incumbent) Attorney</p>	<p>I support requiring clear notice prior to the final decision (action) as in Section 1 of your suggested amendment, but in Section 2 I would require notice for "action" as in Section 1 and not "discussion".</p>
<p>TORRES, Mary Camacho (R) (Incumbent) MARY- Your Voice</p>	<p>Candidate <b>did not respond</b> to the "non-partisan survey promoting openness and transparency in government".</p>