



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

EXECUTIVE ORDER NO. 2004-22

**RELATIVE TO INTEGRATING DISPUTE  
RESOLUTION CLAUSES INTO CONTRACTS  
ENTERED INTO BY GOVERNMENT OF GUAM  
AGENCIES, DEPARTMENTS, PUBLIC  
CORPORATIONS AND INSTRUMENTALITIES**

**WHEREAS**, traditional adjudicatory processes have become increasingly costly, time consuming and contentious; and

**WHEREAS**, alternative dispute resolution offers a means of resolving disputes more quickly, less expensively, and with more satisfying results; and

**WHEREAS**, Alternative Dispute Resolution (“ADR”) has been used with great success in both the public and private sectors throughout the United States and has seen increased use by state secretariats, departments and agencies; and

**WHEREAS**, *I Maga'låhen Guåhan* is committed to ensuring that government of Guam agencies, departments, public corporations and instrumentalities utilize more efficient and less expensive dispute resolution mechanisms such as arbitration and mediation than traditional court administered litigation; and

**WHEREAS**, with *I Maga'låhen Guåhan* signing into law Public Law 27-81, the Guam International Arbitration Law serves to provide a quicker, less expensive and potentially more satisfying alternatives to continuing litigation without impairing the quality of justice or the right to trial.

**NOW, THEREFORE, I, FELIX P. CAMACHO**, *I Maga'låhen Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do hereby encourage Government of Guam agencies, departments, public corporations and instrumentalities to allow, upon agreement and after all sovereign, discretionary, and qualified immunity issues are resolved, the inclusion and use of mediation and arbitration clauses into contracts entered into by these entities as appropriate.

**BE IT FURTHER ORDERED** that this order shall be in effect until altered or amended by the Governor of Guam in subsequent Executive Orders on this subject.

**SIGNED AND PROMULGATED** at Hagatña, Guam, this 16 day of September, 2004.

  
**FELIX P. CAMACHO**  
*I Maga'låhen Guåhan*  
Governor of Guam

**COUNTERSIGNED:**

  
**KALEO S. MOYLAN**  
*I Segundo Maga'låhen Guåhan*  
Lieutenant Governor





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

EXECUTIVE ORDER NO. 2004- 21

RELATIVE TO DECLARING A STATE OF EMERGENCY AT THE DEPARTMENT OF EDUCATION FOR EMERGENCY PROCUREMENT AND FOR EMERGENCY EXPENSES RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE DEPARTMENT OF EDUCATION IN COORDINATION WITH THE SCHOOL RECOVERY TASK FORCE DUE TO WATER SHORTAGES AT VARIOUS PUBLIC SCHOOLS

**WHEREAS**, various public schools have been experiencing low or no water pressure partly due to problems with the island's water system, problems with the Navy water distribution systems, the effects of the natural disasters and fluctuating power; and

**WHEREAS**, classes have been canceled at the following schools, J.P. Torres Elementary, Southern High, Harry S. Truman Elementary, Oceanview Middle, J.Q. San Miguel Elementary and Marcial Sablan Elementary due to low or no water pressure; and

**WHEREAS**, Upi Elementary School also has been experiencing inadequate water pressure; and

**WHEREAS**, a water tank for Carbullido Elementary School has been procured, however, because of the length of time required for the procurement and installation, Carbullido Elementary is currently without adequate water supply; and

**WHEREAS**, on August 27, 2004, a meeting was held between the Governor of Guam, Rear Admiral of the United States Navy, the Chairman of the Consolidated Commission on Utilities, the General Manager of the Guam Waterworks Authority, various mayors and representatives of the Guam Chamber of Commerce to identify short and long-term solutions in order to address the on-going water problems facing both the civilian and military populations; and

**WHEREAS**, as a solution to address the on-going water problems affecting the schools and with the impending storms expected to approach Guam and the Northern Mariana Islands emergency assistance is direly needed to provide water tanks in the above-mentioned schools.

**NOW, THEREFORE, I, KALEO S. MOYLAN**, *I Maga'låhen Guåhan Para Pa'go*, Acting Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Declaration of State of Emergency.** A state of emergency is hereby declared for the following schools: J.P. Torres Alternative, Southern High, Harry S. Truman Elementary, Oceanview Middle, J.Q. San Miguel Elementary, Marcial Sablan Elementary, Inarajan Elementary, Inarajan Middle, Talofofu Elementary, Upi Elementary and Carbullido Elementary.

2. **Emergency Procurement and Emergency Expenses.** Pursuant to 5 G.C.A. § 5215, authorizing emergency procurement upon executive order, and pursuant to 5 G.C.A. § 22402, authorizing the Governor to utilize no more than Two Hundred Fifty Thousand Dollars (\$250,000.00) from General Fund appropriations for the Executive Branch for expenses resulting from civil defense, public safety or health care emergencies, the Director of the Bureau of Budget and Management Research is authorized to transfer to the Department of Education an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) from outstanding appropriations within the General Fund for immediate procurement by the Department of Education in coordination with the School Recovery Task Force, established by Executive Order No. 2004-15, to provide, by purchasing or leasing, goods and services to



include water tanks and necessary equipment and supplies to connect the water tanks to the water systems of each individual school identified in this Executive Order, as well as, portable toilets until such water tanks have been procured and installed at each school.

3. **Documentation of Expenses.** Appropriate documentation on all expenses pertaining to such emergency procurement must be kept for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam.

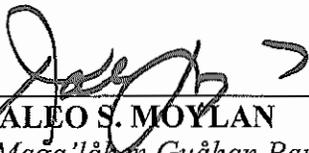
4. **Department of Education Ordered to Submit Cost Estimates.** Upon execution of this Executive Order the Department of Education and the Bureau of Budget and Management Research shall provide a written report of the expenditures of such funds and their source to *I Liheslaturan Guåhan* and the Public Auditor within five (5) days of such transactions as provided in 5 G.C.A. § 22402.

5. **Purpose of Emergency Procurement and Expenditure of Funds.** Emergency procurement may be used for procurement of any goods and supplies provided by the Department of Education in coordination with the School Recovery Task Force relative to this emergency and continuing for thirty (30) days after the date of this Executive Order as provided 5 G.C.A. § 5215.

6. **Government of Guam Support.** The departments and agencies of the government of Guam shall provide such emergency services, equipment and supplies to include water tanks and water buffalos within their inventory as requested by the Department of Education and the School Recovery Task Force.

7. **Cost Reimbursement.** The Department of Education in coordination with the various responding departments and agencies of the government of Guam shall pursue cost reimbursements, if any, from the appropriate responsible parties to the full extent provided by law, including subsequent legal proceedings as may be necessary.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 28<sup>th</sup> day of August, 2004.

  
KALEO S. MOYLAN  
*I Maga'låhen Guåhan Para Pa'go*  
Acting Governor of Guam

**COUNTERSIGNED:**

  
VICENTE C. PANGELINAN  
*I Segundu Maga'låhen Guåhan Para Pa'go*  
Acting Lieutenant Governor of Guam

