



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

EXECUTIVE ORDER NO. 2004- 21

RELATIVE TO DECLARING A STATE OF EMERGENCY AT THE DEPARTMENT OF EDUCATION FOR EMERGENCY PROCUREMENT AND FOR EMERGENCY EXPENSES RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE DEPARTMENT OF EDUCATION IN COORDINATION WITH THE SCHOOL RECOVERY TASK FORCE DUE TO WATER SHORTAGES AT VARIOUS PUBLIC SCHOOLS

WHEREAS, various public schools have been experiencing low or no water pressure partly due to problems with the island's water system, problems with the Navy water distribution systems, the effects of the natural disasters and fluctuating power; and

WHEREAS, classes have been canceled at the following schools, J.P. Torres Elementary, Southern High, Harry S. Truman Elementary, Oceanview Middle, J.Q. San Miguel Elementary and Marcial Sablan Elementary due to low or no water pressure; and

WHEREAS, Upi Elementary School also has been experiencing inadequate water pressure; and

WHEREAS, a water tank for Carbullido Elementary School has been procured, however, because of the length of time required for the procurement and installation, Carbullido Elementary is currently without adequate water supply; and

WHEREAS, on August 27, 2004, a meeting was held between the Governor of Guam, Rear Admiral of the United States Navy, the Chairman of the Consolidated Commission on Utilities, the General Manager of the Guam Waterworks Authority, various mayors and representatives of the Guam Chamber of Commerce to identify short and long-term solutions in order to address the on-going water problems facing both the civilian and military populations; and

WHEREAS, as a solution to address the on-going water problems affecting the schools and with the impending storms expected to approach Guam and the Northern Mariana Islands emergency assistance is direly needed to provide water tanks in the above-mentioned schools.

NOW, THEREFORE, I, KALEO S. MOYLAN, *I Maga'låhen Guåhan Para Pa'go*, Acting Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Declaration of State of Emergency.** A state of emergency is hereby declared for the following schools: J.P. Torres Alternative, Southern High, Harry S. Truman Elementary, Oceanview Middle, J.Q. San Miguel Elementary, Marcial Sablan Elementary, Inarajan Elementary, Inarajan Middle, Talofofu Elementary, Upi Elementary and Carbullido Elementary.

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 is authorized to transfer to the Department of Education 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 Education in coordination with the School Recovery Task Force, established by Executive Order No. 2004-15, to provide, by purchasing or leasing, goods and services to



include water tanks and necessary equipment and supplies to connect the water tanks to the water systems of each individual school identified in this Executive Order, as well as, portable toilets until such water tanks have been procured and installed at each school.

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.

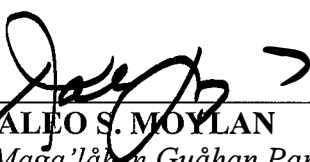
4. **Department of Education Ordered to Submit Cost Estimates.** Upon execution of this Executive Order the Department of Education and the Bureau of Budget and Management Research shall provide a written report of the expenditures of such funds and their source to *I Liheslaturan Guåhan* and the Public 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 Department of Education in coordination with the School Recovery Task Force relative to this emergency and continuing for thirty (30) days after the date of this Executive Order as provided 5 G.C.A. § 5215.

6. **Government of Guam Support.** The departments and agencies of the government of Guam shall provide such emergency services, equipment and supplies to include water tanks and water buffalos within their inventory as requested by the Department of Education and the School Recovery Task Force.

7. **Cost Reimbursement.** The Department of Education in coordination with the various responding departments and agencies of the government of Guam shall pursue cost reimbursements, if any, from the appropriate responsible parties to the full extent provided by law, including subsequent legal proceedings as may be necessary.

SIGNED AND PROMULGATED at Hagåtña, Guam this 28th day of August, 2004.


KALEO S. MOYLAN
I Maga'låhen Guåhan Para Pa'go
Acting Governor of Guam

COUNTERSIGNED:


VICENTE C. PANGELINAN
I Segundu Maga'låhen Guåhan Para Pa'go
Acting Lieutenant Governor of Guam

