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

EXECUTIVE ORDER NO. 97-07

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 AGRICULTURE** TO THE PUBLIC DURING AND AFTER THE PASSAGE OF TYPHOON DALE, NOVEMBER 7-8, 1996 DUE TO THE EXPIRATION OF EXECUTIVE ORDER NO. 96-07.

WHEREAS, Executive Order No. 96-30 declared a state of emergency for emergency procurement, emergency expenses, and exemption from prohibition on overtime compensation for the Department of Agriculture after Typhoon Dale, a storm about 1,200 miles in diameter and containing sustained winds of approximately 105 mph with gusts to 125 mph, which passed near Guam on November 8, 1996; and

WHEREAS, a valuation has been completed of damage to local farmers, and compensation is now available to distribute to the farmers; however, the time period for expenditures under Executive Order No. 96-30 has expired; and

WHEREAS, although overtime was allowed under Executive Order No. 96-30 for those persons who worked overtime during and after the Typhoon, yet no funds were yet disbursed to those who were authorized overtime; however, Executive Order No. 96-30 has expired; and

WHEREAS, it is necesssary to execute another emergency Executive Order to now disburse the funds that are available for the emergency which occured in November, 1996;

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. W**hereas the Governor established a state of emergency on Guam by declaring Typhoon Condition I on November 7, 1996, and although Typhoon Condition IV is reestablished, a state of emergency continues relative to disbursing the payments available to the farmers for 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, 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 Agriculture 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 Agriculture to provide goods and services

relative to those affected by damage from Typhoon Dale, for Compensation to Farmers for Crop Damages as provided for §§12450 through 12452 of the Government Code and Sections 1, 2, and 3 of Public Law 20-84 and the rules and regulations contained in Public Law 22-64, and for placement into the Farmers' Small Loan Revolving Fund.

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 Department of Agriculture in the provision of goods and services of the Department to the people of Guam during and after the passage of Typhoon Dale on November 7-9, 1996, 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 Department of Agriculture who work overtime hours from November 7, 1996 through November 15, 1996 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 Department of Agriculture.

SIGNED AND PROMULGATED at Agana, Guam this 25th day of February, 1997.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

MADELEINE Z. BORDALLO
Lieutenant Governor of Guam