



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.
EXECUTIVE ORDER NO. 97-17

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 AND THE DEPARTMENT OF PARKS AND RECREATION DUE TO THE EXPIRATION OF EXECUTIVE ORDER NOS. 96-31 AND 96-32.

WHEREAS, Executive Order Nos. 96-31 and 96-32 declared a state of emergency for emergency procurement, emergency expenses, and exemption from prohibition on overtime compensation for the Department of Public Works and the Department of Parks and Recreation after Typhoon Dale, a storm about 1,200 miles in diameter and containing sustained winds of approximately 105 mph with gusts to 125 mph, which passed near Guam on November 8, 1996; and

WHEREAS, the Department of Public Works expended \$41,332.50 as of March 31, 1997 and additional funds have been encumbered up to the amount of \$250,000; and

WHEREAS, the Department of Parks and Recreation expended \$229,983.41 as of March 31, 1997 and an additional \$8,445 remains outstanding; and

WHEREAS, it is necessary to execute another emergency Executive Order to now disburse the funds that are available for the emergency which occurred in November, 1996;

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 for both Department of Public Works and the Department of Parks and Recreation.** 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) each for both the Department of Public Works and the Department of Parks and Recreation of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies, and this full amount for each department has not been utilized to date, 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 **the balance remaining of the Two Hundred Fifty Thousand Dollars (\$250,000)** authorized in Executive Order No. 96-31 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, and to transfer to the **Department of Parks and Recreation** an amount not to exceed **Eight Thousand Four Hundred Forty-five Dollars (\$8,445)** 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 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 and the Department of Parks and Recreation 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 after the date of this executive order 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 20th day of June, 1997.

Handwritten signature of Carl T. C. Gutierrez in black ink.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

Handwritten signature of Madeleine Z. Bordallo in black ink.

MADELEINE Z. BORDALLO
Lieutenant Governor of Guam