



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.
EXECUTIVE ORDER NO. 97-24

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 DUE TO THE NEED TO REPAIR HEAVY EQUIPMENT.

WHEREAS, extensive use over the last year has brought many items of heavy equipment at the Department of Public Works into disrepair; and

WHEREAS, the Department of Public Works needs to continually use the heavy equipment for health, welfare and safety of the community; and

WHEREAS, the Department of Public Works is currently working on areas of the island subject to continuous flooding, and which has experienced flooding and landslides in the last several months, causing health hazards to the residents and destruction of property; and

WHEREAS, the Department of Public Works must be daily ready to handle unexpected situations caused by natural disasters, some of which are completely unpredicted; and

WHEREAS, the state of the heavy equipment at public works is such that emergency procurement must take place to insure the health, welfare and safety of the community;

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.** Currently, the poor state of repair of the heavy equipment available to the Department of Public Works is inadequate to protect the island from expected and unexpected emergencies, and is inadequate to continue vital work on flood control projects to keep residents safe from health hazards and destruction of property.

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 repairing heavy equipment vitally necessary for the health, welfare, and safety of the public.

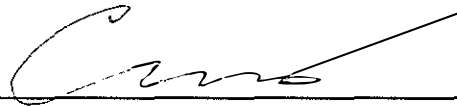


3) **Further authorization for emergency procurement unnecessary.** The authorization for the certification, approval, and expenditure of necessary funds pursuant to §5215 of Title 5, Guam Code Annotated and §22402 of Title 5, Guam Code Annotated, shall be this Executive Order, subject only to the exhaustion 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 in the provision of goods and services of the Department to the people of Guam for repairing, renting, and otherwise making available heavy equipment items.

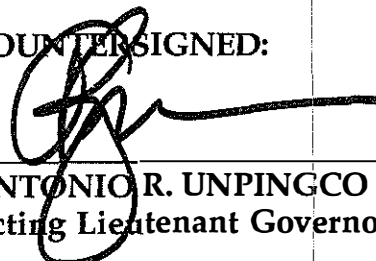
5) **Exemption from overtime prohibition of Executive Order No. 95-11.** Notwithstanding the provisions of Executive Order No. 95-11, all employees of the Department of Public Works who work overtime hours from September 30, 1997 are authorized to receive overtime pay, whether or not their positions 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 30th day of September, 1997.



CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:



ANTONIO R. UNPINGCO
Acting Lieutenant Governor of Guam