



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.  
EXECUTIVE ORDER NO. 96-31

DECLARING A STATE OF EMERGENCY FOR EMERGENCY PROCUREMENT, FOR EMERGENCY EXPENSES, AND FOR EXEMPTION FROM PROHIBITION ON OVERTIME COMPENSATION FOR SUPERVISORY PERSONNEL RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE DEPARTMENT OF PUBLIC WORKS TO THE PUBLIC DURING AND AFTER THE PASSAGE OF TYPHOON DALE, NOVEMBER 7-8, 1996.

**WHEREAS**, Typhoon Dale, a storm about 1,200 miles in diameter and containing sustained winds of approximately 105 mph with gusts to 125 mph, passed 125 miles to the south of Guam at 4:00 a.m. November 8, 1996 after remaining quasi-stationary off the coast of Guam during November 7, 1996; and

**WHEREAS**, Typhoon Dale caused damage of approximately Ten Million Dollars (\$10,000,000) throughout the island, but damage was most especially concentrated in the communities of Talofof, Inarajan, Merizo, and Umatac, as well as all agricultural and farming areas from Yigo to Merizo; and

**WHEREAS**, preliminary assessment shows that approximately 700 families suffered damage to homes, belongings, or crops due to the typhoon; and

**WHEREAS**, the dedicated and hard-working men and women of the Department of Public Works worked round the clock responding to the damages to the island in the aftermath of Typhoon Dale, especially to Route 4, which was rendered impassable between the Inarajan pools and Bear Rock in Talofof;

**NOW, THEREFORE, I, CARL T. C. GUTIERREZ**, 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 hereby order the following:

1) **Declaration of state of emergency.** Whereas the Governor established a state of emergency on Guam by declaring Typhoon Condition I on November 7, 1996, and although Typhoon Condition IV is reestablished, a state of emergency continues relative to the damage from this typhoon.

2) **Emergency procurement and emergency expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and pursuant to §22402 of Title 5, Guam Code Annotated authorizing the Governor to utilize up to Two Hundred Fifty Thousand Dollars (\$250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies, the Director of the Bureau of Budget and Management Research is authorized to transfer to the Department of Public Works an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) from outstanding appropriations within the General Fund for immediate procurement by the Department of Public Works to provide goods and services relative to those affected by damage from Typhoon Dale.

3) **Further authorization for emergency procurement unnecessary.** The authorization for the certification, approval, and expenditure of necessary funds

Department of Public Works  
Typhoon Dale emergency  
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pursuant to §5215 of Title 5, Guam Code Annotated and §22402 of Title 5, Guam Code Annotated, shall be this Executive Order, subject only to the exhaustion of identified funds. Any funds not so expended shall revert to the General Fund.

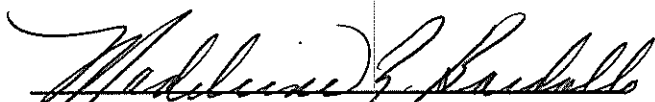
4) **Purpose of emergency procurement and expenditure of funds.** Emergency procurement may be used for procurement of any goods and services provided by the Department of Public Works in the provision of goods and services of the Department to the people of Guam during and after the passage of Typhoon Dale on November 7-9, 1996, and continuing for Thirty (30) days as provided in §5215 of Title 5, Guam Code Annotated.

5) **Exemption from overtime prohibition of Executive Order No. 95-11.** Notwithstanding the provisions of Executive Order No. 95-11, all employees of the Department of Public Works who work overtime hours from November 7, 1996 through November 15, 1996 are authorized to receive overtime pay, whether or not their positions are supervisory in nature, or are listed or not listed in the attachment to Executive Order No. 95-11. Overtime hours shall be as authorized by the Director of the Department of Public Works.

**SIGNED AND PROMULGATED** at Agana, Guam this 13th day of November, 1996.

  
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**CARL T. C. GUTIERREZ**  
Governor of Guam

**COUNTERSIGNED:**

  
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**MADELEINE Z. BORDALLO**  
Lieutenant Governor of Guam