



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

EXECUTIVE ORDER NO. 2008- 13

**RELATIVE TO DECLARING A STATE OF EMERGENCY IN ORDER
TO ALLOW GOVERNMENT OF GUAM AGENCIES AND
INSTRUMENTALITIES TO ASSIST IN REPAIRING GPSS SCHOOLS**

WHEREAS, the Organic Act of Guam requires the Government of Guam to provide a free and adequate public education to the students of Guam (48 U.S.C.A. §1421(g)(b); and

WHEREAS, Public Law 28-45 created the Every Child is Entitled to an Adequate Public Education Act, which became effective on October 1, 2007; and

WHEREAS, “adequate public education” means a system of public schools that provides an adequate public education to public school students (1G.C.A. §715); and

WHEREAS, to provide an adequate education, adequate public school facilities are necessary; and

WHEREAS, The Interim Superintendent declared on June 24, 2008 that the Guam Public School System (“GPSS”) is in a state of emergency as he did not believe that he would be able to ensure a majority of GPSS’s schools are in a safe condition by their deadline of August 12, 2008; and

WHEREAS, the Interim Superintendent temporarily detailed all of its facility, maintenance and CIP personnel to the Department of Public Works (“DPW”) in an effort to utilize DPW’s expertise in repairing the schools by their deadline; and

WHEREAS, at the request of GPSS, DPW will require the participation of its staff as well as the staff of other Government of Guam agencies and instrumentalities in order to rectify GPSS’s emergency and to avoid endangering the health and safety of our island’s school children when GPSS opens its schools on August 12, 2008.

NOW THEREFORE, I, MICHAEL W. CRUZ, M.D., I Maga’ Lahen Guahan, , *para pa’go*, Acting Governor of Guam, by virtue of the authority vested to me by the Organic Act of Guam, as amended, do order:

1. **Declaration of a State of Emergency.** A state of emergency is hereby declared for all Government of Guam Agencies and instrumentalities to immediately assist as necessary to immediately repair of all of GPSS’s public schools ensuring the safety and environmental and structural stability of the facilities;
2. **Documentation of Expenses.** All Government of Guam Agencies and instrumentalities assisting in this emergency are hereby instructed to keep appropriate documentation of all emergency expenses for inspection by the Executive and Legislative Branches and the Public Auditor;



3. **Overtime.** Effective June 27th, 2008, this Executive Order shall authorize overtime for all exempt and non-exempt Government of Guam Agencies and instrumentalities employees who are responding to this executive order. This authorization shall expire upon completion of emergency repairs as determined by the Director of Public Works or the funding identified by this Executive Order has been exhausted; and
4. **Funding Source.** 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 healthcare emergencies, the Director of the Bureau of Budget and Management Research ("BBMR") is authorized to transfer to DPW an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) from outstanding appropriations within the General Fund for funding this Executive Order.

SIGNED AND PROMULGATED at Hagåtña, Guam this 3rd day of July, 2008.

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

COUNTERSIGNED:

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

