

Internal Operations Procedures for the Freedom of Information Advisory Council

1 **§1. SCOPE OF PROCEDURES.** These procedures provide for the internal operation of
2 the Guam Legislative Freedom of Information Advisory Council created by Rules Resolution
3 330-32 (Council) as it deals with advisory opinions.

4 **§2. JURISDICTION.** The Council has jurisdiction to fulfill the mandates of Resolution 330-
5 32 as well as to:

6 (a) Receive and review Petitions of violations of 5 GCA Chs. 8 and 10. Provide written
7 advisory opinions addressing matters raised in the Petition, to include proposed
8 legislation to clarify, improve or strengthen the laws dealing with transparency.

9 (b) The Council cannot acquire or maintain jurisdiction of a matter when the matter is the
10 subject of ongoing litigation.

11 **§3. DEFINITIONS.** As used in these procedures, except where otherwise required by the
12 context:

13 (a) Writing means documents, records, papers and email.

14 (b) Petition means a Writing alleging a violation of 5 GCA Ch. 8 or 10.

15 (c) Respondent(s) mean(s) the person(s) alleged to have violated 5 GCA Ch. 8 or 10.

16 (d) Proceeding means a matter undertaken by the Council upon the filing of a Petition.

17 (e) Chairman means the Chairman of the Council.

18 (f) Proposed Council Recommendation (PCR) means a written opinion prepared by the
19 Council containing its findings and recommendations.

20 (g) Council Recommendation means a PCR as adopted by the Council.

21 **§ 4. PETITIONS.**

22 (a) The Petitioner alleging a violation of 5 GCA Ch. 8 or 10 shall file a Petition with the
23 Chairman.

24 (b) The Petition filed with the Chairman shall contain a short and plain statement of the
25 acts or omissions alleged to violate 5 GCA Ch. 8 or 10. Petitions shall include all
26 relevant writings and documents.

27 (c) Petitions must be signed, verified, and submitted on forms FOIA 14-1 and OG 14-1.
28 Petitions must be delivered in person, via U.S. mail, or sent electronically via email

1 or facsimile to the Chairman. Petitions shall also contain the name and contact
2 information of the Petitioner and of the person(s) alleged to have violated 5GCA
3 Chs. 8 or 10.

4 (d) Inclusion of statutory citations is helpful but not mandatory.

5 **§ 5. TIMELINESS.** No Petition shall be considered by the Council unless it is filed
6 within one year from the time the Petitioner became aware of the facts upon which the Petition is
7 filed.

8 **§ 6. DISPOSITION OF PETITIONS.**

9 (a) A Proceeding is initiated by the Chairman upon the receipt of a Petition.

10 (b) Upon receipt of the Petition the Chairman shall assign a Proceeding Number to the
11 Petition, shall give notice of receipt to the Petitioner and forward the Petition to the
12 Council members.

13 (c) After receipt of the petition, members shall not engage in *ex parte* communications with
14 the Petitioner(s) or Respondent(s), except as permitted by these Procedures, to include
15 giving notices to the parties at every critical stage of the Proceedings.

16 **§ 7. SCREENING PETITION AND PREPARING THE PCR.**

17 (a) Upon receipt of the Petition, the following shall transpire:

18 1) Complaint disseminated to full council by legislative staff and placed on agenda
19 for next meeting; (should the next meeting be less than 10 working days after the
20 receipt of the complaint, then that complaint shall either be placed on the next
21 following meeting agenda or a special Meeting may be called by the Chair.) With
22 a deadline of two weeks to respond, staff transmits complaint to respondent only
23 if the council determines it has jurisdiction;

24 2) Council members review complaint; each member can either research it on their
25 own or ask staff to research;

26 3) Should Staff research they shall send findings to all council members;

27 4) All council members should review findings BEFORE the meeting at which the
28 complaint is to be heard;

29 5) At the meeting, the complaint, any response from respondent and all findings
30 shall be discussed, the complaint shall be voted on; and

1 6) Staff shall post the findings and vote on the Legislative web site, and notify the
2 complainant and respondent, within 48 hrs of the adjournment of the meeting.

3 **§ 8. COUNCIL RECOMMENDATIONS.**

4 (a) Upon receipt of the PCR the Chairman shall forthwith call and notice a meeting of the
5 Council to meet, confer and conduct such deliberation on the PCR as is necessary to
6 reach a decision on a Council Recommendation.

7 (b) Counsel shall then reduce the decision to a written Council Recommendation.

8 The Chairman shall, upon approval of the Council Recommendation by the Council,
9 forward the Council Recommendation to *I Liheslaturan Guahan*.

10 **§ 9. OPEN GOVERNMENT.**

11 Meetings of the Council shall be open pursuant to 5GCA Chapter 8.
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