



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

EXECUTIVE ORDER NO. 2004-09

DECLARING A STATE OF EMERGENCY FOR EMERGENCY PROCUREMENT AND FOR EMERGENCY EXPENSES RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE DEPARTMENT OF MILITARY AFFAIRS IN COORDINATION WITH THE VARIOUS RESPONDING DEPARTMENTS AND AGENCIES OF THE GOVERNMENT OF GUAM DUE TO THE FIRE AT THE J & E EQUIPMENT RENTAL SOLID WASTE HARDFILL FACILITY AT SANTA CRUZ DRIVE CHALAN PAGO.

WHEREAS, 10 G.C.A. § 65102 provides in pertinent part that: “(T)he term Civil Defense shall mean the preparation for the carrying out of all emergency functions . . . to prevent, minimize and repair injury and damage resulting from disaster caused by . . . **fire**, . . . or other causes . . .;” and

WHEREAS, 10 G.C.A. § 65102 further provides that: “These functions include, without limitations, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communication, radiological, chemical and other special weapons of defense, evacuation of persons from stricken area, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions;” and

WHEREAS, a fire erupted at the J&E Equipment Rental Solid Waste Hardfill Facility located at Lot No. 3347-R1 to Lot No. 3347-R5, Chalan Pago-Ordot (aka Santa Cruz Hardfill) on April 8, 2004. The facility’s management attempted to contain the fire but has been unable to extinguish it, requiring the Department of Military Affairs in coordination with other various departments and agencies of the government of Guam to respond.

NOW, THEREFORE, I, FELIX P. CAMACHO, *I Maga’lahen 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 order as follows:

1. **Declaration of State of Emergency.** A state of emergency exists due to the fire and resulting smoke at the Santa Cruz Hardfill, and this emergency will continue to exist *until the fire is extinguished.*

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 (“BBMR”) is authorized to transfer to the Department of Military Affairs 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 Military Affairs to provide goods and services to respond appropriately to the fire at the Santa Cruz Hardfill.



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. **Departments ordered to submit cost estimates.** Upon execution of this Executive Order the Department of Military Affairs in coordination with the various responding departments and agencies of the government of Guam 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 departments and agencies of the government of Guam responding to this emergency due to the fire at the Santa Cruz Hardfill, and continuing for thirty (30) days after the date of this Executive Order as provided in 5 G.C.A § 5215.

6. **Government of Guam support.** The Guam Fire Department, the Guam Police Department, the Guam Department of Public Works, the Guam Environmental Protection Agency, the Guam Department of Public Health and Social Services, and the Guam Waterworks Authority shall provide such emergency services as are requested by the Department of Military Affairs.

7. **Cost Reimbursement.** Department of Military Affairs in coordination with the various responding departments and agencies of the government of Guam shall pursue cost reimbursement from the appropriate responsible parties to the full extent provided by law, including subsequent legal proceeding as may be necessary.

SIGNED AND PROMULGATED AT Hagåtña, Guam this 7th day of June 2004.

FELIX P. CAMACHO
I Maga'lahaen Guåhan
Governor of Guam

COUNTERSIGNED:

KALEO S. MOYLAN
I Segundu Maga'Lahaen Guåhan
Lieutenant Governor of Guam

