



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

**EXECUTIVE ORDER NO. 98-26**

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 OFFICE OF CIVIL DEFENSE IN COORDINATION OF THE GUAM FIRE DEPARTMENT, THE GUAM POLICE DEPARTMENT, THE GUAM DEPARTMENT OF PUBLIC WORKS, THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND THE GUAM DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DUE TO ACTIONS NECESSARY DUE TO THE SUBTERRANEAN FIRE AT THE MALOJLOJ HARDFILL.

**WHEREAS,** §65102 of Title 10, Guam Code Annotated, provides in pertinent part that: ". . . (T)he term 'Civil Defense' shall mean the preparation for the carrying out of all emergency functions, other than functions for which United States military forces or other Federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, typhoon or other causes. . . "; and

**WHEREAS,** §65102 of Title 10, Guam Code Annotated, further provides: "These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communication, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions";

**WHEREAS,** a subterranean fire continues to burn out of control at the Malojloj Hardfill and the possibility of toxic materials burning and harming the surrounding community must be addressed immediately; and

**WHEREAS,** there are approximately 20 or more residential homes in and around the Malojloj Hardfill, and the protection of the lives, health, and property of the people of Malojloj require evacuation to avoid undue hardship to the residents of the area, and the combined efforts of several government agencies are needed to address this emergency situation;

**NOW, THEREFORE, I, CARL T. C. GUTIERREZ, I Maga'Lahen Guãhan, 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 as of October 13, 1998 due to the existing subterranean fire at the Malojloj Hardfill and the possibility of toxic materials burning and harming the surrounding community, and this emergency will continue to exist until the fire is extinguished.

Malojloj Hardfill  
Emergency due to fire  
Executive Order No. 98-26



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 **government of Guam departments responding to this emergency designated in this Executive Order** an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) from outstanding appropriations within the General Fund for immediate procurement by **the responding departments** to provide goods and services to respond appropriately to the dangerous fire at the Malojloj Solid Waste Transfer Station.

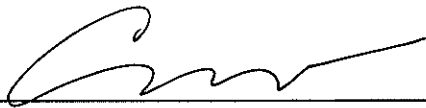
3) **Further authorization for emergency procurement unnecessary.** The authorization for the certification, approval, and expenditure of necessary funds pursuant to §5215 of Title 5, Guam Code Annotated and §22402 of Title 5, Guam Code Annotated, shall be this Executive Order, subject only to the exhaustion 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 **departments responding to this emergency** in the provision of goods and services of **the responding departments** to the people of Guam due to the fire at the Malojloj Hardfill, and continuing for Thirty (30) days after the date of this executive order as provided in §5215 of Title 5, Guam Code Annotated.

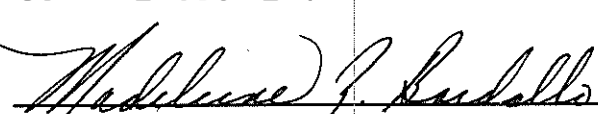
5) **Exemption from overtime prohibition of Executive Order No. 95-11.** Notwithstanding the provisions of Executive Order No. 95-11, all employees of **the government of Guam departments responding to this emergency** who work overtime hours from the date of this Executive Order until notified that 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 of the Office of Civil Defense.**

6) **Government of Guam Support.** The Guam Fire Department, the Guam Police Department, the Guam Department of Public Works, the Guam Environmental Protection Agency and the Guam Department of Public Health and Social Services shall provide such emergency services as are requested by the Office of Civil Defense to assure the protection of the lives and property of the people of Malojloj which are or may be affected by the fire and its resulting smoke and fumes.

**SIGNED AND PROMULGATED at Hagåtña, Guam this 13th day of October, 1998.**

  
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**CARL T. C. GUTIERREZ**  
I Maga'Lahen Guåhan  
Governor of Guam

**COUNTERSIGNED:**

  
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**MADELEINE Z. BORDALLO**  
I Segunda na Maga'Lahen Guåhan  
Lieutenant Governor of Guam

