



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

**EXECUTIVE ORDER NO. 97-44**

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 GUAM NATIONAL GUARD DUE TO THE PASSING OF SUPERTYPHOON PAKA DIRECTLY OVER GUAM ON THE EVENING OF 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 at 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**, Super typhoon 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 Governor is authorized pursuant to §63500 of Title 10, Guam Code Annotated, in time of any territorial emergency, to order the Guam National Guard, or any part thereof, into the active service of the territory of Guam; and

**WHEREAS**, the government of Guam, if it utilizes federal equipment or supplies, must reimburse the Federal Government for the use and must be responsible for any and all damages to the equipment; and

**WHEREAS**, the Guam National Guard is required to assist in providing essential services to the public to alleviate the emergency, including but not limited to protecting life and property by clearing roads, construction, transport and distribution of water, and other related activities;

**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.** A state of emergency exists due to passing of Supertyphoon Paka over Guam on the evening of December 16, 1997, causing severe devastation to the island.

2) **Activation of the Guam National Guard and duties.** The Guam National Guard is hereby activated, to include the Army and Air elements. The Adjutant General, with the approval of the Governor, shall select appropriate personnel from any units needed to perform the missions necessary to respond to the devastation of Supertyphoon Paka.

The activated units or members are directed to render all necessary assistance in providing services to the public relative to road clearing and construction, transport and distribution of water,



The Guam National Guard is expected to accomplish the above missions while protecting the life, liberty, safety, and health of the people affected by the devastation of Supertyphoon Paka and further protect all public and private property within the jurisdiction of the territory as set out in the mission above; and

The Guam National Guard Military Commanders will take the measure or perform all those activities necessary to prevent, forestall, or combat the effects of the emergency situation. Accomplishment of the above stated missions and the command and control of the command units are the sole responsibility of the Guam National Guard Military Commander subject to the statutory control of the Governor as the Commander-in-Chief.

3) **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 Guam National Guard an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) from outstanding appropriations within the General Fund for immediate procurement by the Guam National Guard to provide goods and services relative to getting Guam back on its feet after the devastation wrought by Supertyphoon Paka.

4) **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.

5) **Purpose of emergency procurement and expenditure of funds.** Emergency procurement may be used for procurement of any goods and services provided by the Guam National Guard in the provision of goods and services as a result of the passing over Guam of Supertyphoon Paka, and continuing for Thirty (30) days after the date of this executive order as provided in §5215 of Title 5, Guam Code Annotated.

6) **Exemption from overtime prohibition of Executive Order No. 95-11.** Notwithstanding the provisions of Executive Order No. 95-11, all employees of the Guam National Guard who work overtime hours from 7:00 a.m. on December 17, 1997 until notified that the mission 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 Adjutant General.

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

CARL T. C. GUTIERREZ  
Governor of Guam

COUNTERSIGNED:

ANTONIO R. UNPINGCO  
Acting Lieutenant Governor of Guam