



OFFICE OF THE GOVERNOR
HAGATÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2003-09

**RELATIVE TO DECLARING A STATE OF EMERGENCY
CONCERNING THE PROCUREMENT OF LEGAL
SERVICES FOR GOVERNMENT OF GUAM AGENCIES
AND DEPARTMENTS**

WHEREAS, on March 27, 2003, the Attorney General of Guam ("AG"), issued a memorandum to all department and agency heads informing them that the AG's Office would accept no further contracts for the AG's signature, despite the clear command of existing Guam statutory law requiring the AG to review and approve Government of Guam contracts; and

WHEREAS, the AG also stated in his memorandum that he would issue no further oral or written legal opinions until the resolution of the *Guam International Airport Authority v. Attorney General* lawsuit, Superior Court of Guam Special Proceedings Case No. 55-03 (the "Guam Airport Authority lawsuit"); and

WHEREAS, on March 27, 2003, the AG also informed certain Government of Guam agencies and departments in writing that he had "elected to withdraw representation of all autonomous agencies and line agencies" pending resolution of issues involved in the Guam Airport Authority lawsuit and advised such agencies and departments to "immediately retain replacement interim counsel,"; and

WHEREAS, the AG further indicated that he would "support [a] decision to declare an emergency under the procurement law to immediately retain replacement interim counsel on an interim basis."; and

WHEREAS, in light of the decision of the AG to unilaterally terminate representation of Government of Guam departments and agencies, an emergency situation exists threatening the public health, welfare, and safety, and requiring that private counsels be retained in order to protect the functioning of the territorial government and to ensure the preservation of property; and

WHEREAS, the retention of private counsel pursuant to a Request for Proposals under the procurement laws of Guam would, at a minimum, take several weeks to complete; and

WHEREAS, in light of the AG's decision to provide no further representation and assistance to Government of Guam agencies and departments, the services of private counsels are required, on an interim basis at the least, to represent the Government of Guam and its departments and agencies and to provide legal advice and assistance.

NOW, THEREFORE, I, FELIX P. CAMACHO, I Maga'Lahen Guåhan, Governor of Guam, by the authority vested in me by the Organic Act of Guam, as amended, and Title 5 Guam Code Annotated Section 5215, do hereby order as follows:

Section 1. Declaration of Emergency. In light of the decision of the AG to terminate representation of and assistance to Government of Guam departments and agencies, a state of emergency exists threatening the public health, welfare, and safety. Such emergency situation requires that affected Government of Guam agencies and



departments endeavor to retain independent private counsel pursuant to the applicable laws of Guam.

Section 2. Authorization for Emergency Procurement. The Government of Guam and any affected department agency, or instrumentality thereof that is unable to secure legal assistance from the AG's office may retain interim counsel on an emergency procurement basis for a thirty (30) day period following the procurement, which period may be subsequently extended by Executive Order or operation of law.

SIGNED AND PROMULGATED at Hagåtña, Guam this 4th day of April 2003.

Handwritten signature of Felix P. Camacho in cursive script.

FELIX P. CAMACHO
I Maga' Lahen Guåhan
Governor of Guam

COUNTERSIGNED:

Handwritten signature of Kaleo Moylan in cursive script.

KALEO MOYLAN
Segundu Maga' Lahen Guåhan
Lieutenant Governor of Guam

