



The Vigilance Committee

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

January 20, 2022

Transmitted via Electronic Mail

**communications@guam.gov; krystal.paco@guam.gov
law@guamag.org; jcruz@guamag.org**

The Honorable Lourdes A. Leon Guerrero

I Maga'hågan Guåhan [Governor of Guam]

Office of the Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

Ref: TVC 22-110

The Honorable Leevin Taitano Camacho

Attorney General of Guam

590 So. Marine Corps Drive, Suite 901

Tamuning, GU. 96913

Subject: Notice of Violation of Public Law 36-34

Hafa Adai Governor Leon Guerrero and Attorney General Camacho:

This letter is our ¹**second call** demanding you take action to what we believe is a substantial violation of the Open Government Law—specifically, provisions in Public Law 36-34— one which may jeopardize the finality of any action taken during a meeting held by any public agency of the government of Guam, including any board, commission or comparable unit of government.

The nature of the Open Government Law violation(s) for government of Guam agencies are as follows: publication of sufficient detail of agenda items nonexistent or insufficient (e.g. publication of a “link” to the “agenda” does not satisfy the requirements for public notices); information to view the broadcast of regular and special meetings; or compliance with the Title II of the Americans with Disabilities Act (‘ADA’) requirements. Government agencies are also required to disclose the source of payment for government notices which must include a disclosure statement that the public notice, advertisement or message is paid for by government funds.

The most common violation of published agendas is: failure to provide “sufficient detail” in their agenda when listing items, including, but not limited to, the following: new business, old business, committee reports, other discussions, executive sessions, or the like. When issued a notice of violation by our committee, a few agencies responded to the lack of sufficient detail in some of their agenda items as “standard items” placed on the agenda, but not discussed during the publicly held meeting. These instances of violations are at best anomalous and at worst misleading to the public.

¹ First Notice of Violation was transmitted electronically to Governor Leon Guerrero on September 03, 2021.

As you are aware, Public Law 36-34 was signed into law on June 11, 2021, and took effect thirty (30) days after its enactment creating specific agenda obligations for notifying the public with a “sufficient detail” of each item to be discussed or acted upon, and also highlighting the legal remedy for illegally taken actions.

It has been brought to our attention that the following agencies have published public notices that have been found to be non-compliant with the requirements of the Open Government Law:

| Name of Agency | Agency Meeting held on: |
|---|--------------------------------|
| Guam Visitors Bureau | January 27, 2022 |
| Northern Soil and Water Conservation District Board | January 28, 2022 |
| Guam Board of Examiners for Optometry | January 25, 2022 |
| Tamuning Mayor’s Office – Tatuha | January 13, 2022 |
| Alcohol Beverage Control Board | January 19, 2022 |
| Guam Solid Waste Authority | January 14, 2022 |
| Serve Guam Commission | January 22, 2022 |
| Guam Visitors Bureau | January 13, 2022 |
| Guam Interagency Coordinating Council | January 14, 2022 |
| Department of Parks and Recreation | January 6, 2022 |

****Since the enactment of Public Law 36-34, other public agencies not listed here may have also published notices that are non-compliant with the Open Government Law.**

If during its meeting, the public agency, board, commission, or comparable unit of government took any action (i.e. by either a formal vote, an “approval in concept,” or some other reflection of a consensus that the body would act or not act in a certain manner in the future) however, ²failed to comply with the public notice of agenda matters to be discussed pursuant to ³§ 8107 (d) or failed to comply with the broadcasting requirement pursuant to ⁴§ 8103 (d) of the Open Government Law, the action taken at the meeting is **void and of no effect**.

We have also been informed of boards and commissions who have ⁵“ratified actions taken during meetings in order to cure noncompliance with Public Law 36-34, which requires agencies to broadcast public meetings and to publicly announce agendas, otherwise their actions are considered void.” The law is clear that “any action of a public agency taken at a meeting is **void and of no effect** if the public agency failed to comply with the public notice of agenda matters to be discussed;” and **not voidable**.

² 5 GCA § 8114.1. Action Voided-Noncompliance. Any action of a public agency taken at a meeting is void and of no effect if the public agency failed to comply with the public notice of agenda matters to be discussed pursuant to § 8107 (d) of the Open Government Law or failed to comply with the broadcasting requirement pursuant to § 8107 (d) of the same Law.

³ 5 GCA § 8107 (d) Notices must contain the agenda of matters to be discussed at the respective meeting. Agenda items must be in sufficient detail to put the public on notice as to what is to be discussed.

⁴ 5 GCA § 8103 (d) "Except for executive sessions and other meetings expressly authorized by law to be closed, regular and special meetings of a public agency shall be broadcast via video live streaming applications as announced in the notice of meeting and on the agency's website."

⁵ Guam Daily Post- https://www.postguam.com/news/local/ghura-fixes-issues-with-public-notices/article_05aa17fe-1cf8-11ec-82eb-37b1f9e50795.html

Notice of Violation of Public Law 36-34
January 20, 2022
Page 3 of 3

Pursuant to Open Government Law, we demand that any public agency who has been found in violation of the Law cure and correct any illegally taken action and provide the public the awareness and opportunity to comment of which it was deprived, e.g. the formal and explicit withdrawal from any commitment made, coupled with a disclosure at a subsequent meeting of why individual members of the public agency took the positions — by vote or otherwise — that they did, accompanied by the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda.

We hereby demand you to either cure or correct any action taken or inform us of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave us no recourse but to contemplate a judicial invalidation of each action taken by a public agency pursuant to 5 GCA § 8115.

Furthermore, we would like to thank the Office of the Attorney General of Guam for their efforts to ensure government of Guam agencies are kept abreast and adequately trained on the important updates to Open Government Law. We commend your December 15, 2021 training on “Everything You Need to Know About the Open Government Law in Guam” and encourage you to continue your efforts towards full compliance by government of Guam agencies with the Open Government Laws.

Respectfully submitted,



Lee P. Webber
President, The Vigilance Committee, Inc.

ALCOHOL BEVERAGE CONTROL BOARD NOTICE OF REGULAR MEETING

The Alcoholic Beverage Control Board
will be meeting on Wednesday, January 19, 2022 at 4:00 p.m.
via Zoom Video Conference

Meeting Link: <https://us02web.zoom.us/j/83588476826>

Livestream: [Guam Department of Revenue and Taxation - Facebook page](#)

AGENDA:

- I. Call to Order
- II. Roll Call
- III. Old Business
 - (A) Minutes of Meeting - Dec. 28, 2021 (Pending Approval)
 - (B) ABL Takeover Tabled from Dec. 28, 2021 - Horse and Cow Pub & Grill.
- IV. New Business:
 - (A) Alcoholic Beverage License(s) Applications:
DBA: R N C Mini Mart (New); DBA: The Bottle Shack (Relocation); DBA: Garden Mini Store (New).
 - (B) Temporary Alcohol License Applications:
Pacific War Museum - Event: Hagatna City Siam Basketball Tournament
- V. Manager/Assistant Manager Applications: New/Renewal
- VI. Other Discussions:
- VII. Open Forum
- VIII. Adjournment

For any special accommodations, please contact: 635-1806/02
This ad is paid with government funds by the Better Public Service Fund.

Board of Directors Regular Meeting Friday, January 14, 2022 – 1:00 PM (ChST)

Join Zoom Meeting:

Link: <https://zoom.us/j/9140408814?pwd=TjZ3U0dHSVd0ajlKRjBhcWFrc1ZYz09>

Meeting ID: 914 040 8814 Passcode: 777546

AGENDA

Friday, Jan 14, 2022, 1pm via video conference

- I. Call to order
- II. Roll Call
- III. Approval of Minutes
- IV. Reports
 - a. Management reports
 - i. Operational Update
 - b. Committee reports
 - i. Zero Waste Round Table/ Revolving Recycling fund subsidy
- V. Unfinished Business
 - a. Island Wide Trash Collection Initiative
 - b. Ordot Post Closure update
 - c. Layon Cells 1 and 2 Closure, feasibility study
 - d. Independent Accounting System
- VI. New Business
 - a. Rate Case with the PUC
- VII. Executive Session
- VIII. Open Discussion
- IX. Public Forum
- X. Next meeting
- XI. Adjourn

Access live stream of the meeting on GSWA website: <https://www.guamsolidwasteauthority.com/>

For more information, please contact GSWA Chief of Administration, Alicia Fejeran, at Alicia.Fejeran@gswa.guam.gov or 671-646-3111. Persons needing telecommunication device for the Hearing/Speech Impaired (TDD) may contact 671-475-8339.

This advertisement was paid for by GSWA



San J P Fernandez
Superintendent of Education

Department of Education Division of Special Education

501 Mariner Avenue, Barrigada, Guam 96913 • Telephone (671)300-5776/5816
geis@gdoe.net



Thomas C. Rahnke
Assistant Superintendent

GUAM INTERAGENCY COORDINATING COUNCIL (ICC) QUARTERLY MEETING

Date: Friday, January 14, 2022
Time: 2:30 p.m. - 4:30 p.m. via Zoom Join Zoom Meeting
<https://gdoe.zoom.us/j/92851056057> Meeting ID: 928 5105 6057

Agenda will include proposed budget activities and Updates on State Performance Plan and Annual Performance Report

For more information or special accommodations, please contact: geis@gdoe.net or (671) 300-5776

This advertisement was paid for with 100% Federal Funds Part C Individual with Disabilities Education Act (IDEA) Special Education - CFDA #84 181A



Luarden A. Lasa Guerrero
Governor
Jesusa F. Tenorio
Lt. Governor

Department of Parks and Recreation

Government of Guam
Director's Office, Parks and Recreation Divisions
1 Paseo de Susana, Hagåtña, Guam 96910
P.O. Box 2950, Hagåtña, Guam 96932
(671)475-6288; Facsimile (671) 477-0997
Guam Historic Resources Division,
490 Chalan Palmyra, Agaña Heights, Guam 96910
(671) 475-6294/6355, Facsimile (671) 477 2822



Roque A. Alcantara
Director

NOTICE OF PUBLIC MEETING

The Guam Historic Preservation Review Board will meet Thursday, January 6, 2022, at 3:00 p.m. You may attend the meeting by utilizing Zoom; contact our office for Zoom link information.

For special accommodations and further information contact the Department of Parks and Recreation, Guam Historic Resources Division at 475-6295/6294.

/s/ Roque A. Alcantara
Director

I. Northern Soil and Water Conservation District Board Work Session 01/28/22 at UOG Room 104 from 3:30 to 4:30pm.

Agenda:

- A. SOPs Discussion
- B. Proposed Budget Allocations
- C. Staff Recruitment

Zoom Link: <https://us02web.zoom.us/j/85732252143?pwd=MW5lOXg1Y1RzMkZTOGFZQWNUZXhkdz09>

II. NGSWCD Monthly Board Meeting on January 28, 2022 from 4:30pm to 6:00pm.

Zoom Link: <https://us02web.zoom.us/j/82747006519?pwd=WXdwS1FBWVNU3F5eDF4dkJlL200Z09>

Agenda:

- | | |
|--------------------------------------|-----------------------------|
| 1. Call to Order | 7. Adoption of SOPs |
| 2. Roll Call | 8. Education & Outreach |
| 3. Approval of Meeting Agenda | 9. Old Business |
| 4. Approval of Previous Mtg. Minutes | 10. New Business |
| 5. Partners Reports | 11. Announcement: Next Mtg. |
| 6. Board Exec. Committee Reports | 02/04/22 & 02/25/22 @3:30pm |
| | 12. Adjournment |

For any questions or concerns, please kindly email me at hcrisobalmom@gmail.com

Hope Cristobal, Chairperson



PUBLIC NOTICE ANNOUNCEMENT

The Guam Visitors Bureau will hold a Regular Meeting of the Board of Directors on **Thursday, January 13, at 1:30 p.m. in the GVB's main conference room and by Teleconference- via GoToMeeting.** The Board of Directors will discuss the following:

AGENDA: Call to Order • Roll Call • Approval of Minutes • Reports • Old Business • New Business • Executive Session • Announcements • Adjournment
*Detailed agenda is available at <https://www.guamvisitorsbureau.com/>

To attend the teleconference meeting via GoToMeeting, download the app on any of your devices at <http://global.gotomeeting.com/install/606222565> and be ready when your first meeting starts.

Join us

[https://www.gotomeet.me/
GUAMVISITORSBUREAU/gv
b-board-meeting](https://www.gotomeet.me/GUAMVISITORSBUREAU/gv-b-board-meeting)

To dial by phone

(Toll-Free): 1 877 309 2073
Access Code: **606-222-565**

Individuals requiring special accommodations or information are requested to contact GVB at 646-5278 for assistance.
This ad is paid for by the Guam Visitors Bureau



PUBLIC NOTICE ANNOUNCEMENT

The Guam Visitors Bureau will hold a Regular Meeting of the Board of Directors on **Thursday, January 27, at 1:30 p.m. in the GVB's main conference room and by Teleconference- via GoToMeeting.** The Board of Directors will discuss the following:

AGENDA: Call to Order • Roll Call • Approval of Minutes • Reports • Old Business • New Business • Executive Session • Announcements • Adjournment
*Detailed agenda is available at <https://www.guamvisitorsbureau.com/>

To attend the teleconference meeting via GoToMeeting, download the app on any of your devices at <http://global.gotomeeting.com/install/606222565> and be ready when your first meeting starts.

Join us

[https://www.gotomeet.me/
GUAMVISITORSBUREAU/gv
b-board-meeting](https://www.gotomeet.me/GUAMVISITORSBUREAU/gv-b-board-meeting)

To dial by phone

(Toll-Free): 1 877 309 2073
Access Code: **606-222-565**

Individuals requiring special accommodations or information are requested to contact GVB at 646-5278 for assistance.
This ad is paid for by the Guam Visitors Bureau

**The Guam Board of Examiners for Pharmacy
Regular Virtual Board Meeting**

**Thursday, January 20, 2022 at 7:30AM.
Join Zoom Meeting**

**<https://zoom.us/j/93008311920?pwd=YVVjRGVWcWlORStodTFjYVVVQUd3dz09>
Meeting ID: 930 0831 1920 Passcode: 019957**

Meeting Agenda:

- I. Call to Order:
- II. Roll Call: Virtual Roll Call
- III. Proof of Publication: Ad posted in the Guam Daily Post
- IV. Approval of Agenda
- V. Approval of Minutes: Minutes of November 18, 2021
- VI. HPLO Administrator's Report: Zennia C. Pecina, M.S.N., R.N
- VII. Old Business:
 - (a) Complaint(s): GBEP-CO-16-01, GBEP-CO-17-01
 - (b) Pharmacies/Facilities/Wholesales
 - (c) Pharmacists by Endorsement
 - (d) Pharmacist by Examination
 - (e) Renewals 2021
- VIII. New Business:
 - (a) Pharmacists by Endorsement
 - (b) Pharmacy Technicians
 - (c) Pharmacies/Facilities/Wholesales
 - (d) Renewals 2021
- IX. Other:
- X. Announcement: The Guam Board of Examiners for Pharmacy Regular Session Meeting is scheduled for February 17, 2022 at 7:30a.m (Tentative)
- XI. Adjourned:

**The Guam Board of Examiners for Optometry
Regular Virtual Board Meeting**

**Tuesday, January 25, 2022 at 8:30AM (ChST)
Join Zoom Meeting**

**<https://zoom.us/j/91794707946?pwd=UitmcG1lckxYOFcvOWJjNVJWMOIGUT09>
Meeting ID: 917 9470 7946 Passcode: 821976**

Meeting Agenda:

- I. Call to Order
- II. Roll Call
- III. Elections
- IV. Proof of Publication
- V. Approval of Agenda
- VI. Approval of Minutes
- VII. Treasurer's Report
- VIII. HPLO Administrators Report
- IX. Old Business
 - (a) The Practice Act Revision
 - (b) Rules and Regs Proposed Revision 2.0
 - (c) Shops dispensing colored contacts without prescription
- X. New Business
- XI. Other Business
- XII. Announcements
- XIII. Adjournment

Serve Guam Commission

Quarterly Board of Commission Meeting
Wednesday, January 12, 2022 at 11:30am via Virtual Conference and will be livestreamed on SGC website: sgc.guam.gov

AGENDA:

- I. Call to Order / Roll Call
- II. Approval of Minutes
Wednesday, November 10, 2021
- III. Executive Director Report
- IV. Sub Committee Reports
- V. Action Items (None)
- VI. New Business
- VII. Old Business
Dr. Martin Luther King Jr Day of Service Monday, January 17, 2022
- VIII. Next Scheduled Meeting
Wednesday, April 13, 2022
- IX. Adjournment

Paid for by SGC, AmeriCorps Grant No. 19TAHGU001

**Tamuning Community Senior Center
2nd NOTICE**

This is an In person meeting. It will also be live-streamed on our Tamuning Mayor's Office Facebook page. Individuals wishing to participate may contact Tamuning Mayor's Office at 671-646-5211 or email mayorlcrivera.tatuha@gmail.com

AGENDA

- I. Call to Order
- II. Roll Call
- III. Recitation of the Pledge of Allegiance and Inifresi
- IV. Approval of Minutes of December 09, 2021
- V. Mayor's Report:
 - a. MAYORS' COUNCIL OF GUAM News from Monthly Meeting
 - b. Guam Land use Commission Application No. 2020-31A. Zone Variance request for Height, to construct two 26-story multi-family structures.
 - c. Guam Land Use Commission Application 2020-31B. Vista del Mar Int'l, LLC; Tentative Development plan request for a proposed hotel-resort with water park, multi-family And single family development, Lots 10163-R2 & 10189-2, Tamuning.
 - d. Guam Land Use Commission Application No. 2021-24A-Revised Application, 24-B Building Height Variance-GTA
- VI. Sister Command's Report
- VII. Youth Congress Representative's Report:
- VIII. Old Business:
- IX. New Business:
- X. Committee Reports:
- XI. Announcements:
- XII. Adjournment:

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