



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

EXECUTIVE ORDER NO. 2010- 07

RELATIVE TO DECLARING A CONTINUING STATE OF EMERGENCY IN ORDER TO ASSIST THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE TO COMPLY WITH THE MANDATES OF THE PERMANENT INJUNCTION ISSUED IN THE *J.C. ET. AL V. FELIX CAMACHO, GOVERNOR OF GUAHAN ET. AL.* AS WELL AS FURTHER COURT ORDERS ISSUED ON THE SAME MATTER ON JULY 1, 2009 AND OCTOBER 23, 2009

WHEREAS, the Department of Mental Health and Substance Abuse (DMHSA) is a line agency of the Government of Guahan under the supervision and control of the Governor; and

WHEREAS, to assist DMHSA to comply with the Amended Permanent Injunction issued in the *J.C. et. al v. Felix P. Camacho, Governor of Guahan, et al.*, Case No. CV01-0004; as well as further court orders issued on the same matter on July 1, 2009 and October 23, 2009; and

WHEREAS, Guahan continues to be committed to providing individuals seeking short-term acute psychiatric care; individuals with chronic mental illness who may require long-term care; individuals with developmental disabilities; individuals with mental illness, with the residential housing and inherent services necessary to meet the needs of the individual and ensures the greatest amount of freedom and opportunity with the least amount of risk; and

WHEREAS, DMHSA had relayed to the Court Monitors, designated as such, for the Amended Permanent Injunction that DMHSA intended to convert its government owned Guma IFIL home into the SCZ-1 home and relocate the consumers residing in Guma IFIL to a leased home; and

WHEREAS, the Court subsequently issued orders based on the foregoing on October 23, 2009 specifically Order No. 4 ordering the Director to have a fully operational and occupied SCZ-1 by December 1, 2009; and

WHEREAS, DMHSA had set forth an Invitation to Bid for the procurement of the leased home. On the date for bids to be opened, January 28, 2010, no bids were submitted; and



WHEREAS, DMHSA is working with the General Services Agency to undergo another Invitation for Bids for a leased home clarifying bid specifications; and

WHEREAS, both the existing Guma IFIL and leased home need to be renovated, furnished, and to the fullest extent possible, compliant with the Americans with Disabilities Act; and

WHEREAS, time is of the essence as the court orders have time frames that are difficult to meet to provide appropriate and timely responses to the court including obtaining and renovating residential group housing for individuals with disabilities;

NOW, THEREFORE, I, FELIX P. CAMACHO, I Maga'Lahen Guahan, Governor of Guahan, by virtue of the authority vested in me by the Organic Act of Guahan, as amended, do order:

1. Extended Declaration of State of Emergency. A state of emergency has continued to exist at DMHSA in order to comply with the mandates of the Permanent Injunction issued in the *J.C. et. al v. Felix Camacho, Governor of Guahan, et. al.* as well as further court orders issued on the same matter on July 1, 2009 and October 23, 2009.

2. Agency Coordination. DMHSA/DISID shall continue to coordinate with all government departments, agencies, instrumentalities and other public entities in order to comply with the mandates of the Permanent Injunction issued in the *J.C. et. al v. Felix Camacho, Governor of Guahan, et. al.* as well as further court orders issued on the same matter on July 1, 2009 and October 23, 2009. All affected agencies and other public entities shall continue to cooperate fully with DMHSA/DISID.

3. Emergency Procurement and Emergency Expenses. Pursuant to 5 G.C.A § 5215, authorizing emergency procurement of supplies and services upon executive order, 5 G.C.A. § 22402 authorizing the Governor to utilize no more than \$250,000.00 from General Fund appropriations for the Executive Branch for expenses resulting from civil defense, public safety or healthcare emergencies, and Executive Order No. 2009-20 authorizing the Director of Bureau of Budget Management Research (BBMR) to transfer to the DMHSA an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) from outstanding appropriations within the General Fund, this Executive Order authorizes the continued use of remaining appropriations previously transferred for funding this Executive Order and authorizes emergency procurement to comply with the mandates of the Permanent Injunction issued in the *J.C. et. al v. Felix Camacho, Governor of Guahan, et. al.* as well as further court orders issued on the same matter on July 1, 2009 and October 23, 2009. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guahan Procurement Law.



4. **Documentation of Expenses.** DMHSA is hereby instructed to keep appropriate documentation on all emergency expenses for inspection by the Executive and Legislative Branches and by the Public Auditor of Guahan. DMHSA via BBMR shall provide a written report of the emergency expenditures and its source to the Legislature and the Public Auditor within five (5) days of such transactions.

5. **Purpose of Emergency Procurement.** Emergency procurement may be used for procurement of any supplies and services relative to comply with the mandates of the Permanent Injunction issued in *the J.C. et. al v. Felix Camacho, Governor of Guahan, et. al.* and continuing for thirty (30) days after the date of this executive order as provided in § 5215 of Title 5, Guahan Code Annotated.

SIGNED AND PROMULGATED at Hagåtña, Guahan this 24 day of February, 2010.

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

COUNTERSIGNED:

JUDITH T. WON PAT, Ed. D.
I Segundu Maga'låhen Guahan para pa'go
Acting Lieutenant Governor of Guahan

