



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.  
**EXECUTIVE ORDER NO. 97-22**

**RELATIVE TO 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 WORKS DUE TO THE LANDSLIDE AND UNSTABLE GROUND AT NAMO FALLS IN THE VILLAGE OF SANTA RITA ON AUGUST 30, 1997.**

**WHEREAS,** On August 30, 1997 a serious landslide was experienced in the Namu Falls area of Santa Rita, making the ground unstable so that nearby housing is subject to falling, and breaking a sewer line, allowing raw sewage to run freely into the Namu River; and

**WHEREAS,** the landslide and break of the sewer line, with raw sewage running into the Namu River, subjects the people of the Namu River area, as well as to the entire island, to immediate health hazards; and

**WHEREAS,** this serious problem was promptly brought to the attention of the Governor by Mayor Joseph Wesley of the Village of Santa Rita and by Speaker Antonio R. Unpingco of the Twenty-Fourth Guam Legislature; and

**WHEREAS,** immediate action is necessary on the part of the Department of Public Works to work on this major landslide and sewer line break;

**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, do order:

1) **Declaration of state of emergency.** A state of emergency exists due to the landslide in the Namu Falls area of the Village of Santa Rita, causing unstable ground for nearby housing and breakage of sewer line, with raw sewage running into the Namu River.

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 Public Works** 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 Works** to provide goods and services relative to the landslide damage in the Namu Falls area.




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.

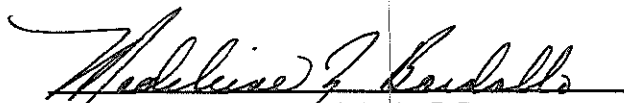
4) **Purpose of emergency procurement and expenditure of funds.** Emergency procurement may be used for procurement of any goods and services provided by the **Department of Public Works** in the provision of goods and services as a result of the landslide damage in the Namo Falls area, and continuing 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 Public Works** 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 General Manager of the **Department of Public Works**.

**SIGNED AND PROMULGATED** at Agana, Guam this 30th day of August, 1997.

  
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**CARL T. C. GUTIERREZ**  
Governor of Guam

**COUNTERSIGNED:**

  
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**MADELEINE Z. BORDALLO**  
Lieutenant Governor of Guam

