



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

**EXECUTIVE ORDER NO. 2004- 26**

**RELATIVE TO ESTABLISHING AN OFFICE OF COMMUNITY INTERGRATION FOR PEOPLE WITH DISABILITES WITHIN THE OFFICE OF THE GOVERNOR OF GUAM AND THE CREATION OF THE COMMUNITY INTEGRATION/J.C. PERMANENT INJUNCTION COMPLIANCE TEAM**

**WHEREAS**, the Organic Act of Guam provides that *I Maga'låhen Guåhan*, Governor of Guam is tasked with the responsibility of overseeing the health needs of the people of Guam; and

**WHEREAS**, Guam seeks to ensure that our island's community-based programs effectively foster independence and acceptance of people with disabilities; and

**WHEREAS**, *I Maga'låhen Guåhan*, Governor of Guam, recognizes that unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA, 42 U.S.C. 12101 et seq.); and

**WHEREAS**, the Administration is committed to provide whatever resources available and necessary to ensure that the disabled community of Guam are integrated into the community rather than being institutionalized; and

**WHEREAS**, the U.S. Supreme Court's *Olmstead v. L.C.*, 527 U.S. 581 (1999) ("*Olmstead*") and *Youngberg v. Romeo*, 457 U.S. 307 (1982) ("*Youngberg*") decisions, coupled with the permanent injunction issued in *J.C. et al. v. Camacho et al.*, CV 01-00041 ("*J.C.*") brings into sharp focus the need to improve community services for Guam's disabled community; and

**WHEREAS**, the establishment of the Office of Community Integration for People with Disabilities is required in order to comply with *Olmstead*, *Youngberg* and the permanent injunction issued in *J.C.*; and

**WHEREAS**, the Department of Mental Health and Substance Abuse ("DMHSA"), the Department of Integrated Services for Individuals with Disabilities ("DISID") and the Office of the Governor, together the Defendants in *J.C.*, have been unable to meet the deadlines set forth in *J.C.*

**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, do hereby order:

1. **The Office of Community Integration for People with Disabilities.** The Office of Community Integration for People with Disabilities is established under the Office of the Governor, funded by the Department of Mental Health and Substance Abuse and the Department of Integrated Services for Individuals with Disabilities, to direct and coordinate all *Olmstead* and *J.C.* development, implementation and oversight activities



pursuant to Section 10 of Chapter IV of Public Law 27-106. The duties of the Director of the Office of Community Integration for People with Disabilities will be as follows:

- a. Direct all activities to develop and implement the comprehensive plan as outlined in *J.C.*;
- b. Serve as the liaison among the Compliance Team, the Protection and Advocacy Office, and the disabled community to improve the quality and coordination of services provided to persons with disabilities consistent with the Americans with Disabilities Act;
- c. Review the allocation of all funds to improve the quality and coordination services provided to persons with disabilities and review all contracts for outside service providers for compliance with the court orders;
- d. Create a system to monitor the effectiveness of efforts to improve quality and coordination of services provided to persons with disabilities consistent with the Americans with Disabilities Act, including a system to measure and evaluate the performance of the Government of Guam;
- e. Assist in the implementation of agency policies and recommend regulatory changes to improve the quality and coordination of services provided to persons with disabilities;
- f. Monitor federal legislation and policy in order to maximize Guam's effective use of and access to funds;
- g. Report biweekly for the first six months after the signing of this Executive Order, and monthly thereafter, to the Governor, the Special Master and the Protection and Advocacy System for Guam on the status of efforts to improve the quality and coordination of services, including (i) success rates in relation to established performance measures; (ii) obstacles, and (iii) strategies for facilitating island-wide program and resource coordination;
- h. Serve as Chairperson of the Compliance Team; and
- i. Perform any other duties as directed by the Governor in furtherance of the goal of island-wide compliance and implementation activities.

2. **Community Integration/J.C. Permanent Injunction Compliance Team.** The Community Integration/J.C. Permanent Injunction Compliance Team is hereby established and shall consist of one representative of each of the following agencies, who shall be designated by the agency head:

- a. Department of Education;
- b. Department of Mental Health and Substance Abuse
- c. Department of Integrated Services for Individuals with Disabilities;
- d. Department of Public Works;
- e. Department of Public Health and Social Services;
- f. Guam Memorial Hospital;
- g. Bureau of Budget Management and Research;
- h. Department of Corrections;
- i. Department of Youth Affairs;
- j. Guam Housing and Urban Renewal Authority; and
- k. Guam Housing Corporation.



The Governor may appoint representatives of other agencies or institutions of higher education to the team at his discretion. The Director of Community Integration for People with Disabilities in the Office of the Governor will chair the Team. The co-vice-chairs shall be the Directors of DMHSA and DISID. The purpose of the Team shall be to:

1. Identify and implement recommendations of the Director of Community Integration for People with Disabilities that shall be implemented administratively within each agency;
2. Identify recommendations that will require new resources within each agency's budget, prioritize the timing with those recommendations that will be requested to be implemented, and prepare budget proposals for the Governor's implementation;
3. Identify recommendations that will require statutory changes and prepare legislative proposals for the Governor's consideration;
4. Identify recommendations that will require action outside the agencies' authority and recommend to the Governor a process for implementation;

The Team's first meeting shall be within 5 days of the signing of this Executive Order.

All executive branch agencies and instrumentalities shall support the activities of the Team upon request.

This Executive Order will expire when subsequent legislation establishes the Office of the Community Integration for People with Disabilities.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 27<sup>th</sup> day of **October 2004**.

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

**COUNTERSIGNED:**

**KALEO S. MOYLAN**  
*Segundo Maga' lähen Guåhan*  
Lieutenant Governor of Guam

