



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

EXECUTIVE ORDER NO. 2009-21

RELATIVE TO DECLARING A STATE OF EMERGENCY AT THE
DEPARTMENT OF EDUCATION

WHEREAS, the Department of Education claims it would have to issue furlough notices to federally funded positions as a result of US Department of Education's (USDOE) decision to withhold the release of the consolidated grant until GDOE hires a third-party financial manager to improve fiscal accountability; and

WHEREAS, Chapter II Section 2 of Public Law 30-55 prohibits GDOE from using local funds to pay for federal program expenditures, including salaries, unless specifically authorized by statute or if the grant requires local expenditure prior to receiving federal reimbursement; and

WHEREAS, without USDOE's approval for GDOE's consolidated grant application for 2009, there is no secured funding source for employees funded by the consolidated grant once the FY2008 carryover funds are exhausted; and

WHEREAS, GDOE was notified that transferring carryover consolidated grant funds between programs was prohibited. Therefore employees funded by the consolidated grant will have to be separated from their positions when the carryover funds for their program come to an end; and

WHEREAS, approximately 300 employees, mostly Direct Instruction and Success For All programs positions, will be immediately terminated unless funding is identified to ensure the continuation of federally funded educational services at DOE.

NOW, THEREFORE, I, FELIX P. CAMACHO, *I Magsa' Lahen Guahan*, 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 at DOE as a result of potential layoffs at the department which would impede instructional programs within the agency;
- 2. Emergency Expenses.** Pursuant to 5 G.C.A. § 22402 authorizing the Governor to utilize no more than \$250,000.00 from General Fund appropriations for the Executive Branch for expenses resulting from civil defense, public safety or healthcare emergencies, this Executive Order shall authorize the Director of Bureau of Budget Management Research (BBMR) to transfer to DOE an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) from outstanding appropriations within the General Fund for funding this Executive Order; and
- 3. Documentation of Expenses.** DOE is hereby instructed to keep appropriate documentation on all emergency expenses for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam. DOE via BBMR shall provide a written report of the emergency expenditures and its source to the Legislature and the Public Auditor within five (5) days of such transactions.

SIGNED AND PROMULGATED at Hagåtña, Guam this 30th day of November, 2009.




FELIX P. CAMACHO
I Magsa' Lahen Guahan
Governor of Guam