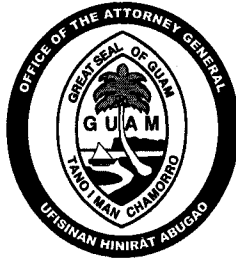


Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

February 25, 2011

HAND DELIVER

OPINION

Ref: AG 09-0170

TO: Honorable Eddie B. Calvo
Governor

FROM: Attorney General

RE: **Organicity of *I Kumision Guåhan Fine'nana* (Guam First Commission); P.L. 29-128, codified at 1 GCA § 2401 *et seq.***

In 2009, former Governor Felix P. Camacho first made a written request for a legal opinion from the Attorney General with respect to the organicity of *I Kumision Guåhan Fine'nana* (Guam First Commission) created by P.L. 29-128, now codified at 1 GCA § 2401 *et seq.*, as amended by P.L. 30-21. Then Governor Camacho subsequently informed the Attorney General's office both publicly and via his legal counsel that he did not intend to implement P.L. 29-128 which called for the creation of the Guam First Commission.

Although former Governor Camacho did not implement P.L. 29-128, according to recent news reports which were verified by the Governor's legal counsel, Governor Eddie Baza Calvo intends to implement the law. As a result, the Attorney General is issuing this opinion as requested by former Governor Camacho.

I. FACTUAL BACKGROUND

A. Executive Order 2006-10

In preparation for anticipated increases in United States military presence on Guam due to the planned realignment of over 8,000 military personnel and their dependents from Okinawa, Japan to Guam by the year 2014, Executive Order 2006-10, signed by Guam Governor Felix P. Camacho on April 26, 2006, created a "Civilian/Military Task Force" (C/MTF or CMTF). As expressed in EO 2006-10, a diversity of "public and private entities, including the Guam Chamber of Commerce, the Guam Board of Realtors, the media, GovGuam utility agencies, GovGuam employment and training agencies and health and human service entities, [had] been communicating with the U.S. military on matters that are important to the interests of these entities." The Governor decided that "the U.S. Military should be afforded an opportunity to discuss its expansion plans with a single entity to ensure that the myriad of concerns are comprehensively addressed"; and that there was "a need to coordinate public agency