

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin Number: OE-2020-070

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ-GARCED, FOR THE PURPOSES OF DECLARING A STATE OF EMERGENCY DUE TO THE FLOODS OCCURING IN ARECIBO AND AUTHORIZING THE USE OF PUERTO RICO NATIONAL GUARD EQUIPMENT AND PERSONNEL TO AID IN THE RESPONSE TO SAID FLOODS.

WHEREAS: The Government of Puerto Rico has a constitutional responsibility to safeguard the public order and protect the life, safety, and property of its citizens.

WHEREAS: Section 4 of Article IV of the Constitution of Puerto Rico establishes that the Executive Power shall be exercised by the Governor, who is the Commander in Chief of the military and has the authority to call upon the military and summon the posse comitatus in order to prevent or suppress any serious disturbance of the public order.

WHEREAS: The Military Code of Puerto Rico, Act 62 of June 23, 1962, as amended (Military Code), empowers the Governor to call upon the Armed Forces of Puerto Rico, which are composed of the National Guard, the State Guard, and the Active State Military Service to assist civil authorities, maintain or restore public order, provide essential services and guarantee public safety when civil authorities cannot ensure that the public welfare is safeguarded.

WHEREAS: Section 207 of the Military Code also empowers the Governor to order the Puerto Rico National Guard, or any of its components, to enter Active State Military Service when public safety requires it, and order the use of equipment, assets and personnel of the Puerto Rico National Guard when it is a viable option to provide specialized services related to health care, technical engineering equipment, or education when these are not reasonably available from civil, public, or commercial sources. On the condition that any agency requesting such services shall pay, using any funds available to it, for the costs incurred by the National Guard while rendering its services.

WHEREAS: Article 6.10 of Act 20-2017, as amended, better known as the "Puerto Rico Public Safety Department Act," empowers the Governor to decree a state of emergency in the Island, and to "enact state regulations, orders, plans, or measures to address emergency or disaster situations, or to modify them at his or her discretion," as well as to "dictate, amend, and annul any regulations and to issue, amend, and rescind any orders as he or she deems

convenient in order to govern during the state of emergency or disaster.”

WHEREAS:

On September 13, 2020, heavy rainfall caused flooding in various areas within the Municipality of Arecibo. These heavy rains caused floods that have affected families and their properties, and also resulted in the loss of a resident’s life. Preliminary evaluations indicate that a dam intended to channel water in Barrio Víctor Rojas 1, Arecibo has sustained structural damage that contributed to the flooding of homes in said neighborhood.

WHEREAS:

It is necessary to safeguard the life and safety of the citizens of Arecibo during the peak of the hurricane season, and heavy rains in the future. The damage suffered by the dam prevents it from functioning and, therefore, the water is accumulating and causing severe flooding in various sectors of the Municipality. In light of this, it is necessary to prepare a coordinated action plan for all of the pertinent agencies to repair the dam as soon as possible, since the probability of heavy rainfall increases during hurricane season.

THEREFORE:

I, WANDA VÁZQUEZ-GARCED, Governor of Puerto Rico, by virtue of the powers vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby declare and order the following:

Section 1:

A state of emergency is hereby declared to address and manage the damage caused by the floods that occurred on September 13, 2020 in several parts of the Municipality of Arecibo.

Section 2:

This emergency declaration fulfills the requirements for any relevant agency to activate special “emergency procurement” policies in order to procure the materials and services needed to respond to this emergency. The Director of the Office of Management and Budget shall ensure that these acquisitions are made responsibly by the Executive Branch’s agencies and may require reports and establish any budgetary constraints deemed necessary to fulfill this duty.

Section 3:

The Department of Public Safety (DSP, for its Spanish acronym) shall prepare and present to the Governor, the Director of the Office of Management and Budget, and the Secretary of the Treasury an estimate of the funds required to carry out the work believed to be necessary in the affected area.

Section 4:

Based on the estimate submitted by the DSP and the Adjutant General of the Puerto Rico National Guard, the Secretary of the Treasury and the Director of the Office of Management and Budget shall assign to the Secretary of the DSP and the other

agencies involved (as determined by the Secretary of the Treasury and the Director of the Office of Management and Budget) the funds available to comply with the provisions of this Executive Order. The Secretary of the Treasury and the Director of the Office of Management and Budget are hereby authorized to establish, using any available funds, including the Emergency Fund, a special budget to cover the expenses necessary to carry out the evacuation, rescue, response, and recovery efforts in accordance with this Executive Order.

Section 5:

The National Guard is hereby activated starting on September 18, 2020, with the purpose of providing support to the Department of Public Safety, the Aqueducts and Sewers Authority, the NMEAD, the Department of Natural and Environmental Resources, and the Municipality of Arecibo in the fort to control and manage the floods.

Section 6:

The Adjutant General of Puerto Rico is hereby granted the authority to determine the units and troops that must enter Active State Military Service for the law and order operation authorized herein.

Section 7:

The officers and enlisted members of the Armed Forces of Puerto Rico are hereby declared to be in Active State Military Service in compliance with this Executive Order and shall have the character of public order officers, with all the powers and obligations inherent to such character, as established in Section 228 of the Military Code.

Section 8:

The Adjutant General is hereby authorized to incur any reasonable expenses inherent to the activation of troops and the equipment of the Armed Forces of Puerto Rico in the categories indicated below:

- A. Compensation for personnel from the Armed Forces of Puerto Rico called upon to enter Active State Military Service under this Executive Order, as established in the Military Code.
- B. Food and supplies for active military personnel.
- C. Materials and other items necessary to carry out the duties assigned herein to the Armed Forces of Puerto Rico.
- D. Insurance premiums that must be paid to carry out the duties authorized herein.
- E. Fuel, lubricants, and oils necessary for land, air, and maritime transportation of the Armed Forces of Puerto Rico used during the authorized operation.
- F. Rental fees for vehicles used to transport active personnel.
- G. Medical and hospital expenses incurred due to injuries

suffered or illnesses contracted by members of the Armed Forces of Puerto Rico while carrying out their duties under the mobilization authorized herein until they are released by the pertinent medical authorities.

H. Any other necessary expenses incurred in order to carry out the mission assigned herein to the Armed Force of Puerto Rico.

Section 9: A coordinated task force composed of the National Guard, the NMEAD, the Department of Natural and Environmental Resources, the Aqueducts and Sewers Authority, and the Municipality of Arecibo is hereby established to work efficiently and maximize the resources available in order to assess the damage suffered in flooded areas and take the necessary measures to address and mitigate said damage.

Section 10: A task force composed of the Department of Natural and Environmental Resources and the Department of Public Safety (including their Bureaus) [and the National Guard] is hereby established so that it may evaluate the necessary measures to repair the water dam located in the Víctor Rojas 1 neighborhood in Arecibo, ensuring that the repair process complies with the pertinent rules and regulations, as established by law. The taskforce shall submit a report with its findings and recommendations to the Governor within a period of no more than ninety (90) days.

Section 11: The Secretary of the Department of Treasury and the Director of the Office of Management and Budget are authorized to assign any economic resources necessary for carrying out the operation authorized herein (as determined by the Secretary of the Department of Treasury and the Director of the Office of Management and Budget) to the Adjutant General of the National Guard.

Section 12: The Adjutant General of the National Guard shall submit detailed reports on the expenses incurred from the conclusion of the operation while fulfilling the duties and responsibilities delegated by this Executive Order to the Secretary of the Department of Treasury and the Director of the Office of Management and Budget.

Section 13: **DEFINITION OF THE TERM "AGENCY"**. For the purposes of this Executive Order, the term "Agency" refers to any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

Section 14: **DEROGATION**. This Executive Order supersedes any other

executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 15: **VALIDITY.** This Executive Order shall enter into force immediately and shall remain in force until it is amended or annulled by a subsequent executive order, or through a state or federal law, or until the mission that concerns this Executive Order is accomplished.

Section 16: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 17: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 18th day of September of 2020.

**WANDA VÁZQUEZ-GARCED
GOVERNOR**

Enacted in accordance with the law on this 18th day of September of 2020.

**RAÚL MÁRQUEZ HERNÁNDEZ
SECRETARY OF STATE**