



OFFICE OF LEGAL COUNSEL

Ufisinan I Maga'hågan Guåhan
Office of the Governor of Guam

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

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

December 14, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Executive Order No. 2020-43

Hafa Adai Madame Speaker:

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

EXECUTIVE ORDER NO. 2020-43:
RELATIVE TO AMENDING RESTRICTIONS ON THE
OPERATION OF BUSINESSES AND ACTIVITIES DURING
PANDEMIC CONDITION OF READINESS 1 ("PCOR 1")

Thank you.

Senseramente,

SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Executive Order No. 2020-43

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



ISLAND OF GUAM
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HAGÁTÑA, GUAM 96932
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EXECUTIVE ORDER NO. 2020-43

**RELATIVE TO AMENDING RESTRICTIONS ON THE OPERATION
OF BUSINESSES AND ACTIVITIES
DURING PANDEMIC CONDITION OF READINESS 1 (“PCOR 1”)**

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 the potential dangers posed by the 2019 novel coronavirus (“COVID-19”); and

WHEREAS, under Guam’s Pandemic Conditions of Readiness (“PCOR”) system, the island continues to be in PCOR 1, under which some of the most restrictive conditions are in effect, including reduced capacities in all facilities with indoor operations; and

WHEREAS, on August 21, 2020, I signed Executive Order No. 2020-28, implementing a Stay-at-Home Order; and

WHEREAS, I extended stay-at-home conditions four (4) more times in Executive Order Nos. 2020-29, 2020-30, 2020-31, and 2020-32; and

WHEREAS, on September 18, 2020, in Executive Order No. 2020-32, notwithstanding the continued Stay-at-Home Order, I authorized the reopening of specific businesses and services, including take-out services at local eating establishments and curbside retail for non-essential items; and

WHEREAS, on September 24, 2020, in Executive Order No. 2020-34, I instituted a Safer-at-Home Advisory, authorizing the reopening of additional businesses and services, including outdoor dining, limited capacity retail services and other services and activities, in an effort to enhance the quality of life of our community while continuing to preserve the health and safety of our community by limiting personal interactions between individuals; and

WHEREAS, the Safer-at-Home Advisory was continued on October 1, 2020, in Executive Order No. 2020-36, with additional allowances for small social gatherings, services at places of worship, outdoor recreation, the operation of fitness-related businesses and activities as well as childcare facilities, subject to applicable mitigation measures; and

WHEREAS, on November 19, 2020, pursuant to its authority under the *Islan Guåhan* Emergency Health Power Act, and following two public hearings, the Department of Public Health and Social Services (“DPHSS”) adopted Regulations Governing the Enforcement of Public Health Guidance Memoranda and Directives during the COVID-19 Public Health Emergency, implementing enforcement procedures for violations by persons or businesses of DPHSS’s COVID-19-related Guidance Memoranda and Directives; and



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WHEREAS, on December 11, 2020, the U.S. Food and Drug Administration issued an emergency authorization for use of the first COVID-19 vaccine in the U.S., a milestone that will, in time, help slow the spread of the virus nationally and in Guam; and

WHEREAS, on December 10, 2020, DPHSS convened the first meeting of the Vaccine and Antiviral Prioritization Policy Committee (“VAPPC”) to assist DPHSS in its assessment and development of a phased plan for the administration of the impending COVID-19 vaccine, based on criteria developed by the committee of critical priority groups in the community; and

WHEREAS, it is our hope to administer the first round of vaccines to our first priority group, which includes our frontline workers, in the coming weeks, with broad vaccine opportunity to the general public to be made available by summer 2021; and

WHEREAS, our island utilizes the COVID Area Risk (“CAR”) Score as a quick-reference metric of the state of Guam’s response to the COVID-19 pandemic, which is derived from a mathematical calculation that takes into account the incidence of new cases, the test positivity rate, and the effective reproduction number or rate of spread; and

WHEREAS, on November 9, 2020, I announced the Strive for Five Campaign, which encourages our community to exercise individual responsibility to help prevent the spread of COVID-19, with the goal of bringing Guam’s CAR Score below 5.0 and maintaining such score for a period of over two (2) weeks, at which time it would be appropriate to consider additional allowances for social gatherings during the holidays; and

WHEREAS, as of the time of this writing, Guam has a 7-day rolling average of 14.6 positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of 2.3%, and an effective reproduction number of 0.7, resulting in a CAR Score of 1.6; and

WHEREAS, as of the time of this writing, Guam has achieved a sustained CAR Score below 5.0 for a period of two (2) weeks; and

WHEREAS, with the advice and concurrence of DPHSS, the Physicians Advisory Group, and the Guam National Guard Surgeon Cell, I believe it is timely and appropriate to increase the limit on social gatherings and the occupancy limitations at houses of worship and retail stores; and

WHEREAS, notwithstanding our island’s sustained low CAR Score and the promise of a COVID-19 vaccine, Guam remains vulnerable to this disease due to the prevalence of comorbidity factors that enhance our symptoms, result in a greater number of hospitalizations and ventilation, and an increased risk of deaths in specific demographics; and

WHEREAS, notwithstanding our island’s sustained low CAR Score, as of the time of this writing, 118 individuals have suffered COVID-19 related deaths, over 7,100 individuals have tested positive for COVID-19 in Guam, and 25 COVID-19 positive patients are presently hospitalized, including patients in intensive care, some of whom are on ventilators; and



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WHEREAS, it continues to be necessary to implement and enforce a robust mandatory quarantine policy for incoming travelers; and

WHEREAS, it continues to be necessary to issue and implement strict guidance for the safe reopening and operation of businesses and conduct of activities to ensure that resumption of public life, even on a limited basis, can be accomplished in a manner that does not compromise our community's health; and

WHEREAS, it continues to be necessary to implement and maintain a robust system of contact tracing for positive COVID-19 cases in Guam; and

WHEREAS, DPHSS has expanded its testing capability and offered extensive opportunity for community testing; and

WHEREAS, it continues to be necessary to deploy the Rapid Engagement Team, to address and resolve exigent circumstances that may heighten the danger of community spread in vulnerable communities; and

WHEREAS, it continues to be necessary to deploy a layered approach to community outreach and education regarding the COVID-19 virus, and methods by which we, as individuals, can do our part to reduce the spread of this virus in our community; and

WHEREAS, it continues to be necessary to promote the use of several smartphone applications to assist in monitoring and tracking positive cases, quarantined individuals, and individuals who may have unknowingly been exposed to positive cases, as well to disseminate critical information to the community in an efficient manner; and

WHEREAS, notwithstanding our island's sustained low CAR Score, our continued ability to contain this virus will depend in large part on our willpower and discipline as individuals in controlling our behavior to ensure our safety and the safety of our families and our community; and

WHEREAS, the Guam Fire Department is experiencing challenges in ensuring that equipment is available to facilitate its effective and efficient response to emergencies and it is necessary to authorize the procurement of equipment on an emergency basis to safeguard against a lapse in its critical services.

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. **PANDEMIC CONDITION OF READINESS 1.** Guam continues to be in PCOR 1, during which some of the most restrictive conditions are imposed in an effort to slow the spread of COVID-19 in our community.

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2. **CONTINUED “SAFER AT HOME” ADVISORY.** All individuals, especially vulnerable persons, are encouraged to continue to minimize travel outside the home. When it is necessary to leave the home, all persons are instructed to exercise mitigation measures outlined in applicable DPHSS Guidance, to help slow the spread of COVID-19. “Vulnerable persons” means individuals sixty-five (65) years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.
- a. **MANDATORY SOCIAL DISTANCING.** All authorized activities under this Order shall be conducted utilizing mitigation measures including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks unless engaged in physical exercise.
- b. **SOCIAL GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1) person where the individuals are not members of a single household. Effective at 8:00AM on Tuesday, December 15, 2020, social gatherings or congregations shall be limited to no more than ten (10) persons, unless otherwise provided herein or in applicable Department of Public Health and Social Services (“DPHSS”) guidance.
- i. **PLACES OF WORSHIP.** Effective at 8:00AM on Tuesday, December 15, 2020, eligible places of worship may resume services, ceremonies, and operations, at no greater than fifty percent (50%) occupancy load. Places of worship intending to operate under this modified occupancy load must submit revised facility mitigation plans to DPHSS in order to operate under this Section. Places of worship shall additionally observe all mitigation measures imposed in applicable DPHSS guidance, including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; and mandating the wearing of face masks. Congregants of places of worship operating under this Section shall follow all mitigation measures imposed in furtherance of DPHSS Guidance.

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- c. **OPERATION OF AUTHORIZED BUSINESSES.** Authorized businesses, occupancy load limitations and mitigation requirements are set forth in applicable DPHSS guidance.
- d. **OUTDOOR RECREATION.** In addition to previously authorized individual exercise and activities, additional limited outdoor recreation is authorized as provided herein and in applicable DPHSS guidance.
 - i. **PUBLIC PARKS AND BEACHES.** Effective at 8:00AM on Tuesday, December 15, 2020, all Government of Guam parks and beaches shall be open to the public. As indicated above, to the extent individuals congregate at public parks and beaches, such congregations shall be limited to no more than ten (10) persons, unless otherwise provided herein or in applicable DPHSS guidance.
 - ii. **PRIVATE AND PUBLIC SWIMMING POOLS.** Effective at 8:00AM on Tuesday, December 15, 2020, private community swimming pools and public swimming pools are authorized to operate subject to applicable DPHSS guidance. To the extent individuals congregate at swimming pools, such congregations shall be limited to no more than ten (10) persons.

3. **EMERGENCY PROCUREMENT FOR STRUCTURAL FIREFIGHTING PUMPERS.** Pursuant to Section 5215, Chapter 5, of Title 5 of the Guam Code Annotated, I declare and certify the existence of an emergency relative to the need for Structural Firefighting Pumpers for use by the Guam Fire Department in ensuring our island's public safety. Therefore, the Chief Procurement Officer for the government of Guam's General Service Agency is authorized to enter into contracts and incur obligations necessary to secure services, supplies, or goods to respond to the current public health emergency, including for the purchase of structural firefighting pumpers.

4. **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 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.

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5. 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 Hagåtña, Guam, this 14th day of **December, 2020.**

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

