



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

EXECUTIVE ORDER NO. 97-32

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 NEED TO PROCURE HEAVY EQUIPMENT, AND AMENDING EXECUTIVE ORDER NO. 97-28 RELATIVE TO THE PAYMENT OF OVERTIME.

WHEREAS, Executive Order No. 97-24 declared a state of emergency for the Department of Public Works to procure the repair and use of heavy equipment for necessary projects related to the health, safety, and welfare of the people of Guam; and

WHEREAS, the situation with the heavy equipment shortage within the Department of Public Works recited in Executive Order No. 97-24 has not lessened, yet there continue to be projects related to the health, welfare, and safety of the community for which the equipment previously procured is still needed, and a further time frame and additional funding is needed to complete the additional projects; and

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.** Currently, the poor state of repair of the heavy equipment available to the Department of Public Works is inadequate to protect the island from expected and unexpected emergencies, and is inadequate to continue vital work on flood control projects to keep residents safe from health hazards and destruction of property, as previously recited in Executive Order No. 97-24.

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 repairing heavy equipment vitally necessary for the health, welfare, and safety of the public.

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.

Department of Public Works
Procure heavy equipment
Executive Order No. 97-32



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 of the Department to the people of Guam for repairing, renting, and otherwise making available heavy equipment items.

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 who work overtime hours on the projects which are the subject of this Executive Order, from November 24, 1997, 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 Public Works.

6) **Amendment of exemption from overtime prohibition of Executive Order No. 95-11 contained in Executive Order No. 97-28.** The Exemption from overtime prohibition of Executive Order No. 95-11 contained in Executive Order No. 97-28 is amended to include all Department of Public Works employees who worked on any emergency project during the time that Executive Order No. 97-28 was in effect.

SIGNED AND PROMULGATED at Agana, Guam this 19th day of November, 1997.

Handwritten signature of Carl T. C. Gutierrez in cursive script.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

Handwritten signature of Madeleine Z. Bordallo in cursive script.

MADELEINE Z. BORDALLO
Lieutenant Governor of Guam