

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

October 1, 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. 2020-36

Dear Madame Speaker:

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

EXECUTIVE ORDER NO. 2020-36:

**RELATIVE TO AUTHORIZING THE OPERATION OF ADDITIONAL
BUSINESSES AND ACTIVITIES DURING PANDEMIC CONDITION OF
READINESS 1 ("PCOR 1")**

If you have any questions, please contact my office at # 473-1118.

Senseramente,



LESLIE A. TRAVIS
Legal Counsel

Enclosure(s): Executive Order No. 2020-36

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
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-36

**RELATIVE TO AUTHORIZING THE OPERATION
OF ADDITIONAL 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, on August 21, 2020, I signed Executive Order No. 2020-28, implementing a Stay-at-Home Order for the first time since the current public health emergency began on March 14, 2020; 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, 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, as of the execution of this Order, forty-nine (49) individuals have suffered COVID-19 related deaths; and

WHEREAS, as of the time of this writing, nearly two thousand five hundred (2,500) individuals have tested positive for COVID-19 in Guam; and

WHEREAS, as of the time of this writing, Guam has a 7-day rolling average of over 21.5 positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of 8.8%; and

WHEREAS, according to the most recent report from the Joint Information Center, twenty-five (25) COVID-19 positive patients are hospitalized, including nine (9) in intensive care, some of whom are on ventilators; and

WHEREAS, on September 25, 2020, in Executive Order No. 2020-34, consistent with standards and criteria established in Guam’s phased reopening plan, *Chalan Para Hinemlo*, and the “Guidelines for Opening up America Again,” (“GOAA”) framework issued by the United States Centers for Disease Control (“CDC”), in coordination with the White House, I instituted a Safer-at-Home Advisory, permitting the operation of limited non-essential businesses at 25% occupancy, and limited outdoor recreation, but temporarily continuing the prohibition on public gatherings and congregations; and



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WHEREAS, in order to support the expanded reopening of business operations, we must ensure that our workers, especially our frontline workers, have, in turn, expanded access to child care services with appropriate safeguards for children and staff; and

WHEREAS, in consultation with the Physicians Advisory Group, the Guam National Guard's Surgeon Cell, and the Public Health Authority and relying on our community's commitment to observing mitigation measures to ensure consistent, if gradual, decrease in our metrics indicating containment of the COVID-19 crisis, it is timely, appropriate and reasonable to expand our phased reopening to allow for corresponding limited congregations and social gatherings; and

WHEREAS, notwithstanding the phased reopening of our island, there remains a grave concern that many of our more vulnerable residents continue to be at an enhanced risk should they contract the virus, and while it is imperative that all residents exercise mitigation measures to help slow the rate of infection, it is important that our medically vulnerable population continues to exercise particular caution; and

WHEREAS, all of our residents, regardless of whether they have comorbidity factors that render them particularly susceptible to death or debilitating symptoms if they contract COVID-19, are safer at home, and should continue to minimize travel outside their homes and unnecessary congregations, for their own protection and for the protection of their vulnerable friends and family.

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.
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.



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- 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 Saturday, October 3, 2020, social gatherings or congregations shall be limited to no more than five (5) 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 Saturday, October 3, 2020, eligible places of worship may resume services, ceremonies, and operations, at no greater than twenty-five percent (25%) occupancy load. Places of worship intending to resume operations must submit 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.
- c. **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 Saturday, October 3, 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 five (5) persons, unless otherwise provided herein or in applicable DPHSS guidance.
- ii. **PRIVATE AND PUBLIC SWIMMING POOLS.** Effective at 8:00AM on Saturday, October 3, 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 five (5) persons.
- d. **GYMS, FITNESS CENTERS AND DANCE STUDIOS.** Effective 8:00AM on Saturday, October 3, 2020, gyms, fitness centers and dance studios are permitted to resume indoor operations, at no greater than twenty-five percent (25%) occupancy load, subject to applicable DPHSS guidance. Each facility must submit mitigation plans to DPHSS. Facilities operating



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under this Section 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 for employees and patrons not engaged in exercise. Such businesses are encouraged to hold fitness classes outdoors to the greatest extent possible. Outdoor fitness classes may operate at up to maximum capacity, subject to DPHSS guidance, including but not limited to, social distancing of at least six (6) feet, and mandating the wearing of face masks for employees and patrons not engaged in exercise.

- e. **ORGANIZED SPORTS NON-CONTACT TRAINING.** Effective at 8:00AM on Monday, October 5, 2020, sports organizations may request authorization to conduct non-contact training at their designated training facilities. Such requests shall be submitted to DPHSS, which may authorize such activities on a case by case basis pursuant to DPHSS guidance, including any applicable occupancy limitation. Sports organizations operating under this Section 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 for coaches, employees and patrons not engaged in training. Outdoor training is highly encouraged.
- d. **CHILDCARE FACILITIES.** Effective 6:00AM on Monday, October 5, 2020, eligible child care centers and other child care facilities are permitted to resume operations, subject to applicable DPHSS guidance. Each child care center and other child care facility must submit facility mitigation plans to DPHSS in order to operate under this Section. Facilities operating under this Section 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.
- e. **CONTINUED DISTANCE LEARNING.** Public and private schools may continue providing distance learning services. However, in-person instruction continues to be prohibited.
- f. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Section may be subject to fines and/or, in the case of businesses, the suspension of business licenses, as well as any other penalties that may be available under Guam law. DPHSS and the Department of Revenue and Taxation shall enforce this Section, and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.



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3. **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.
4. **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 1st day of **October, 2020.**



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

Attested by:

Joshua F. Tenorio

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