



LOLO M. MOLIGA
GOVERNOR

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EXECUTIVE ORDER NO. 011 – 2018

**AN ORDER IMPLEMENTING THE STATE OF EMERGENCY DECLARATION
OF FEBRUARY 9, 2018.**

1. Authority:

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 and Section 7, Revised Constitution of American Samoa, and American Samoa Code Annotated (“ASCA”) Sections 4.0111 and 26.0105.

2. Preamble:

WHEREAS, on February 9, 2018 the Governor issued a Proclamation declaring a state of emergency in the aftermath of Tropical Cyclone Gita, which had a severe impact upon all the islands of the territory; and,

WHEREAS, pursuant to 26.0105(g)(1) ASCA upon the declaration of a state of emergency, the Governor is authorized to issue further orders proscribing procedures for the conduct of territorial business, or orders, rules or regulations, of any territorial agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency; and,

WHEREAS, in the aftermath of Tropical Cyclone Gita, it is important to expedite necessary debris clean-up and removal, temporary and longer-term repairs to damaged or unsafe government infrastructure, and to ensure the public health and safety of the people of the territory; and,

WHEREAS, in order to accomplish this end it is necessary to temporarily curtail certain provisions of law in order to facilitate government’s ability to proceed efficiently;

3. Order:

a. For the duration of the February 9, 2018 Tropical Cyclone Gita State of Emergency Declaration, the Chief Procurement Officer is authorized to exercise emergency procurement powers pursuant to Section 12.0213 ASCA. Small purchase procedures as defined at American Samoa Administrative Code (“ASAC”) Section 10.0231(c) may be used for contracts for construction and for goods and services not to exceed \$100,000.00.

b. The Director of Human Resources is authorized to make emergency appointments in accord with Section 4.0244 ASAC.

c. The same authorities are extended to the Executive Directors of the semi-autonomous authorities and agencies having independent procurement and human resource management authority.

d. With the exception of payroll expense, there is an absolute freeze on the expenditure of local funds for any purposes not related to the provision of services essential to the health and welfare of the public, or directly related to the Tropical Cyclone Gita recovery efforts as may be approved by the Governor's Authorized Representative.

4. Effective date and duration:

Pursuant to 26.0105 ASCA, a declaration of emergency shall continue until the Governor determines that the emergency no longer exists, or the Legislature by concurrent resolution terminates the emergency, but in no event to exceed 30 days unless further extended by the Governor. This Executive Order shall have an immediate effective date, and shall remain in effect for the duration of the February 9, 2018 State of Emergency Declaration, and any extensions thereof.

Dated: February 13th, 2018



LOLO M. MOLIGA
Governor of American Samoa