



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

EXECUTIVE ORDER NO. 98-34

DECLARING A STATE OF EMERGENCY FOR EMERGENCY PROCUREMENT AND FOR EMERGENCY EXPENSES RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE OFFICE OF CIVIL DEFENSE IN COORDINATION WITH THE GUAM FIRE DEPARTMENT, THE GUAM POLICE DEPARTMENT, THE GUAM DEPARTMENT OF PUBLIC WORKS, THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND THE GUAM WATER WORKS AUTHORITY DUE TO ACTIONS NECESSARY DUE TO THE FIRE AT THE ORDOT LANDFILL.

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"; and

WHEREAS, a major fire continues to burn out of control at the Ordot Landfill and the possibility of toxic materials burning and harming the surrounding community must be addressed immediately; and

WHEREAS, there are approximately 8 or more residential homes in and around the Ordot Landfill and the protection of the lives, health, and property of the people of Ordot 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 Guâhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Declaration of state of emergency.** A state of emergency exists as of December 25, 1998 due to the existing fire at the Ordot Landfill and the



possibility of toxic materials burning and harming the surrounding community, and this emergency will continue to exist until the fire is extinguished.

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 Ordot Landfill; and
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; and
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 Ordot Landfill, and continuing for Thirty (30) days after the date of this executive order as provided in §5215 of Title 5, Guam Code Annotated; and
5. **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 Water Works Authority 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 Ordot which are or may be affected by the fire and its resulting smoke and fumes.

SIGNED AND PROMULGATED at Hagåtña, Guam this 26th day of December, 1998.

A handwritten signature in black ink, appearing to read "Carl T. C. Gutierrez".

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

COUNTERSIGNED:

A handwritten signature in black ink, appearing to read "Madeleine Z. Bordallo".

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