



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.
EXECUTIVE ORDER NO. 97-42

DECLARING A STATE OF EMERGENCY FOR EMERGENCY PROCUREMENT AND FOR EXEMPTION FROM PROHIBITION ON OVERTIME COMPENSATION FOR SUPERVISORY PERSONNEL RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE OFFICE OF CIVIL DEFENSE TO THE PUBLIC DURING AND AFTER THE PASSAGE OF SUPERTYPHOON PAKA, DECEMBER 16, 1997.

WHEREAS, Supertyphoon Paka, a storm containing sustained winds of approximately 160 mph with gusts to 195 mph, with some gusts clocked at Andersen Air Force Base up to 220 mph, passed directly over Guam on the evening of December 16, 1997, moving at only 8 mph and devastating our island; and

WHEREAS, Supertyphoon Paka caused damage of approximately One Hundred Million Dollars (\$100,000,000) throughout the island to the civilian community, from the northernmost village of Yigo to the southernmost village of Merizo; and

WHEREAS, preliminary assessment shows that virtually all families suffered damage to homes, belongings, or crops due to the supertyphoon; and

WHEREAS, the dedicated and hard-working men and women of the Office of Civil Defense worked round the clock responding to the damages to the island in the aftermath of Supertyphoon Paka, wherever assigned;

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 December 16, 1997 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, the Office of Civil Defense is authorized to utilize emergency procurement procedures for immediate procurement by the Office of Civil Defense to provide goods and services relative to those affected by damage from Supertyphoon Paka.

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 Office of Civil Defense in the provision of goods and services of the

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Office to the people of Guam during and after the passage of Supertyphoon Paka on the evening of December 16, 1997, 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 Office of Civil Defense who work overtime hours from December 16, 1997 until notified that the immediate response to the emergency is completed 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 Office of Civil Defense.

SIGNED AND PROMULGATED at Agana, Guam this 17th day of December 17, 1997.

Handwritten signature of Carl T. C. Gutierrez.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

Handwritten signature of Antonio R. Unpingco.

ANTONIO R. UNPINGCO
Acting Lieutenant Governor of Guam