UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LAHI • LIEUTENANT GOVERNOR

February 21, 2019

Honorable Telena Cruz Nelson
Acting Speaker
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

35GL-19-0173
Speaker Tina Rose Muña Barnes

FEB 2 1 2019
Time 1049 ( )AM ( )PM
Received By:

2019 FEB 21 AM 11:13

Re: Executive Orders 2019-04 and 2019-05

Dear Madam Speaker:

Pursuant to Public Law 34-16, transmitted herewith are the following Executive Orders:

- Executive Order 2019-04: Relative to Creating the Governor's Task Force to Reform Government Permitting Procedures; and
- Executive Order 2019-05: Relative to Declaring a State of Emergency in Order to Anticipate and Alleviate Impacts to Guam Arising from the Anticipated Development of Tropical Storm Wutip into a Typhoon.

If you have any questions, please contact my office at # 475-9475.

Senseramente,

SOPHIA SANTOS DIAZ
Legal Counsel
Office of the Governor of Guam

cc: Office of the Compiler of Laws
Office of the Speaker of Guam, 35th Guam Legislature

0173

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Executive Order 2019-04

RELATIVE TO CREATING THE GOVERNOR'S TASK FORCE TO REFORM GOVERNMENT PERMITTING PROCEDURES

WHEREAS, the government of Guam has established an array of regulations, administrative procedures, and permitting processes in order to serve the interests of the people of Guam including, but not limited to, protecting public health and safety, safeguarding environmental and cultural resources, preventing fraud and waste, and securing the funding necessary to support public services; and

WHEREAS, inasmuch as all the aforementioned objectives are in the public interest, it must also be recognized that it is in the public interest to foster economic growth that produces jobs for our people, opportunities for entrepreneurs, increased incomes for working families, and an expanded tax base upon which health, education, public safety and other vital services are reliant; and

WHEREAS, crucial to sustained economic growth is a business-friendly environment that, to the maximum extent possible, supports free enterprise, and makes it easier to start a new business, grow an existing business, and accelerate the pace in the growth of private sector jobs; and

WHEREAS, it will be to the benefit of our entire community to provide responsible regulation and permitting that does not unnecessarily burden private sector enterprises, particularly small businesses, with red tape and bureaucracy.

NOW, THEREFORE, I, JOSHUA F. TENORIO, *Åkto Maga'låhen Guåhan,* Acting Governor of Guam, in full consultation and coordination with **LOURDES A. LEON GUERRERO,** *Maga'hågan Guåhan,* Governor of Guam, and by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order as follows:

Creation of the Governor's Task Force to Reform Government Permitting Procedures.

The Governor's Task Force to Reform Government Permitting Procedures is hereby created with the following mission, purposes, and operational parameters:

1. Mission Statement. It is the objective of this Task Force to review all government permitting procedures for the purpose of identifying opportunities for reform in order to foster a business-friendly environment in the community.

2. The Task Force shall be comprised of members appointed by the Governor of Guam with experience in both the private sector and the public sector and in particular shall include representatives of both small business and government regulatory authorities.

3. In examining government permitting required of private citizens and businesses, the Task Force shall consider the following:

    a. An assessment as to whether the required government permit is necessary.
    b. A determination of whether the permitting required of private citizens and businesses is sufficiently justified by the public interest served.
    c. Whenever possible, identification of alternative means of meeting the public interest served by a permitting requirement that is less burdensome to private citizens and businesses.

4. The Bureau of Statistics and Planning shall be the primary agency to provide support.

5. All departments and agencies of the Government Guam are hereby directed to provide as much assistance as possible to aid the Task Force in carrying out its duties and responsibilities.

6. In accordance with its Mission Statement, the Task Force shall provide a formal report to the Governor of Guam with specific reform recommendations no later than August 1, 2019.

Signed and Promulgated at *Hagåtña*, Guam, this 20th day of February 2019.

JOSHUA F. TENORIO
Åkto Maga'låhen Guåhan
Acting Governor of Guam

Attested by:

TINA ROSE MUÑA BARNES
Åkto Sigundo Maga'hågan Guåhan
Acting Lieutenant Governor of Guam

Doc. No. 35GL-19-0173.

ISLAND OF GUAM
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Executive Order 2019-05

RELATIVE TO DECLARING A STATE OF EMERGENCY IN ORDER TO ANTICIPATE AND ALLEVIATE IMPACTS TO GUAM ARISING FROM THE ANTICIPATED DEVELOPMENT OF TROPICAL STORM WUTIP INTO A TYPHOON

WHEREAS, on February 20, 2019, the Joint Information Center issued a press release advising that the National Weather Service, Guam Weather Forecast Office (NWS) has projected the path of Tropical Storm Wutip to be moving on a west-northwest track into Chuuk State and towards Guam; and

WHEREAS, the NWS predicts that the projected path of Tropical Storm Wutip will send damaging winds of 39 mph over Guam and its coastal waters by Saturday, February 23, 2019; and

WHEREAS, the Acting Governor of Guam placed the island in Condition of Readiness 3 (COR 3) at 8:00 a.m. this morning in anticipation of damaging winds within 48 hours. The NWS predicts that Tropical Storm Wutip is expected to continue its speed over the next 24 hours and will likely become a typhoon by later today, Thursday, February 21, 2019; and

WHEREAS, based upon current forecasts and modeling, the growing strength and westward track of the developing typhoon represent an imminent, credible, and significant threat to the health, safety and welfare of Guam; and

WHEREAS, in anticipation of the typhoon's closest approach, the Offices of Homeland Security and Civil Defense (GHS/OCD) and other territorial agencies must take precautionary and proactive steps over the next several days in order to secure the safety of the island and to reduce the potential destruction of property and loss of life; and

WHEREAS, an emergency situation exists such that in order to safeguard the community, the critical infrastructure, and the general welfare of the island against the impending dangerous onset of destructive winds and rains forecast to strike Guam within the next several days, it is critical that timely precautions be taken and that resources be immediately identified, mobilized and prepositioned upfront as contemplated in the GHS/OCD-FEMA 2018 Guam Catastrophic Typhoon Plan and in the 2016 Guam Comprehensive Emergency Management Plan.

NOW, THEREFORE, I, JOSHUA F. TENORIO, *Åkto Maga'låhen Guåhan*, Acting Governor of Guam, in full consultation and coordination with **LOURDES A. LEON GUERRERO**, *I Maga'hågan Guåhan*, Governor of Guam, and by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order as follows:

1. **Declaration of State of Emergency**. A state of emergency is hereby declared for the island of Guam as a result of Tropical Storm Wutip.
2. **Emergency Procurement and Emergency Expenses.** Pursuant to Section 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 overtime and emergency procurement for heavy equipment rental, debris removal, nursing and medical support services for the North and Southern Community Health Centers, Guam Department of Education typhoon shelter operations, lodging for displaced residents, and the purchase of supplies, materials, goods, services or other expenditures by any agency or department as authorized by the Acting Governor of Guam, up to a combined total maximum of Two Hundred Fifty Thousand Dollars ($250,000.00).
3. **GHS/OCD to be Lead Agency; Purpose of Emergency Procurement.** GHS/OCD shall be the lead agency for the emergency procurement of any goods and services relative to this Executive Order, the effective period of which shall be for thirty (30) days as provided in § 5215 of Title 5, Guam Code Annotated. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guam Procurement Law, Title Guam Code Annotated Chapter 5.
4. **Authorization For Overtime.** Authorization is given for the payment of overtime, for exempt and non-exempt Government of Guam employees, to work in excess of forty (40) hours a week in order to mitigate and respond to the effects of Tropical Storm Wutip throughout Guam. The Special Assistant to Homeland Security (the Guam Homeland Security Advisor) shall have administrative authority of the Office of Civil Defense and 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 expenses. The failure to obtain prior approval shall be grounds for denying reimbursement.
5. **Documentation of Expenses**. All departments and agencies are 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 federal disaster assistance approval by the President of the United States to be administered by the Federal Emergency Management Agency.

Signed and Promulgated at *Hagåtña*, Guam, this 21th day of February 2019.

JOSHUA F. TENORIO
Åkto Maga'låhen Guåhan
Acting Governor of Guam

Attested by:

TINA ROSE MUÑA BARNES
Åkto Sigundo Maga'hågan Guåhan
Acting Lieutenant Governor of Guam

Doc. No. 35GL-19-0173.