



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

EXECUTIVE ORDER NO. 97-45

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 HEALTH AND SOCIAL SERVICES DUE TO THE PASSING 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 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 dedicated and hard-working men and women of the Department of Public Health and Social Services worked around the clock responding to the devastation of the island in the aftermath of Supertyphoon Paka;

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) **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 Health and Social Services 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 Health and Social Services to provide goods and services to those affected by damage from Supertyphoon Paka.

2) **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.



3) **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 Health and Social Services in the provision of goods and services of the Authority to the people of Guam during and after the passage of Supertyphoon Paka on December 16, 1997, and continuing for Thirty (30) days as provided in §5215 of Title 5, Guam Code Annotated.

4) **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 Health and Social Services who work overtime hours from December 17, 1997 until notified that the response to the immediate 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, Department of Public Health and Social Services.

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

A handwritten signature in cursive script, likely belonging to Carl T. C. Gutierrez.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

A handwritten signature in cursive script, likely belonging to Antonio R. Unpingco.

ANTONIO R. UNPINGCO
Acting Lieutenant Governor of Guam