EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

GL# 34-18-2234
Speaker Benjamin J.F. Cruz

August 21, 2018

AUG 21 2018
Time: 4:45 [ ] AM [X] PM File No. _____
Received By: _____

The Honorable Benjamin J.F. Cruz
Speaker
34th Legislature

Hafa Adai Mr. Speaker,

Pursuant to § 102 (e) of Chapter 1, Title 1, Guam Code Annotated, transmitted herewith is a copy of Executive Orders No. 2018-09 and 2018-10.

Sincerely,

EDDIE BAZA CALVO
Governor of Guam

2018 AUG 21 PM 4:56

2234

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov
Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2018-09

RELATIVE TO DECLARING AN EMERGENCY AS A RESULT OF HEAVY RAINFALL CAUSING FLOODING AND MUDSLIDES THROUGHOUT THE ISLAND OF GUAM

WHEREAS, earlier today, the National Weather Service (NWS) in Tiyan, Guam issued a flash flood warning for Guam that flooding is imminent or occurring; and

WHEREAS, according to the warning, "heavy showers are present across Guam and up to three inches of rain have already fallen. Additional rainfall amounts of 2 to 4 inches are possible and flash flooding is expected"; and

WHEREAS, the effects of extraordinary floods and mudslides, caused by heavy rains were being experienced in all Guam villages and along most of the roads; and

WHEREAS, multiple floods and mudslides, together with debris, are obstructing local roadways and creating treacherous travel conditions; and

WHEREAS, there is peril to public safety and property due to the hazardous conditions which, by reason of their magnitude, are beyond the control of the services, personnel, equipment and facilities of Guam's local government agencies; and

WHEREAS, multiple floods and mudslides have created threats to life, property and public infrastructure; and

WHEREAS, there is risk to life, property and public infrastructure as a result of the floods and mudslides across Guam; and

Doc. No. 34GL-18-2234.

WHEREAS, the conditions threaten the health, safety, and welfare of property and person, such that a critical emergency condition exists.

NOW, THEREFORE, I, EDDIE BAZA CALVO, Governor of Guam, by the authority vested in me by the Organic Act and laws of Guam, do hereby order and direct as follows:

1. **Declaration of State of Emergency**. A state of emergency is hereby declared for the island of Guam.

2. **Emergency Procurement and Emergency Expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and § 22402 of Title 5, Guam Code Annotated, this Executive Order shall authorize emergency procurement and overtime for the Department of Public Works (DPW), the Guam Police Department, and the Guam Homeland Security Office/Office of Civil Defense (GHS/OCD), the Mayors Council of Guam (MCOG), and all other departments and agencies of the Government of Guam, to be exercised and resorted to by the DPW Director, the GHS/OCD Administrator, and the respective department/agency heads or their respective designees for all costs and expenses related to, or resulting and arising from, action necessary to the control and mitigation of the flooding and mudslides, including any heavy equipment rental, debris removal, purchase of supplies, materials, goods, services or other expenditures up to a combined total maximum of Two Hundred Fifty Thousand Dollars ($250,000.00).

3. **Authorization for Overtime**. Authorization is given for the payment of overtime, both for exempt and non-exempt employees, to work in excess of forty (40) hours a week in order to respond and mitigate the effects of flooding and mudslides throughout the island of Guam. The GHS/OCD Administrator is authorized to determine the eligibility of overtime expenditures resulting from

work performed by the government agencies, and the approval shall be obtained prior to incurring any overtime or other expenses. The failure to obtain such prior approval shall be grounds for denying reimbursement.

4. **Documentation of Expenses.** All departments and agencies affected are hereby instructed to keep appropriate documentation on all emergency expenses authorized by this Executive Order for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and in anticipation of review and approval by the federal government if required. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guam Procurement Law, 5 Guam Code Annotated Chapter 5.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 21st day of August, 2018.

EDDIE BAZA CALVO
I Maga'Låhen Guåhan
Governor of Guam

Doc. No. 34GL-18-2234.

OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2018-10

RELATIVE TO DECLARING AN EMERGENCY FOR THE PROVISION OF SERVICES BY THE GUAM NATIONAL GUARD TO ASSIST THE GOVERNMENT OF GUAM IN PROVIDING SERVICES CAUSED AS A RESULT OF HEAVY RAINFALL, FLOODING AND MUDSLIDES THROUGHOUT THE ISLAND OF GUAM

WHEREAS, earlier today, the National Weather Service (NWS) in Tiyan, Guam issued a flash flood warning for Guam that flooding is imminent or occurring; and

WHEREAS, multiple floods and mudslides, together with debris, are obstructing local roadways and creating treacherous conditions that threaten the health, safety, and welfare of property and persons; and

WHEREAS, the government of Guam is in need of heavy equipment for use throughout the island to mitigate the effects caused by the heavy rainfall, widespread flooding and heavy accumulation of debris island-wide; and

WHEREAS, the services of the Guam National Guard are needed to assist the local government, particularly the Department of Public Works, the Guam Police Department and the Guam Fire Department, the Department of Education, and the Department Public Health and Social Services, along with other departments and agencies; and

Doc. No. 34GL-18-2234.

NOW, THEREFORE, I, EDDIE BAZA CALVO, Governor of Guam, by the authority vested in me by the Organic Act and laws of Guam, do hereby order and direct as follows:

1. **Declaration of State of Emergency**. A state of emergency is hereby declared for the island of Guam.

2. **Activation of the Guam National Guard and duties.** The Guam National Guard is hereby activated beginning at 6:00 p.m., August 21, 2018 for at least seven (7) days until 11:59 p.m., August 28, 2018, unless extended by a subsequent executive order. The activation is to include Army and Air elements. The Adjutant General or his designee, with the approval of the Governor, shall select appropriate personnel from any units needed to perform the missions necessary to respond to the flooding and mudslide situations detailed in Executive Order No 2018-09, and the activated units or members are directed to render all necessary assistance in providing services relative to responding to those situations. The Guam National Guard military commanders will take the measure or perform all those activities necessary to prevent, forestall, or combat the effects of the emergency situation. Accomplishment of the above stated missions and the command and control of the command units are the sole responsibility of the Guam National Guard military commander subject to the statutory control of the Governor as Commander-in-Chief.

3. **Emergency Procurement and Emergency Expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and § 22402 of Title 5, Guam Code Annotated, this Executive Order shall authorize emergency procurement for overtime for the period identified herein or as extended for all costs and expenses related to, or resulting and arising from, action necessary to the control and mitigation of the

Doc. No. 34GL-18-2234.

flooding and mudslides, including any heavy equipment rental, debris removal, purchase of supplies, materials, goods, services or other expenditures up to a combined total maximum of Two Hundred Fifty Thousand Dollars ($250,000.00).

4. **Documentation of Expenses**. The Guam National Guard is instructed to keep appropriate documentation on all emergency expenses authorized by this Executive Order for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and in anticipation of review and approval by the federal government if required. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guam Procurement Law, 5 Guam Code Annotated Chapter 5.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 21st day of August, 2018.

EDDIE BAZA CALVO
I Maga'Låhen Guåhan
Governor of Guam

Doc. No. 34GL-18-2234.