



The Vigilance Committee

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

October 05, 2020

TVC 20-062

Dear Senatorial Candidate:

On behalf of the Vigilance Committee, I write respectfully to request that you respond to our non-partisan survey below regarding your agenda to promote openness and transparency in government.

The Vigilance Committee is a nonprofit organization dedicated to requiring compliance with the Open Government Law and the Sunshine Reform Act by public officials and government representatives; and to promote ways to improve the dissemination and disclosure of information to the general public.

Your responses to the nonpartisan survey will be published verbatim at the following website: www.stayvigilant.org on Monday, October 12, 2020. We request that your full response to each survey question not exceed 100 words.

To meet our publication deadline, your responses to the survey must be received by no later than Friday, October 09, 2020 at 5:00 PM. If you do not respond, the publication will state "Did Not Respond."

Please send your responses to me at stayvigilantgu@gmail.com.

We are a tax-exempt organization under section 501(c)(4) of the Guam Territorial Income Tax Law, and will not be supporting or opposing any candidate for public office.

We hope that you will take this opportunity to communicate your views on how you, as a candidate for senator in the 36th Guam Legislature, will take action on policy initiatives that will restore openness and transparency in government.

Very Respectfully,

Lee P. Webber

President, The Vigilance Committee, Inc.

Attached: The Vigilance Committee non-partisan survey



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A NON-PARTISAN SURVEY PROMOTING OPENNESS AND TRANSPARENCY IN GOVERNMENT.

- 1.) Does our government do the right thing when it comes to openness and transparency?
- 2.) When was the last time you were concerned about transparency with our government? Be specific.
- 3.) What have you, personally, done to ensure openness and transparency in our government?
- 4.) It has been reported in various media outlets that Boards and Commissions have approved pay raises or salary adjustments for unclassified personnel without reasonable justification for their actions. In order to ensure Boards and Commissions remain transparent with their actions for any unclassified, limited term appointment, temporary appointment, contractual or exempt personnel of the government of Guam, the Vigilance Committee recommends the following *amendment* to the Sunshine Reform Act:

Section 1. § 10108 (c) of 5 GCA is hereby *amended* to read: "(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. All information regarding salary, and the name, ~~and~~ worksite mailing address, employment type, employment status, disciplinary records and performance evaluations of each employee and public official shall be public record-. provided that the performance evaluations of classified employees are not public records."

How will you ensure transparency is upheld in the disclosure of public records for unclassified, limited term appointment, temporary appointment, contractual or exempt personnel of the government of Guam?

- 5.) 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."

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

6.) Through a Freedom of Information Act request, our Committee uncovered that Governor Leon Guerrero's Physician Advisory Council – which exists to advise the Governor on matters related to the spread of COVID-19 through coordination and expert advice – was neither compliant with the Open Government Law nor had it observed the rudimentary principles and requirements of every deliberative body. To ensure advisory committees are open and transparent to the public, the Vigilance Committee recommends the following *amendments* to the Open Government Law:

Section 1. Subsection (b) of §8104, Chapter 8, Title 5, Guam Code Annotated, is *amended* to read:

“(b) *Meeting* means:

1) 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.

2) the convening of an advisory committee appointed by the governor to provide recommendations concerning her exercise of the authority provided by 10 GCA Chapter 19.”

Section 2. Subsection (c) of §8104, Chapter 8, Title 5, Guam Code Annotated, is *amended* to read:

“(c) *Action* taken means:

1) 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.

2) a recommendation made by an advisory committee appointed by the governor to provide recommendations concerning her exercise of the authority provided by 10 GCA Ch. 19.”

Section 3. The provisions of 5 GCA § 8115. Penalties and Court Jurisdiction. *shall not* apply to the members of an advisory committee as defined in 5 GCA § 8104 (b) (2).

How will you ensure advisory committees, such as the Physician Advisory Council, adhere to the Open Government Law or observe the rudimentary principles and requirements of every deliberative body?

7.) During the onset of the COVID-19 pandemic, one of the first actions taken by Governor Lou Leon Guerrero was to gut the Open Government Law denying the rights of the people and their ability to hold their government accountable. In order to restore openness and transparency in government during a declaration of a State of Public Health Emergency, the Vigilance Committee recommends the following *amendment* to the Governor’s Emergency Health Powers:

Section 1. Subsection (a)(1) of §19403 of 10 GCA is *amended* to read:

“... through an executive order suspend, the provisions of any regulatory statute, *except* 5 GCA Ch. 8 & 10, The Open Government Law and the Sunshine Law, respectively, provided that the executive directors, by whatever title, enforce social distancing during meetings, of prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population; ...”

When any governor declares a State of Public Health Emergency, how will you ensure the Open Government Law and the Sunshine Law remain whole and a priority in government?