

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 94-09

RELATIVE TO ESTABLISHING
THE GUAM DEVELOPMENTAL DISABILITIES COUNCIL,
TERRITORY OF GUAM

WHEREAS, the United States Congress has enacted the Developmental Disabilities Assistance and Bill of Rights Act (Act), as amended by federal Public Law 103-230 to ensure that individuals with developmental disabilities and their families participate in the design of and have access to cultural services, support and other assistance and opportunities that promote independence, productivity and integration and inclusion into the community; and

WHEREAS, the term 'developmental disability' means a severe, chronic disability of an individual 5 years of age or older that--

- (a) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (b) is manifested before the individual attains age 22;
- (c) is likely to continue indefinitely;
- (d) results in substantial functional limitations in three or more of the following areas of major life activity--
 - (i) self-care;
 - (ii) receptive and expressive language;
 - (iii) learning;
 - (iv) mobility;
 - (v) self-direction;
 - (vi) capacity for independent living; and
 - (vii) economic self-sufficiency; and
- (e) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated.

WHEREAS, under Public Law 103-230, each state and territory that receives assistance under Part B thereof, shall establish, maintain and support a State Developmental Disabilities Council.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

EXECUTIVE ORDER NO. 94-09
RELATIVE TO ESTABLISHING
THE GUAM DEVELOPMENTAL
DISABILITIES COUNCIL,
TERRITORY OF GUAM
PAGE TWO



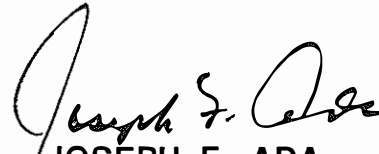
1. The Guam Developmental Disabilities Council (Council) is established to promote, through systemic change, capacity building and advocacy activities, the development of a consumer and family-centered, comprehensive system and a coordinated array of cultural services, support and other assistance designed to achieve independence, productivity and integration and inclusion into the community for individuals with developmental disabilities. In doing so, the Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibility of executing the Act.
2. The State Plan shall be reviewed annually and revised at least once every 3 years. Not less than once each year, the Council shall monitor, review and evaluate the implementation and effectiveness of the State Plan in meeting such plan's objectives.
3. The Council shall submit to the Secretary of the U.S. Department of Health and Human Services, through the Governor of Guam, periodic reports on its activities as the Secretary may reasonably request and keep such records and afford such access thereto, as the Secretary finds necessary to verify such reports.
4. The Council shall prepare, approve and implement a budget using amounts paid to the Territory to fund and implement all programs, projects and activities.
5. The Council shall, consistent with Guam law, recruit, hire, supervise and annually evaluate a Director of the Council. The Director shall hire, supervise and annually evaluate the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and Territorial nondiscrimination laws. Dismissal of personnel shall be consistent with Guam law and personnel policies. The Staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties under the Act and shall not be assigned duties by the designated State agency or any other agency or office of the Territory.
6. The Council shall consist of representatives appointed by the Governor from among residents of Guam. The Governor shall select members of the Council, in accordance with the Act, at his discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members or the Council. The Council will coordinate member and public input to the Governor regarding all recommendations. Council members shall serve four year terms. Present members shall continue to serve on the Council until their terms expire and successors are appointed.

EXECUTIVE ORDER NO. 94-09
RELATIVE TO ESTABLISHING
THE GUAM DEVELOPMENTAL
DISABILITIES COUNCIL,
TERRITORY OF GUAM
PAGE THREE



7. The members of the Council shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties including off-island travel expenses.
8. Effective October 1, 1994, the Bureau of Planning of the Office of the Governor shall be the designated State agency of the Council, that shall, on behalf of the Territory, provide support to the Council and shall have those responsibilities specified in the Act.
9. Each agency, department, office, commission, or part of the Government of Guam is authorized and instructed to render assistance, information and cooperation to the Council as is necessary for it to perform its duties including submission of data, information and other materials necessary for the development of the Council State Plan and in the execution of its duties and responsibilities as required by Federal law.

SIGNED AND PROMULGATED at Agana, Guam this 9th day of August, in the Year of Our Lord, Nineteen Hundred and Ninety-Four.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor of Guam