



OFFICE OF THE GOVERNOR
American Samoa Government
Pago Pago, American Samoa 96799

A. P. Lutali, Governor
Tauese P. Sunia, Lt. Governor

Telephone (684) 633-4116
Fax: (684) 633-2289

EXECUTIVE ORDER NO. 15 - 1995

**AN ORDER TO REPLACE EXECUTIVE ORDER NO. 12 - 1995
(REORGANIZING AND REASSIGNING HIGHWAY, ROAD AND SHORE
PROTECTION PLANNING, DESIGN, CONSTRUCTION AND MAINTENANCE
FUNCTIONS UNDER THE AMERICAN SAMOA POWER AUTHORITY)**

Section 1: Authority

This Executive Order is issued under the authority granted to the Governor in Sections 6 and 7 of Article IV of the Revised Constitution of American Samoa and 4.0111 and 4.0131 of the American Samoa Code.

Section 2: Purpose and Intent

The purpose of this Order is to replace Executive Order 12 - 1995.

Further, the purpose and intent of this Order is to ensure that the needs of the people of American Samoa for a modern and safe highway and road system are met and that highway, road and shore protection planning, design, construction and maintenance within the Territory of American Samoa is conducted in accordance with sound business and engineering practices. Further, it is declared that the successful planning, design, construction and maintenance of highways, roads and seawalls is one of the highest priorities of the American Samoa Government (ASG).

In that regard, it is critical that all reasonable efforts are made to maximize the amount of Federal funding available for these purposes (including but not limited to funding from the Federal Highway Administration); that such funds are administered effectively and efficiently and used in a timely fashion and that all highway, road and shore protection projects are completed on time and to a high standard. Further, it is the desire of ASG to encourage local contractors to participate in highway design and construction wherever possible.

Section 3: Highway, Road and Shore Protection Planning, Design, Construction and Maintenance Functions Reorganized under American Samoa Power Authority

The American Samoa Power Authority (ASPA) is hereby authorized and directed to assume and discharge the functions of highway, road and shore protection planning, design, construction and maintenance for the territory. ASPA shall continue to provide those highway, road and shore protection functions, including the administration of contractual services associated with highways and roads and maintenance thereof, which are now being conducted by ASG. The authority now exercised by ASG with regards to highways and maintenance is hereby consolidated and delegated to the Executive Director of ASPA.

The Board of Directors of ASPA shall recommend to the Governor regulations to set fees, charges and conditions for the issuance of Road Cut Permits and for the use of government highway-related equipment.

Section 4: Operations Generally

ASPA shall conduct a highway, road and shore protection construction and maintenance program which is commensurate with the funds available to ASPA for such purposes from grants, fines, fees, charges and other sources of revenue. Except as may be inconsistent with or inapplicable to the functions of the highway and road system, ASPA shall perform these functions in accordance with Chapter 01, Title 15, ASCA and any regulations enacted to implement that statute.

Any and all future grants, gifts, donations, fines, charges, fees and taxes earmarked for operations, maintenance and capital improvement of highways and roads (including shore protection) will be administered by ASPA. ASPA is hereby granted subgrantee authority to receive directly all Federal or other grants pertaining to highways, roads and shore protection.

Section 5: Personnel

Transfer to ASPA of any personnel (including field, office and engineering staff) now assigned to highways and to road maintenance duties within ASG shall be made only upon the prior written approval of the Governor and the Board of Directors of ASPA.

All ASPA employees performing duties associated with highways and road maintenance shall be assigned, transferred, compensated, disciplined and terminated in accordance with the laws applicable to ASPA.

Section 6: Accounting and Budget

ASPA shall assume responsibility for the accounting and financial management responsibilities associated with the highway and road maintenance systems. ASPA shall establish proper internal accounting controls and procedures, and it shall prepare an annual request for any ASG subsidies as a part of the Governor's budget process.

Section 7: Transfer of Existing System

Upon implementation of this Executive Order, ASG shall transfer to ASPA the right to operate all items of property, including construction in progress, equipment and machinery used in connection with the then-existing highways and road maintenance (including shore protection) operations. Property jointly used for highways and road maintenance and ASG non-highway functions shall be equitably allocated between ASG and ASPA, provided that the allocation assures the continuing efficient functioning of highway and road maintenance. In the event of dispute, the allocation shall be determined by the Governor.

All rates, charges and taxes associated with the highway and road maintenance systems which are in effect at the time of the transfer of property and facilities, and management thereof, to the control and jurisdiction of ASPA are considered to be properly adopted and shall continue in effect until duly changed. The road maintenance enterprise fund and any other amounts currently budgeted by ASG for operations, maintenance and improvement of highways (including shore protection) shall be transferred to ASPA. One twelfth of any such budgeted amount shall be transferred during the first three working days of each month.


Any liabilities or debts of the highway and road maintenance (including shore protection) functions of ASG as of the date of the transfer shall remain as liabilities and debts of ASG. Any accounts receivable shall remain as assets of the ASG. All other assets, including but not limited to unbilled charges, machinery, equipment, fixed assets, computers, vehicles and prepaid leases shall be transferred to ASPA as of the date of transfer of the highway and road maintenance functions. ASG shall also turn over to ASPA all records related to the operations of highways and road maintenance. All accrued annual leave for ASG employees transferred to ASPA shall be cashed out and paid by ASG prior to transfer.

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Section 8: Effective Date

This Order is effective and shall be implemented immediately. It shall remain in effect until amended by further order of the Governor or by *statute*.

DATED: July 21, 1995



A.P. LUTALI
Governor of American Samoa