

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR

AGANA, GUAM

EXECUTIVE ORDER NO. 74-31

PUBLIC MEETINGS - THE SUNSHINE LAW OF GUAM

WHEREAS, I have transmitted for introduction Bill No. 937, The Sunshine Law of Guam, to the Legislature, however, to date no action has been taken thereon; and

WHEREAS, I view this measure as one of extreme importance and urgency which should be implemented at the earliest opportunity; and

WHEREAS, in view of the above situation I feel that it would be in the public interest to immediately put into effect the pertinent provisions of the Sunshine Law insofar as the Executive Branch of government is concerned.

NOW, THEREFORE, it is hereby ordered:

1. Open Meetings. All meeting of public agencies shall be open and public, and all persons shall be permitted to attend any public agency meeting except as otherwise provided in this Executive Order. A member of the public shall not be required, as a condition to attendance at a meeting of public agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

2. Definitions:

(a) "Public agencies" include any board, commission or comparable unit of the territorial government whose members are appointed by the Governor with legislative concurrence or appointed by the legislature, any non-profit corporation, created by one or more public agencies, whose board of directors is

appointed by such public agencies and which is formed to acquire, construct, reconstruct, maintain or operate any public work project or any board, commission, committee, or other body on which officers of a public agency serve in their official capacity as members any which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation. As used in this Executive Order, "public agency" also includes any advisory commission, advisory committee or advisory body of a local agency, created by law, resolution, or any similar formal action of a public agency.

(b) "Meeting" means 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 onsite inspection of any project or program.

(c) "Action taken" means 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.

3. Exception. Nothing in this section shall be construed as to require a chance meeting of two or more members of a public agency to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this Executive Order.

4. Regular meetings. A public agency shall provide, by regulation, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the public agency.

5. Notices:

(a) Notice of regular meetings. Any public agency which holds a meeting previously scheduled by statute, regulation, or resolution, shall give adequate public notice of such meeting.

(b) Notice of special meetings. Any public agency which holds a meeting not previously scheduled by statute, regulation, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting as required by this Chapter.

(c) The notice requirements of this Executive Order are in addition to, and not in substitution of, any other notice required by law.

6. Special meeting. A special meeting may be called at any time by the presiding officer of the public agency, or by a majority of the members of the public agency, by delivering personally or by mail written notice to each member of the public agency and to each local newspaper of general circulation, radio or television station. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall

specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the public agency.

Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. Such waiver may be given by telephone. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

7. Adjournments. A public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the public agency may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 6 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings by regulation, resolution, bylaw or other rule.

8. Adjournment: Same. Any hearing being held or noticed or ordered to be held, by a public agency at any meeting may by

order or notice of continuance be continued or recontinued by any subsequent meeting of the public agency in the same manner and to the same extent set forth in Section 7 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

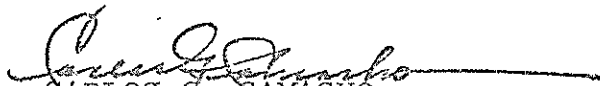
9. Executive sessions. Nothing contained in this Executive Order shall be construed to prevent any public agency from holding executive sessions with the Attorney General, Director of Public Safety or their respective deputies on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The public agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the public agency.

Notwithstanding any other provision of law, a public agency may hold executive sessions with its designated representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees in order to review its position and instruct its designated representatives.

10. Disturbances. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the public agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such session. Duly accredited representatives of the press or other news media, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the agency from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

11. Minutes. The minutes of a meeting of any such public agency shall be promptly and fully recorded, shall be open to public inspection and shall include but not be limited to a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call.

Dated at Agana, Guam this 17th day of
October, 1974.


CARLOS G. CAMACHO
Governor of Guam

ATTEST:


KURT S. MOYLAN
Lieutenant Governor of Guam

*Deeds
10-15-74
S.M.*