



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 11/19/99  
Time: 1:45 PM  
Rec'd by: R.F.Y. Blas  
Print Name: R.F.Y. Blas  
DS 25/99-0350

NOV 19 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By: [Signature]  
Time: 4:45 pm  
Date: 11-19-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 294 (COR), "AN ACT TO *DISAPPROVE* THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY", which I have signed into law today as **Public Law No. 25-77.**

I have always been a proponent of open government, and giving the public as much information as possible concerning their government. According to the provisions of the Sunshine Law, in place since the Nineteenth Guam Legislature, most documents of the government of Guam were open to the inspection of the public. There were very few exceptions, consisting mostly of documents related to common law privileges such as privacy of communications with one's doctor, privacy of communications with one's lawyer, and pending cases being investigated by the Guam Police Department. A ten day time period was allowed to government agencies to respond to requests for documents.

I Liheslatura, the Legislature, enacted another statute, Public Law No. 25-06, under the guise of updating our laws to account for the new electronic information now being kept on computers. In addition to this, the time period for the government agencies to respond to requests was shortened to four days.

As part of the new statute, i Liheslatura determined that all of the government agencies needed to submit lists of specific documents to the

00551


Legislature, for that body to pick through and make separate decisions on each and every document. As I said in my first message concerning Public Law No. 25-06:

"I Liheslatura should have included in this legislation [Public Law No. 25-06] the necessary policy guidelines to be applied to the release of all information of the government. **It is not productive to require agencies to make up lists of specific items, after a bill is passed, and attempt to justify the inclusion of each of the specific items as releasable or non-releasable to i Liheslatura in a collection of public hearings.**"

This has proved true. Of what use were the many public hearings held on these lists of documents? Of what use was i Liheslatura's deliberation in session for an entire week on these lists of documents? Apparently, next to nothing. The bills transmitted to me for consideration are merely **disapprovals** of the various lists. The public hearings and Committee of the Whole sessions were exercises in futility, looking for media attention. Next time, it would do i Liheslatura well not to ask for any more lists from agencies, for purposes of politics only.

The reason for releasing information is to inform the public, not play politics. The requirement of making of lists, discussing them at public hearings, and conducting sessions concerning them, then disapproving all the lists, appears to have been busy work for personnel working in agencies already overburdened with legislative mandates.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'Lahen Guáhan  
Governor of Guam

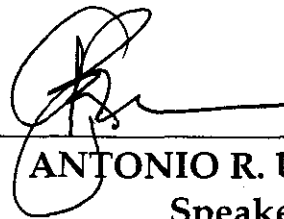
Attachment:      copy attached for signed bill or overridden bill  
                         original attached for vetoed bill

cc:    The Honorable Joanne M. S. Brown  
       Legislative Secretary

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 294 (COR) "AN ACT TO DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.

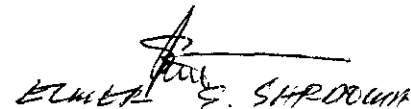


ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 5<sup>th</sup> day of NOVEMBER, 1999,  
at 6:22 o'clock P. .M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: 11-19-99

Public Law No. 25-77

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 294 (COR)**

As substituted by the Committee on  
Natural Resources, and further substituted  
on the Floor.

Introduced by:

J. M.S. Brown  
C. A. Leon Guerrero  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
A. C. Lamorena, V  
K. S. Moylan  
V. C. Pangelinan  
J. C. Salas  
S. A. Sanchez, II  
A. R. Unpingco

**AN ACT TO DISAPPROVE THE LIST OF THE  
SUNSHINE REFORM ACT EXEMPTIONS  
SUBMITTED BY THE GUAM WATERWORKS  
AUTHORITY.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.**           Public           Law

3           Number 25-06, also known as the "*Sunshine Reform Act of 1999*," became law



COPY

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910


November 8, 1999

Honorable Carl T.C. Gutierrez  
*I Maga'lahaen Guahan*  
Office of *I Maga'laha*  
Hagåtña, Guam 96910

Dear *Maga'laha* Gutierrez:

✓ Transmitted herewith are Substitute Bill, Nos. 334(COR),  
304(COR), 305(COR), 291(COR), 294(COR), 302(COR) and Bill No.  
303(COR), which were passed by *I Mina' Bente Singko Na Liheslaturan*  
*Guahan* on November 5, 1999.

Sincerely,

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

*Elmer S. ...*  
*18 99*

Enclosures (7)

**CLERK OF THE LEGISLATURE**  
**TRANSMISSION CHECKLIST TO I MAGA' LAHEN GUAHAN**

(Included in File w/ All Bills Transmitted)

BILL NO. *294 (copy)*

**FINAL PROOF-READING OF BLUEBACK COPY**

Initialed by:

and Date:

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF PAGES *2 pages*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "\*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By: \_\_\_\_\_



Dated: \_\_\_\_\_


*11-8-95*

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

**MINA BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**1999 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN**

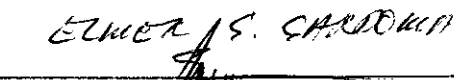
This is to certify that Substitute Bill No. 294 (COR) "AN ACT TO DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 5<sup>th</sup> day of NOVEMBER, 1999,  
at 6:77 o'clock P.M.

  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 294 (COR) "AN ACT TO DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.

\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

.....  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
**CARL T. C. GUTIERREZ**  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



6

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/5/99

## VOTING SHEET

5 Bill No. 294

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					EA
BERMUDES, Eulogio C.		✓			
BLAZ, Anthony C.      1	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13

1

1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



COPY  
FILE

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

October 27, 1999  
( DATE )

Memorandum

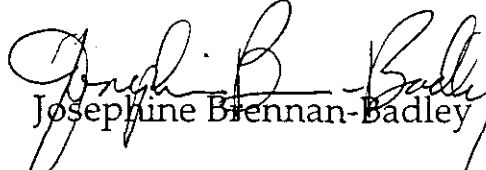
To: Senator Joanne M.S. Brown

From: Clerk of the Legislature

Subject: Report on Bill No. 294 (COR)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 294 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

*M. Kennedy*  
10-27-99  
3:24 PM



Office of Senator  
**Joanne M. Salas Brown**  
MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

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October 27, 1999

Speaker Antonio R. Unpingco  
Mina' Bente Singko Na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which was referred Bill No. 294 (COR):  
An Act to Disapprove the List of the Sunshine Reform Act Exemptions submitted  
by the Guam Waterworks Authority (as substituted) wishes to report back to the  
Legislature its recommendation **TO APPROVE**.

The voting sheet is as follows:

TO APPROVE	<u>9</u>
TO DISAPPROVE	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,

JOANNE M. S. BROWN  
Senator

Enclosure



Office of Senator

# Joanne M. Salas Brown

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

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October 26, 1999

## MEMORANDUM

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: **Bill No. 294 (COR):** An Act to disapprove the list of the Sunshine Reform Act exemptions submitted by the Guam Waterworks Authority. **(As substituted)**

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

Please indicate your choice on the Attached Voting Sheet and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report on the accompanying documents, please do not hesitate to contact me at 472-3450/51.

Your attention and cooperation on this matter is greatly appreciated.

  
JOANNE M.S. BROWN

Attachments


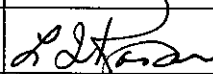

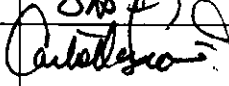
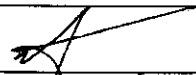

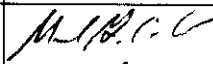
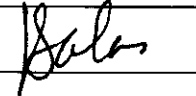

# MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

**Committee on Natural Resources**  
**Joanne M.S. Brown**  
**Chairperson**

## VOTING SHEET

**Committee Report on**

**BILL 294(COR) AN ACT TO DISAPPROVE THE LIST OF THE  
 SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE  
 GUAM WATERWORKS AUTHORITY . (As substituted)**

COMMITTEE MEMBERS	TO APPROVE	TO DISAPPROVE	TO ABSTAIN	PLACE IN INACTIVE FILE	SIGNATURE
Joanne M.S. Brown Chairperson	✓				
A.C. Lamorena, V Vice Chairman					
L. Kasperbauer Member	x				
S. Sanchez, II Member	x				
C. Leon Guerrero Member	✓				
M. Forbes Member					
K. Moylan Member	✓				
V. Pangelinan Member					
M. Camacho Member	✓				
J. Salas Member	✓				
F. Aguon, Jr. Member					
A.R. Unpingco Speaker Ex-Officio Member	✓				

**MINA ‘ BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session**

**Bill No. 294 (COR)**

As substituted by the Committee on Natural Resources

**Introduced by:**

**J.M.S. Brown**

**AN ACT TO DISAPPROVE THE LIST OF THE SUNSHINE  
REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM  
WATERWORKS AUTHORITY**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.**

Whereas, P.L. 25-06, also known as “The Sunshine Reform Act of 1999,” became law on May 12, 1999,

Whereas, the Sunshine Reform Act of 1999 reformed and amended the laws of Guam governing disclosure of public records and permitted individual Government of Guam agencies to propose exemptions to the public disclosure requirements of said law for records held by that agency,

Whereas, on July 12, 1999, in accordance with that portion of The Sunshine Reform Act which is now Title 5 G.C.A. Section 10106(b), Guam Waterworks Authority and the Attorney General submitted to I Liheslaturan Guahan a list of the documents that Guam Waterworks Authority would like to see exempted from the disclosure requirements of the Sunshine Reform Act,

Whereas, Title 5 G.C.A. Section 10106(b) requires I Liheslaturan Guahan to either approve or disapprove said list within ninety days after its submission,

**Section 2.** The list of proposed exemptions to the Sunshine Reform Act submitted by Guam Waterworks Authority is attached hereto as Exhibit A and hereby incorporated herein. Said list is hereby disapproved.

## **EXHIBIT A**

### **GUAM WATERWORKS AUTHORITY**

**The following types of records in the possession of the Guam Waterworks Authority are determined as non-public/non-disclosable information and will not be disclosed by the Guam Waterworks Authority to the public under the provisions of the Guam Sunshine Reform Act:**

#### **Customer Service Account Files:**

- All individual and private (non-government) account file information

#### **Human Resource Records:**

- All personnel data other than name, position and pay grade

#### **Procurement and Supply Records:**

- Bid documents provided by private vendor(s) that are declared by the vendor(s) as proprietary information or "trade secrets" as allowed under the Government of Guam's Procurement Regulations
- All bid documents submitted by private vendors prior to bid opening and review by authorized agency officials

#### **Other Agency Records:**

- Minutes of Executive Sessions conducted by the Board of Directors
- Draft, unsigned documents or other documents pending approval by authorized agency heads (Board Chairman, General Manager, Assistant General Manager, Controller, etc.)
- Employee payroll record
- Documents determined to be "Attorney-Client" privileged

**The Committee on Natural Resources**

Senator Joanne M. S. Brown, Chairperson

**PUBLIC HEARING  
Guam Waterworks Authority**

**Thursday, September 9, 1999 at 1:30 p.m.**

**Committee Report**

The Committee on Natural Resources held a Public Hearing for Guam Waterworks Authority on Thursday, September 9, 1999 at 1:30 p.m. at the Legislative Public Hearing Room on the following:

**Bill 294 (COR): AN ACT TO APPROVE/DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY.**

The Committee Member present, along with Senator Joanne Brown, was Senator John Salas. Mr. Roman Quinata, Chairman of the Board of GWA and Mr. Carlos Taitano, Assistant General Manager for Administration of GWA, were the representatives from GWA who presented oral and written testimonies.

Mr. Quinata initiated his oral testimony on Bill 294 and the position of GWA with regard to the Sunshine Act. He introduced himself by stating his name and position. He then introduced Mr. Carlos Taitano who presented a written and oral testimony.

Mr. Carlos Taitano greeted the Chairperson and Senator Salas. He then stated his name and position for the record. He read part of his written testimony. Please see his letter dated September 9, 1999. He added that they have provided a proposed pamphlet and will refine it when the approval is given by the committee. GWA has modified the original submission in order to clarify the types of non-public records: Non Government customer service, human resource records, procurement and supply records, and other GWA records.

Senator Brown proceeded to look at each individual position with Mr. Taitano:



## **1) Customer Service Account Files**

### **A) All individual and private non-government account file information.**

**Senator Brown** asked if these are all monies that will be owed to the utility from customers.

- ▶ Mr. Taitano answered yes.

**Senator Brown** referred to a court case with Guam Economic Development Authority. GEDA publicly disclosed clients they had who were delinquent in payment on loans. She inquired from Mr. Taitano the status on private accounts remaining private in terms of money owed to the utility agency.

- ▶ Mr. Taitano responded that it is not the money owed, but rather personal information, such as their home address, for example. Everything else is public.

**Senator Brown** gave an example: If Company X owed \$50,000 to GWA and the public wanted information as to who owed GWA. In terms of private account, would GWA disclose that Company X owed \$50,000 to GWA?

- ▶ Mr. Taitano gave an affirmative reply.

**Senator Brown** also asked that in terms of government accounts, would the public have any problems getting information in the future. She would like to clarify this because inquiry was made in the past regarding the government accounts.

Unfortunately, a letter from GWA was received, stating that legally GWA could not disclose any information. Thus, the only alternative was to individually go to each government agency and inquire from them on money owed. Should she go to GWA requesting a list of all the delinquent accounts owed by the government of Guam, would she be able to get the list.

- ▶ Mr. Taitano answered that she is correct, as they have been providing the information to the Senators' and Speaker's offices.
- ▶ Mr. Taitano added that GWA will also need the assistance of the legislature in helping the Agency collect money owed

**Senator Brown** also inquired if GWA would also provide the listing (top ten listing of companies) of all private accounts that owed them money, except addresses and things of that nature.

- ▶ Mr. Taitano answered that GWA would provide the information.

## **2) Human Resources Record**

### **A) All personnel data other than name, position and pay grade.**

**Senator Brown** said that this is covered under the current Sunshine Act. Therefore, there are no changes.

- ▶ Mr. Taitano agreed with Senator Brown.

**Senator Brown** welcomed any questions or comments from Senator Salas.

## **3) Procurement and Supply Records**

### **A) Bid documents provided by private vendor(s) that are declared by the vendor(s) as proprietary information or "trade secrets" as allowed under the Government of Guam's Procurement Regulations.**

**Senator Brown** stated that she doesn't feel this will be a problem as this is already covered under the current Sunshine Act.

- ▶ Mr. Taitano agreed.

**Senator Brown** also added that if someone was submitting for a bid and they were providing that information, should they indicate that it is proprietary information before handing it over to GWA, then it wouldn't be a public document.

- ▶ Mr. Taitano said it is important to refer to the procurement law to make sure that GWA can release the document, and at what point they can release it.

**Senator Salas** said that as solicitation is made, the bid document, as he understands it, is not public until it is opened publicly.

- ▶ Mr. Taitano referred to page two of GWA's submission, under Title 5, GCA, Chapter 5, Section 5252 (f) which states: not required that the record be complete or that the procurement awards be made before inspection and copying is permitted. Mr. Taitano also said that when GWA opens the record, the public is usually there taking notes prior to GWA making the award.

**Senator Brown** commented that this already standard practice with regard to bids. Essentially, they would not become public information until after the bid as been awarded.

- ▶ Mr. Taitano said, in some cases, there is information that can be released prior to the award. GWA dealt with the Guam Contractor Association because they were led to believe that some agencies were releasing records and some agencies were not. In some cases, GWA can release the records, prior to the award being made.

**Senator Brown** asked if there were examples of what GWA could release that could be made public.

- ▶ Mr. Taitano said " whatever we discussed when we opened the bid award at that public meeting." He added, "Whatever is discussed at that public meeting, they can then ask for a copy of that information."

**Senator Salas** said whatever is opened at that meeting, is a public record, but what we are also referring to, is the technical detail to that bid.

- ▶ Mr. Taitano agreed.

**Senator Salas** asked Mr. Taitano if the technical detail to the bid is confidential.

- ▶ Mr. Taitano answered yes.

### **B) All bid documents submitted by private vendors prior to bid opening and review by authorized agency officials.**

**Senator Brown** said this is also covered by the Sunshine Act.

- ▶ Mr. Taitano agreed, but he felt it needed to be highlighted for the benefit of the people and also for the customers.

## **4) Other Agency Records.**

### **A) Minutes of Executive Sessions conducted by the Board of Directors.**

**Senator Brown** said this is already not public under the current Sunshine law.

- ▶ Mr. Taitano agreed, but they also expanded the explanation to show that six months after that date, GWA is permitted to release the information. Thus, the document would become public after six months.

**Senator Brown** added that although there are specific reasons that the board may go to Executive Session for personnel matters, does GWA have the minutes available from those sessions and are they readily available now.

**MINA ' BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session**

RECEIVED  
99 AUG 26 PM 4 32

Bill No. 294(COR)

Introduced by:

J.M.S. Brown 

**AN ACT TO APPROVE/DISAPPROVE THE LIST OF THE  
SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY  
THE GUAM WATERWORKS AUTHORITY**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.**

3 Whereas, P.L. 25-06, also known as "The Sunshine Reform Act of 1999," became  
4 law on May 12, 1999,

5 Whereas, the Sunshine Reform Act of 1999 reformed and amended the laws of Guam  
6 governing disclosure of public records and permitted individual Government of  
7 Guam agencies to propose exemptions to the public disclosure requirements of said  
8 law for records held by that agency,

9 Whereas, on July 12, 1999, in accordance with that portion of The Sunshine Reform  
10 Act which is now Title 5 G.C.A. Section 10106(b), Guam Waterworks Authority and  
11 the Attorney General submitted to I Liheslaturan Guahan a list of the documents that  
12 Guam Waterworks Authority would like to see exempted from the disclosure  
13 requirements of the Sunshine Reform Act,

14 Whereas, Title 5 G.C.A. Section 10106(b) requires I Liheslaturan Guahan to either  
15 approve or disapprove said list within ninety days after its submission,

16 **Section 2.** The list of proposed exemptions to the Sunshine Reform Act submitted  
17 by Guam Waterworks Authority is attached hereto as Exhibit A and hereby  
18 incorporated herein. Said list is hereby approved/disapproved.



## **GUAM WATERWORKS AUTHORITY**

**Government of Guam**

**Post Office Box 3010, Agana, Guam 96932**

**Phone: (671)479-7813 Fax: (671)479-7879**

**SEP 09 1999**

The Honorable Joanne M.S. Brown  
Chairperson  
Committee on Natural Resources  
Twenty-fifth Guam Legislature  
Suite 200 130 Aspinall Street  
Agana, Guam 96910

Good afternoon Madame Chair and members of the Committee, for the record, my name is Carlos Taitano, Assistant General Manager of Administration for the Guam Waterworks Authority.

I believe you received a copy of additional information the Guam Waterworks Authority recommended to the original list of documents submitted for approval.

The staff and management of the Guam Waterworks Authority has every intention to provide information as quickly and as accurately as required. I am here today to answer any questions or concerns you may have about our recommended list of documents we provided as non-public.

Also, provided for you is a proposed pamphlet for distribution and posting that will serve to guide employees and the public in requesting information. We will refine the specifics upon approval and verification of other information, (i.e. cost of reproduction) prior to finalizing for distribution.

Thank you.

A handwritten signature in black ink, appearing to read "Carlos Q. Taitano".

**CARLOS Q. TAITANO**  
Assistant General Manager



## GUAM WATERWORKS AUTHORITY

Government of Guam

Post Office Box 3010, Agana, Guam 96932

Phone: (671)479-7813 Fax: (671)479-7879

SEP 08 1999

The Honorable Joanne M.S. Brown  
Chairperson  
Committee on Natural Resources  
Twenty-fifth Guam Legislature  
Suite 200 130 Aspinall Street  
Agana, Guam 96910

Hafa Adai Madame Chair:

Thank you for advising us of the public hearing to discuss the list of documents the Guam Waterworks Authority identified for approval as private or non-public documents. I would like to provide additional information to the original list provided to your office and the Speaker's office July 1999.

Upon a second review of the various statutes applicable to the GWA administration and operation, I believe the additional information is appropriate. This information specifically identifies which of the various types of documents provided on the list initially submitted should be considered non-public and which are public documents citing applicable statutes.

Your consideration of these changes is appreciated. The additional information to the original list is enclosed with this letter. Management and staff will be attending the hearing on Thursday, September 9, 1999 and will be prepared to respond to questions from your Committee. Again, thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Quintanilla".

RICHARD A. QUINTANILLA  
General Manager

Enclosure

xc: Speaker

# GUAM WATERWORKS AUTHORITY

## Types of Non-Public Records

### DESCRIPTION

#### **1. Non Government Customer Service Account Files**

The documents include customers' applications for water and/or sewer service, water and/or sewer bills. The records contain home telephone numbers; home addresses and maps showing the location of customers' residence. The documents can be released to the public after the nonpublic information (i.e. home address) is redacted. (Public Law 2506, Section 10103, Section d).

#### **2. Human Resources Records**

The documents comprise the GWA employee's personnel files. The records include the results of drug testing, employment test questions, scoring keys and other examination data used in the employment procedures. All information in these records regarding salary, and the name, age, and mailing address of each employee is public information. (Public Law 2506 Sections 10108(c) (g) and (h).

#### **3. Procurement and Supply Records**

These are records accumulated under the Government of Guam Procurement Laws and Regulations. Public access to the records is governed by Title 5 Guam code Annotated, Chapter 5. Examples:

**Title 5, GCA Chapter 5, Section 5211(d): Bid Opening.** "Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The amount of each bid, and such other relevant information as may be specified by regulation, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection."

**Title 5 GCA, Chapter 5, Section 5230 (b) Right of Nondisclosure.** Information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the General Services Agency; the Department of Public Works or the purchasing agency without prior written consent by the bidder or offeror but may be disclosed to the Attorney General at any time."

**GUAM WATERWORKS AUTHORITY**  
**Types of Non-Public Records**

**Title 5 GCA, Chapter 5, Section 5249 Record of Procurement Actions.** "Each procurement officer shall maintain a complete record of each procurement. The record shall include the following:

- (a) the date, time, subject matter, and names of participants at any meeting including government employees that is in any way related to a particular procurement;
- (b) a log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer;
- (c) sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;
- (d) brochures and submittals of potential vendors, manufacturers or contractors, ad all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications; and
- (e) the requesting agency's determination of need.

**Title 5 GCA, Chapter 5, Section 5251 Public Record.** "The record required by 5249 of this chapter is a public record and subject to rules promulgated by the Procurement Appeals Board, any person may inspect and copy any portion of the record."

**Title 5, GCA, Chapter 5, Section 5252 Rules for Procurement Records.** "The rules promulgated pursuant to 5251 of this Chapter shall:

- (a) protect the integrity of the bidding process;
- (b) protect the confidentiality of trade secrets;
- (c) establish reasonable charges for copying papers;
- (d) provide for transcription of sound recordings;
- (e) require public access to the record at the earliest possible time; and
- (f) not require that the record be complete or that the procurement award be made before inspection and copying are permitted.



**GUAM WATERWORKS AUTHORITY**  
**Types of Non-Public Records**

**4. Other GWA Records**

- a) **Minutes of Executive Sessions of the GWA Board of Directors.** Disclosure of the minutes of executive sessions is governed by Title 5 Guam Code Annotated, Chapter 8, Open Government Law. Title 5 GCA Chapter 8, Section 8111(c)(7) is quoted in part: "The transcript of such meeting shall be sealed for a period of six (6) months, and shall thereafter be a public document unless there is a court order, further sealing the transcript. Before issuing such an order, the court must read the transcript in camera and determine that the Agency would be unduly prejudiced by the release of the transcript, taking into account the public's right to know."
- b) **Draft, unsigned documents or other documents pending approval by authorized agency heads.** A document shall not be deemed an official record until such has been signed by the appropriate official of Guam Waterworks Authority.
- c) **Employee Payroll Records.** Some payroll records can be released to the public but only when the employee's date of birth and social security number is redacted. Other documents such as employee's choice of health insurance, life insurance, etc, are nonpublic records.
- d) **Documents determined as attorney-client privilege.** Legal memoranda or opinions from the GWA private attorneys or the Attorney General. Legal memoranda or opinions prepared with regard to actual or pending litigation or which give opinions on such matters are not public. All other legal memoranda or opinions are public documents. (Refer to Title 5 GCA, Chapter 30, Section 30107) .

**5 GCA - GOVERNMENT OPERATIONS**  
**Div. 1 - Laws Applicable to Executive Branch**

legitimate part of the specifications. Changed  
by Committee on GGO.

**§5211. Competitive Sealed Bidding. (a)**  
**Conditions for Use.** Contracts shall be awarded  
by competitive sealed bidding except as other-  
wise provided in §5210 of this Article.

**(b) Invitation for Bids.** An Invitation for  
Bids shall be issued and shall include a purchase  
description, and all contractual terms and condi-  
tions applicable to the procurement.

**(c) Public Notice.** Adequate public notice of  
the Invitation for Bids shall be given a reason-  
able time prior to the date set forth therein for  
the opening of bids, in accordance with regula-  
tions promulgated by the Policy Office. Such  
notice may include publication in a newspaper of  
general circulation a reasonable time prior to bid  
opening. If a bid is given public notice which  
is within the time specified in the Policy Office's  
rules and regulations on the subject, it shall not  
be challenged unless the bidder can show excep-  
tional circumstances which would render the  
rules and regulations inapplicable in the case of  
a particular bid being requested.

**(d) Bid Opening.** Bids shall be opened  
publicly in the presence of one or more witness-  
es at the time and place designated in the Invi-  
tation for Bids. The amount of each bid, and  
such other relevant information as may be speci-  
fied by regulation, together with the name of  
each bidder shall be recorded; the record and  
each bid shall be open to public inspection.

**(e) Bid Acceptance and Bid Evaluation.**  
Bids shall be unconditionally accepted without  
alteration or correction, except as authorized in  
this Chapter. Bids shall be evaluated based on  
the requirements set forth in the Invitation for  
Bids, which may include criteria to determine  
acceptability such as inspection, testing, quali-  
ty, workmanship, delivery and suitability for a

5 GCA - GOVERNMENT OPERATIONS  
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or service without competition when the contractor is a nonprofit corporation employing sheltered or handicapped workers. As a condition of the award of the contract the contractor must certify that labor on the project will be performed by handicapped persons except that supervisory personnel do not have to be handicapped. A contractor awarded a contract pursuant to this Section shall not be required to post any of the bonds required under Article 5 of this Chapter.

SOURCE: GC §6959.7 added by P.L. 18-15:X:25.

-----  
Part C.  
Cancellation of Invitations for  
Bids or Requests for Proposals.

§5225. Cancellation of Invitations for Bids or Requests for Proposals. An Invitation for Bids, a Request for Proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the Territory in accordance with regulations promulgated by the Policy Office. The reasons therefor shall be made part of the contract file.

SOURCE: GC §6960. MPC 3-301.

-----  
Part D.  
Qualifications and Duties.

§5230. Responsibility of Bidders and Offerors. (a) Determination of Nonresponsibility. A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with regulations promulgated by the Policy Office. The unreasonable failure of a

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bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.

(b) **Right of Nondisclosure.** Information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the General Services Agency, the Department of Public Works or the purchasing agency without prior written consent by the bidder or offeror, but may be disclosed to the Attorney General at any time.

**SOURCE:** GC §6961. MPC §3-401 modified.

**COMMENT:** Subsection (b) is modified to make it clear that the Attorney General, as counsel to the government in general and to the GSA in particular, may review all data. In the past some have argued that confidential information protected in a manner of the original MPC (not mentioning the Attorney General) was not to be revealed to the Attorney General even when the agency was requesting a legal opinion on that same information.

**§5231. Prequalification of Suppliers.** Prospective suppliers may be prequalified for particular types of supplies, services and construction. Solicitation mailing lists of potential contractors shall include but shall not be limited to such prequalified suppliers.

**SOURCE:** GC §6961.1. MPC §3-402.

**§5232. Cost or Pricing Data.** (a) **Contractor Certification.** A contractor shall, except as provided in Subsection (c) of this Section, submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate,

5 GCA - GOVERNMENT OPERATIONS  
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(b) **Submission to Legislature.** A copy of such record shall be submitted to the Legislature on an annual basis. The record shall be available for public inspection.

**SOURCE:** GC §6964.3. MPC §3-704.

**§5249. Record Of Procurement Actions.** Each procurement officer shall maintain a complete record of each procurement. The record shall include the following:

(a) the date, time, subject matter and names of participants at any meeting including government employees that is in any way related to a particular procurement;

(b) a log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement;

(c) sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;

(d) brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications; and

(e) the requesting agency's determination of need.

**SOURCE:** GC §6964.4 added by P.L. 18-44:17.

**§5250. Certification of Record.** No procurement award shall be made unless the responsible procurement officer certifies in writing under penalty of perjury that he has maintained the record required by §5249 of this Chapter and that it is complete and available for public inspection. The certificate is itself a part of the record.

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SOURCE: GC §6964.5 added by  
P.L. 18-44:18.

§5251. Public Record. The record required by §5249 of this Chapter is a public record and, subject to rules promulgated by the Procurement Appeals Board, any person may inspect and copy any portion of the record.

SOURCE: GC §6964.6 added by P.L.  
18-44:19.

§5252. Rules for Procurement Records. The rules promulgated pursuant to §5251 of this Chapter shall:

- (a) protect the integrity of the bidding process;
- (b) protect the confidentiality of trade secrets;
- (c) establish reasonable charges for copying papers;
- (d) provide for transcription of sound recordings;
- (e) require public access to the record at the earliest possible time; and
- (f) not require that the record be complete or that the procurement award be made before inspection and copying are permitted.

SOURCE: GC §6964.7 added by P.L.  
18-44:20.

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**5 GCA - GOVERNMENT OPERATIONS**  
**Div. 1 - Laws Applicable to Executive Branch**

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.

**SOURCE: GC §3234 added by P.L. 13-35.**

**§8111. Executive Sessions. (a) No public agency is prohibited because of this Chapter from holding executive sessions with the Attorney General, Chief of Police or the respective designated representatives of each on a matter which poses a threat to the public health, safety or welfare 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. Under no circumstances, however, shall a public agency hold an executive or closed meeting to discuss salaries, salary levels or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public. A public agency may exclude from any public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the public agency, but may not exclude a party, complainant or the subject of an adverse action.**

**(b) Notwithstanding any other provision of law, a public agency may hold executive sessions with its staff to consider matters with the scope of the Public Employee-Management Relations Act.**

**(c) Under no circumstances shall a public agency hold an executive or closed meeting to discuss legal matters, impending legal matters or legal strategies with an attorney, except as herein provided below. All such discussions**

**5 GCA - GOVERNMENT OPERATIONS**  
**Div. 1 - Laws Applicable to Executive Branch**

must be held in a public meeting and minutes shall be kept and opened to the public, except as herein provided:

(1) No such meeting may be closed except on the written recommendation of the attorney, and an affirmative vote of a majority of the members of the Board of the Public Agency to go into executive session.

(2) Only matters directly relating to ongoing litigation or litigation which has been threatened as is reasonably expected may be discussed. Only the attorney(s), court reporter, board members, and the Executive Director or managing officer of the agency may attend such a meeting.

(3) A verbatim transcript by an authorized court reporter must be taken of all meetings which are closed to discuss litigation or possible litigation and such transcript shall promptly be reduced to writing.

(4) Notice of the meeting shall be given as required for any other meeting. The notice shall indicate the place and time of the meeting, and shall indicate the general subject matter to be discussed, (if not confidential) as well as the specific exemption permitting an executive or closed meeting.

(5) After such meeting, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matter relating to litigation or pending litigation have been discussed.

(6) There shall be public minutes made of all such executive sessions indicating the existence of the transcript, the subject matter of the meeting (if not confidential), the names of all persons attending the closed meeting, their capacities and the date and times the meeting started and closed.

(7) The transcript of such meeting shall be sealed for a period of six (6) months, and shall thereafter be a public document unless there is a court order, further sealing the transcript. Before issuing such an order, the court must read the transcript in camera and determine that the Agency would be



**5 GCA - GOVERNMENT OPERATIONS**  
**Div. 3 - Legal and Consumer Affairs**

are appointed from among the classified employees of the Government, they shall, upon the termination of their appointment as Deputy or Chief Deputy Attorney General, return to the classified positions which said persons held prior to their appointments, or to any other classified position to which they would have been entitled had they not been appointed Chief Deputy or Deputy Attorney General. Upon their return to the classified position, such persons shall retain all accrued benefits and leave, and shall be entitled to advancement in pay range and step to which they would have been entitled had they remained in their former position.

SOURCE: GC §7005 repealed/reenacted by P.L. 13-117. Repealed/reenacted by P.L. 17-6:3.

**§30107. Opinions.** The Attorney General shall give, when requested or required, and without fee, except as provided in §30102, his opinion in writing to public officers, and written instructions to commissioners or others acting for the courts of Guam on all matters relating to service of writs and process. The Attorney General shall also, when requested, give, without fee, his opinion to the Legislature, or members thereof, regarding matters relating to enacted laws or the status of case law on a given subject. All legal memoranda or opinions, except those prepared with regard to actual or pending litigation, or which give opinions on matters which, in themselves are not public, shall be public documents. The Attorney General shall give each such legal memorandum or opinion to the Legislative Secretary and the Compiler of Laws for publication as soon as reasonably practicable but no later than seven (7) days subsequent to the date of delivery of such memorandum or opinion to the person or agency requesting such memorandum or opinion, and the Compiler of Laws shall provide such memorandum or opinion to the public for examination and copying if it is not yet published. A document shall not be deemed an opinion or memorandum

5 GCA - GOVERNMENT OPERATIONS  
Div. 3 - Legal and Consumer Affairs

until such has been signed by the Attorney General or persons authorized by him and delivered to the person or agency requesting such opinion or memorandum. The Attorney General shall be personally responsible for insuring that all opinions and memoranda are delivered to the Legislative Secretary and the Compiler of Laws pursuant to this Section and shall be subject to a fine of One Hundred Dollars (\$100.00) for each opinion or memorandum which is not delivered to both the Legislative Secretary and the Compiler of Laws within the time period prescribed by this Section. Government funds shall not be used to pay such fine.

SOURCE: GC §7006 amended by P.L. 17-06:1 and further amended by P.L. 19-15:1.

§30108. Defense of Judges, Officers and Employees. (a) Whenever any action for damages is instituted against any officer or employee of the government of Guam in his individual capacity for the performance of an authorized official act, the officer or employee may request the Attorney General to undertake the defense of such action. If the Attorney General finds that the officer or employee acted in good faith, then, subject to the approval of the Governor, he shall appear and defend the officer or employee.

(b) Nothing herein shall be interpreted to preclude the participation of the Attorney General in any litigation in order to protect the interests of the government of Guam, nor to prohibit the Attorney General to decline the defense of any of the above officers or employees on the grounds that criminal prosecution or disciplinary action requiring action by the Attorney General may proceed from the acts which are also the subject of the civil action for damages herein referred.

SOURCE: GC §7007 repealed/reenacted by P.L. 13-117.



## GUAM WATERWORKS AUTHORITY

Government of Guam

Post Office Box 3010, Agana, Guam 96932

Phone: (671)479-7813 Fax: (671)479-7879

JUL 12 1999

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: July 12, 1999

Time: 3:35 p.m.

Rec'd by: [Signature]

Print Name: Clark

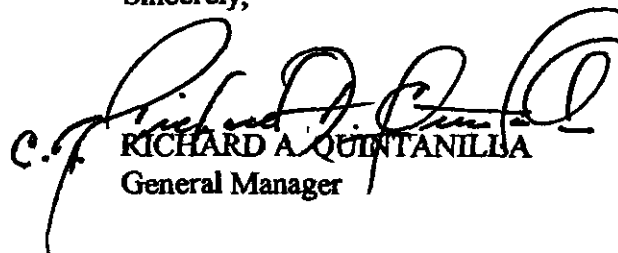
The Honorable Antonio R. Unpingco  
Speaker  
Twenty Fifth Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

Re: Non-Public, Non-disclosable Documents

A list of documents in the custody of Guam Waterworks Authority that are considered non-public, non-disclosable information is provided for your review and referral to the Rules Committee. A copy of the same will be provided as a courtesy to Senator Joanne Brown, chairperson of the Committee on Natural Resources.

This information is provided as required by the Sunshine Reform Act of 1999. Thank you for your immediate attention.

Sincerely,

  
RICHARD A. QUINTANILLA  
General Manager

cc: Senator Joanne Brown  
AGM- Administration  
AGM - Operations  
File

Enclosure



## **GUAM WATERWORKS AUTHORITY**

**Government of Guam**

**Post Office Box 3010, Agana, Guam 96932**

**Phone: (671)479-7813 Fax: (671)479-7879**

### **GUAM WATERWORKS AUTHORITY**

**The following types of records in the possession of the Guam Waterworks Authority are determined as non-public/non-disclosable information and will not be disclosed by the Guam Waterworks Authority to the public under the provisions of the Guam Sunshine Reform Act:**

#### **Customer Service Account Files**

- All individual and private (non-government) account file information

#### **Human Resource Records:**

- All personnel data other than name, position and pay grade

#### **Procurement and Supply Records:**

- Bid documents provided by private vendor(s) that are declared by the vendor(s) as proprietary information or "trade secrets" as allowed under the Government of Guam's Procurement Regulations
- All bid documents submitted by private vendors prior to bid opening and review by authorized agency officials

#### **Other Agency Records:**

- Minutes of Executive Sessions conducted by the Board of Directors
- Draft, unsigned documents or other documents pending approval by authorized agency heads (Board Chairman, General Manager, Assistant General Manager, Controller, etc.)
- Employee payroll records
- Documents determined to be "Attorney-Client" privileged



**GUAM WATERWORKS  
AUTHORITY**

**GUIDELINES  
for  
PUBLIC INFORMATION  
REQUESTS**

**SUNSHINE REFORM ACT  
PUBLIC LAW 25-06**

General Guidance: The Guam Waterworks Authority discloses its records in its possession and control to the public, except those records exempt under the Sunshine Reform Act and approved by the Twenty-fifth Guam Legislature.

All public information requests under the Sunshine Reform Act shall be sent to:

Mailing Address: Guam Waterworks Authority  
PO Box 3010  
Agana, Guam 96932

Facsimile Number: (671) 479-7879

E-mail Address: \_\_\_\_\_

The following records in the possession and control of the Guam Waterworks Authority are determined to be non-public records and will not be disclosed to the public:

**Non Government Customer Service Account Files**  
**Human Resources Records**  
**Procurement and Supply Records**  
**Minutes of Executive Sessions**  
**Draft, unsigned documents or documents pending approval by authorized agency officials**  
**Employee Payroll Records**  
**Documents determined as Attorney-Client Privilege**

Sunshine Reform Act Requests: Members of the public, including foreign citizens, Government of Guam employees acting as private citizens, organizations and business may request records in writing.

**\*\*NOTE:** add a provision to cover minors upon receipt of the guidance from the attorney general. The requester is responsible for identifying the desired record. The requester should sufficiently describe the record to help locate it with a reasonable amount of effort.

Creating a record: Under the Sunshine Reform Act, the Guam Waterworks Authority is not required to create, compile, or obtain a record from outside GWA to fulfill a request.

Fee Assessment: P.L. 25-06, Section 10103 authorizes the charging of fees covering direct costs or duplication, or statutory fee, where applicable. The fees schedule is based on \_\_\_\_\_ (cite law/reg).

Guidelines and list of disclosable and non-disclosable documents are available by computer telecommunications via Internet. Public Law 25-06, Section 10106(a) agencies to establish the guidelines within one year from the effective date.

**MINA' BENTE SINGKO NA LIHESLATURAN GUAM**

**COMMITTEE ON NATURAL RESOURCES  
SENATOR JOANNE M. S. BROWN  
CHAIRPERSON**

**PUBLIC HEARING  
Guam Waterworks Authority (GWA)**

**THURSDAY, SEPTEMBER 9, 1999  
1:30 p.m.**

**A G E N D A**

- 1. Introduction of Committee Members**
- 2. Commencement of Public Hearing for Bill No. 294 (COR)**

**An act to approve/disapprove the list of the Sunshine Reform Act exemptions submitted by the Guam Waterworks Authority**

- 3. Public Comment**
- 4. Adjournment**







Committee on Natural Resources  
 Senator Joanne M. S. Brown  
 Chairperson

**Notice of Public Hearing**

The Committee on Natural Resources will be conducting a Public Hearing on Thursday, September 9, 1999, 1:30 p.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna on the following:

**BILL NO. 294 (COR): AN ACT TO APPROVE/DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY.**

ADA Coordinator: Mrs. Toni Gumataotao at 472-3450/51  
 The public is invited to attend.

**classifieds**

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**472-1PDN**

**Doctor: Guam teen pregnancies alarming**

By Hiroshi Hiyama  
 Pacific Daily News

Guam's teens are having babies at double the rate of teens in Hawaii, according to a local doctor.

Unless Guam's adults help prevent teen pregnancies, the trend might continue, according to Dr. Thomas Shieh, obstetrician and gynecologist. He is holding a series of public lectures on adolescent health for local teens, parents, school counselors and medical professionals. The first lecture, on teen pregnancy, will be held on Thursday at the Guam Memorial Hospital.

Shieh has worked for the Naval Hospital and is preparing to start a private clinic on Guam this month. He has also worked for the Department of Public Health.

**WHERE TO GO**

▲ Dr. Thomas Shieh is giving a public lecture on Guam's teen pregnancies at 7 p.m. Sept. 2 in the first-floor classroom of the Guam Memorial Hospital. To register, call 647-2257.

"I have to deal with a lot of teen-agers here," he said yesterday, adding that he delivered a baby for a 16-year-old girl earlier this week. "I have seen too many teen-agers on Guam that are very sexually (active)."

Between July 1998 and last July, 569 babies were born on Guam to women 20 years old or younger, Shieh said. That is about 15 percent

of all live births on Guam, but the number of teen pregnancies on Guam could be higher because many of them end up in abortions or miscarriages, Shieh said.

"That's very alarming," he said, adding that Honolulu's live births by teens are roughly 7 percent of total live births.

Teens generally have sex because of peer pressure to do so, Shieh said. But sexual activities at an early age can bring a wide range of social and physical consequences for teens — and many of them can be detrimental to their lives, Shieh said.

Pregnant girls are more likely to drop out of school and face increased risks of Caesarean deliveries, premature births, malnutrition and other physical conditions, Shieh said.

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...as a

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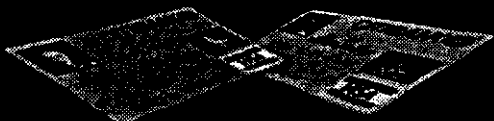


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**BIBLE**

Psalm 44:20-21 "If we have forgotten the name of our God, or stretched out our hands to a strange god; Shall not God search this out? for he knoweth the secrets of the heart."

You may keep secrets from family and friends, but life is an open book before the Lord.

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# SPORTS

## SCOREBOARD

▲ Continued from Page 50

**OT** Richmond Webb on a one-year contract. Traded DT Barron Tanner to Washington for a sixth-round pick in the 2001 draft. **Waived** LB Jimmy Clements, G Derrick LeVae, T Thomas Rayam, FB Jamie Reader, T Barry Stokes, WR Nate Jacquot, WR Kevin McKenna, WR Derrick Staggall, RB Kentry Barber, QB Dan Gonzalez, LB Bryan Jones and S Brian Walker. **Placed WR Lamar Thomas, WR Kio Sanford and DT Walker Scott on injured reserve. Waived RB Bernie Parmalee.**

**MINNESOTA VIKINGS**—**Waived** C Mike Morris, TE Eric Moss, WR Tony Bland, CB Tony Darden, LB Chris Jones, LB Mike Parler, S Don Morgan, NT Noel Scarlett, C Cory Whitrow and DE Ben Williams. **Placed LB Pete Berlich on injured reserve. Placed S Torian Gray on the Physically unable to perform list.**

**NEW ENGLAND PATRIOTS**—**Signed** DT Bob Kuberski. **Placed S Corey Gillard on the reserve physically-unable-to-perform list. Waived LB Aaron Adams, TE Jamie Bowers, CB Jayson Bray, DE Willie Cohens, LB Dana Cottrell, OG Damon Denson, S Kadar Hamilton, DB Corey Ivy, DT Garrett Johnson, WR Anthony Ladd, TE Henry Lusk, DE Tim MacIn, DT Jon McCall, DT Leonie Rheans and S Marcus Washington.**

**NEW ORLEANS SAINTS**—**Placed LB Donnie Spragan on injured reserve. Waived TE Cunchu Brown, LB Phil Clark, QB Jake Delhomme, TE John Farquhar, WR P.J. Franklin, CB Corey Harris, WR Danan Hughes, FB Ron Leshinski, DE Rob Lutzema, DT Julian Pittman, FB Marvin Powell, C Thomas Schau, G Steve Scales, WR L.C. Stevens, WR Gunnard Tynner, LB Ron Warner, T Tasha Williams and WR Ryan Yarborough.**

**NEW YORK GIANTS**—**Placed G Lance Scott on injured reserve. Waived DE Hunter Adams, P-K Francesco Bioncamano, WR Fred Brock, LB O.J. Childers, LB Doug Cook, DT Keith Council, TE Scott Drogo, DE Frank Ferrara, WR James Kidd, G Scott Kieran, CB Emmanuel McDaniel, T Nate Miller, TE Todd Pollock, LB Kenny Sanders, DE Rasheed Simmons, S Tra Thomas and C Emmett Zittel. **Agreed to terms with CB Reggie Stephens on an injury settlement, and waived him.****

**NEW YORK JETS**—**Named William Roberts offensive line assistant coach. Waived S Corwin Brown, TE John Burk, LB Rob Holmberg, G Ian Beckles, WR James Adderley, LB Olrick Johnson, CB Jerome Jones, T Greg Lotysz, RB Robert Farmer, DT Geno Bell, WR Chris Brazzell and LB Casey Dalry.**

**OAKLAND RAIDERS**—**Waived DT Vince Amey, S JoJuan Armour, QB Pat Barnes, LB Bobby Brooks, WR Rico Cannon, C Mike Cripe, DE Ferric Collins, G Isaac Davis, CB Reginald Doster, WR Demeane Douglas, LB James Folsom, S Johnnie Harris, TE Marcus Hinton, T Stupak Malama, TE Randy Palmer, RB Rashawn Saleem and DE Josh Teves.**

**PHILADELPHIA EAGLES**—**Signed LB Mike Caldwell to a two-year contract extension. Waived OL George Hegamin, OL Robert Barr, LB Dana Howard, LB Antonio London, WR Dnred Sellers, DL Henry Gray, DL Tyrone Williams, S Sean Woodson, CB Clarence Lova, RB Corey Walker, FB Michael Reed, WR Troy Smith, CB Jason Bostic, OL Glenn Rountree and TE Chris Fontenot. **Placed DE Al Wallace and TE Kaseem Sincano on injured reserve.****

**PITTSBURGH STEELERS**—**Waived DE Ernie Brown, TE Matt Cushing, QB Stephen Fisher, DE Matt Harper, LB Kevin Homer, OG Marcus Jenkins, DB Terrance Joseph, FB Steve Lee, FB Carlos King, RB Greg Lomas, OG Tony Orlando, WR Shawn Scales, WR Alex Van Dyke, OL T.J. Washington and S Vann Washington.**

**ST. LOUIS RAMS**—**Agreed to terms with RB June Henley, OL Mike Vestagen and OL Jeremy McKinney on injury settlements. **Placed RB David Thompson on injured reserve. Waived WR Darrius Blevins, WR Mac Cody, DL Otis English, DL Kendrick Ghoslon, OL Barry Mitchell, OL Bobby Singh, TE Derek Lewis and DB Ron Carpenter.****

**SAN DIEGO CHARGERS**—**Placed DT Jimmie Bell and WR Anthony Rodgeys on injured reserve. Waived CB Faltir Brown, G Wilbert Brown, WR Tony Galt, OL Jay Hagood, CB Clifford Ivory, OL Chris Krupper, OL Reggie Nelson, CB Corey Raymond, WR Robert Reed, LB John Reeves, CB Reggie Rusk, WR Tyrone Taylor, WR Ryan Thekell, QB Craig Whelhan, DT Bruce Walker and DT Troy Sienkiewicz.**

**SAN FRANCISCO 49ERS**—**Activated DE Chike Okefor from the active-non-football-**

**Eloms, LB Scott Fields, TE Rufus French, T.J. Frier, DE Winfield James, FB Oscar Gray, S Matt Hick, TE James Hill, WR Chris Jackson, WR Michael Jackson, CB Steve Johnson, C Jason McEndoo, CB Lenny McGill, WR Phil Savoy and LB Derrick Stray. **Placed WR Joey Galloway on the reserve-did not report list.****

**TAMPA BAY BUCCANEERS**—**Waived CB Curtis Anderson, T DeMarcus Curry, C Eric de Groh, RB Aubry Denton, CB Cedric Donaldson, TE Cory Geason, FB Lamar Glenn, LB Bobbie Howard, G-T Robert Hunt, S Lamar Marshall, FB Kevin McLeod, WR Drew O'Connor, CB Troy Saunders, G-T Andy Spearman and G Jamie Vanderveldt.**

**TENNESSEE TITANS**—**Signed DE Mike Frederick. **Placed C Jason Gamble, RB Mike Archie and DE Mike Sutton on injured reserve. Waived CB Darryll Lewis, G-C Evan Pilgrim, FB Garrett Gould, DE Keith Embrey, S Brad Ware and T Ian Rafferty.****

**WASHINGTON REDSKINS**—**Waived K Jeff Hill, WR Nigel Williams, DB Troy Bailey, LB Chester Burnett, S Wendell Davis, RB Chad Dukes, G Mike Edwards, DE Derrick Ham, RB Norman Miller, LB Antwaune Ponds, C Juan Porter, CB Tyrone Smith, DE Rahmann Streater, TE Robert Tardio, CB David Terral, WR Dentus Thompson, DT Rod Walker and TE Kavari Peak.**

**HOCKEY**  
**National Hockey League**  
**ANAHEIM MIGHTY DUCKS**—**Signed G Tom Ashley to a one-year contract. **Agreed to terms with D Ruslan Salei on a three-year contract.****

**CALGARY FLAMES**—**Acquired G Grant Fuhr from the St. Louis Blues for a 2000 third-round draft pick.**

**LOS ANGELES KINGS**—**Re-signed RW Glen Murray.**

**NEW YORK RANGERS**—**Re-signed RW Mike Krubie to a two-year contract and D Jason Dohy to a one-year contract.**

**OTTAWA SENATORS**—**Re-signed D Wade Redden to a two-year contract.**

**PHOENIX COYOTES**—**Signed G Bob Esensen to a one-year contract.**

**SOUTH CAROLINA STINGRAYS**—**Signed LW Rob Concannon.**

### IN THE SUPERIOR COURT OF GUAM

**IN RE ESTATE OF RAYMOND JOHN WEAVER, Deceased.**

PRO062-99

### NOTICE OF HEARING ON PROBATE PETITION

**THIS NOTICE IS REQUIRED BY LAW. YOU ARE NOT REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE TO DO SO**

Notice is hereby given that Albert Weaver has filed a petition for ancillary letters of administration with the will annexed upon the Estate of Raymond John Weaver, reference to which petition is hereby made for details.

A hearing on the petition is set for SEP 17 1999 at 10:00 AM in the Superior Court.

**MINA' BENTE SINGKO NA LIHESLATURAN G**  
**Committee on Natural Resources**  
**Senator Joanne M. S. Brown**  
**Chairperson**

### Notice of Public Hearing

The Committee on Natural Resources will be conducting a Public Hearing on Thursday, September 9, 1999, 1:30 p.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna on the following:

**BILL NO. 294 (COR): AN ACT TO APPROVE/DISAPPROVE THE LIST OF THE SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE GUAM WATERWORKS AUTHORITY.**

ADA Coordinator: Mrs. Tom Gumataotao at 472-3450/51.  
The public is invited to attend.

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**NOTICE OF SALE UNDER MORTGAGE NOTICE IS HEREBY GIVEN,** pursuant to § 2932 of the Civil Code of Guam, that the Mortgage executed and delivered by NORMAN TAITANO CEPEDA aka NORMAN T. CEPEDA and GERALDINE G. CEPEDA ("Mortgagors") to FIRST HAWAIIAN BANK ("Mortgagee"), dated September 11, 1992 and recorded on September 14, 1992, in the Office of the Recorder, Department of Land Management, Government of Guam, as Instrument No. 476816, will be foreclosed pursuant to a power of sale contained in the Mortgage, by sale of the premises encumbered by such Mortgage, as hereinafter described to the highest bidder at public auction at the Mayor's office, Municipality of Dededo, Territory of Guam, at 2:00 p.m., on September 21, 1999, to satisfy the amount due on such Mortgage on the day of sale, the terms of the sale are strictly cash, certified or cashier's check.

The sale will be made without covenant or warranty regarding title, possession, or encumbrances, to satisfy the obligation secured by and under said power of sale.

The premises that are described in such Mortgage and that will be sold to satisfy the Mortgage are as follows: LOT NUMBER 5, BLOCK NUMBER 24, UNIT NUMBER 12, TRACT NUMBER 112, MUNICIPALITY OF DEDEDO, TERRITORY OF GUAM, ESTATE NUMBER 17007, URBAN, as said Lot is marked and designated on Drawing Number 3008-SA, dated February 27, 1970 and recorded March 10, 1970, in the Department of Land Management, Government of Guam, under Document Number 92884.

**THIS LAND IS REGISTERED LAND.**  
AREA: 8,016 + Square Feet  
LAST CERTIFICATE OF TITLE NUMBER: 26024  
LAST REGISTERED OWNER: Norman Taitano Cepeda aka Norman T. Cepeda

The undersigned are attorneys for the lawful owner of such Mortgage and the Promissory Note (the "Note") secured thereby. The Mortgagors have defaulted in the performance of the terms and conditions of the Note and Mortgage, and Mortgagee claims all of the principal in the sum of EIGHTY-FOUR THOUSAND THREE HUNDRED TEN AND 56/100 DOLLARS (\$84,310.56), interest in the sum of TWO THOUSAND SIX HUNDRED EIGHTY AND 63/100 DOLLARS (\$2,680.63) as of May 20, 1999, together with interest upon the unpaid principal thereon of the rate of EIGHT AND ONE-QUARTER PERCENT (8.25%) per annum from and after May 20, 1999, until paid, together with late charges, expenses, costs of sale and attorneys' fees.

DATED this 12th day of August, 1999.  
KLEMM, BLAIR, STERLING & JOHNSON  
A PROFESSIONAL CORPORATION  
BY: J. THOMAS C. MOODY  
Attorneys for First Hawaiian Bank  
ACKNOWLEDGMENT  
ISLAND OF GUAM

**CITY OF HAGATNA**  
ON THIS 12th day of August, 1999, before me the undersigned notary, personally appeared THOMAS C. MOODY, known to me to be an attorney in the law firm of KLEMM, BLAIR, STERLING & JOHNSON, A Professional Corporation, attorneys for FIRST HAWAIIAN BANK, whose name is subscribed to the foregoing NOTICE OF SALE UNDER MORTGAGE, and acknowledged to me that he executed the same as his free and voluntary act

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**MINA ' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**1999 (FIRST) Regular Session**

Bill No. 294 (COR)

Introduced by:

J.M.S. Brown 

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**AN ACT TO APPROVE/DISAPPROVE THE LIST OF THE  
SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY  
THE GUAM WATERWORKS AUTHORITY**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.**

3 Whereas, P.L. 25-06, also known as "The Sunshine Reform Act of 1999," became  
4 law on May 12, 1999,

5 Whereas, the Sunshine Reform Act of 1999 reformed and amended the laws of Guam  
6 governing disclosure of public records and permitted individual Government of  
7 Guam agencies to propose exemptions to the public disclosure requirements of said  
8 law for records held by that agency,

9 Whereas, on July 12, 1999, in accordance with that portion of The Sunshine Reform  
10 Act which is now Title 5 G.C.A. Section 10106(b), Guam Waterworks Authority and  
11 the Attorney General submitted to I Liheslaturan Guahan a list of the documents that  
12 Guam Waterworks Authority would like to see exempted from the disclosure  
13 requirements of the Sunshine Reform Act,

14 Whereas, Title 5 G.C.A. Section 10106(b) requires I Liheslaturan Guahan to either  
15 approve or disapprove said list within ninety days after its submission,

16 **Section 2.** The list of proposed exemptions to the Sunshine Reform Act submitted  
17 by Guam Waterworks Authority is attached hereto as Exhibit A and hereby  
18 incorporated herein. Said list is hereby approved/disapproved.