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EXECUTIVE ORDER No. 06-1998

AN ORDER ESTABLISHING THE OFFICE OF PETROLEUM
MANAGEMENT AND REVOKING EXECUTIVE ORDER NO. 07-1993

Section 1: Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution, Title 4 A.S.C.A. Section 4.0111(b) and Title 4 A.S.C.A. Section 4.0302(a).

Section 2: Preamble

The American Samoa Government is a large consumer of petroleum products and has the responsibility to assure that adequate terminal facilities and market conditions exist for the supply of petroleum fuels to users of industrial and transportation fuels. Because of the economy and welfare of the Territory, it is necessary to clarify and consolidate management responsibility for petroleum matters on behalf of the Government.

Section 3: Purpose

The purpose of this order is to achieve more effective management of the Government's petroleum facilities and related assets; to create the Office of Petroleum Management as an agency within the executive branch; and to revoke Executive Order No. 07-1993.

Section 3: Establishment of the Office of Petroleum Management

There is hereby established, within the Executive Branch of the American Samoa Government (ASG), the Office of Petroleum Management (OPM). The manager and head of this office shall be known as the Chief Petroleum Officer. The office shall be comprised of those personnel currently operating as the Petroleum Division of the American Samoa Power Authority (ASPA).

Section 4: Duties and Responsibilities of the Office of Petroleum Management

In addition to assuming those functions currently performed by the Petroleum Division of ASPA, the Office of Petroleum Management shall have lead management responsibility and authority for all matters concerning the supply of petroleum fuels to American Samoa, including liaison with the operator of the Utulei tank farm, the airport storage facilities, and the fuel dock (the "Facilities"), liaison with petroleum suppliers, liaison with the American Samoa Petroleum Cooperative (the "Cooperative"), maintenance, construction and improvement of the Facilities, and collection of rents, terminal fees, and assessments (other than those collected by the Cooperative), to include proper accounting for all revenues and their deposit into the General Fund of the ASG Treasury.

Section 5: Duties and Responsibilities of the Chief Petroleum Officer

The Chief Petroleum Officer shall have the following responsibilities and perform the following duties:

- (1) have overall personnel, property and fiscal management responsibility for OPM and shall assume those duties presently assigned to the Executive Director of ASPA as they relate to management of petroleum matters;
- (2) develop policies/programs for the administration, management and operation of OPM and the Facilities;
- (3) develop and submit to an Annual Operating and Construction Budget for OPM and the Facilities in accordance with the ASG budget process;
- (4) prepare and submit to the Governor Monthly Operating Statements, Quarterly Performance and Financial Reports, and Annual Financial Reports accounting for all revenues collected and expenditures made;
- (5) staff OPM with qualified and experienced personnel the the Department of Human Resources subject to and in accordance with government employee laws ASCA Title 7 and ASAC Title 4;
- (6) contract with necessary qualified consultants in accordance with the laws and regulations of ASG pertaining to service contracts.

Section 6: Transfer of Assets

On the effective date of this order, all tangible assets, including contracts, revenues and personal property, formerly listed under or assigned to the Petroleum Division of ASPA or in the Petroleum Fund shall be transferred to ASG to be accounted for by OPM in accordance with this order, Executive Order No. 04-1998.

Section 7: Transfer of Liabilities

On the effective date of this order, all outstanding liabilities incurred by the Petroleum Division of ASPA, including contractual obligations, shall be transferred to ASG to the account of OPM.

Section 8: Personnel

On the effective date of this order, all personnel presently assigned to the Petroleum Division of ASPA shall be transferred to ASG and assigned to OPM without any change in salary or in-service date for computation of retirement eligibility credit under the Government Employees' Retirement Fund.

Section 9: Effect

Executive Order No. 07-1993 is revoked on the effective date of this order.

Section 10: Effective Date

This order is effective thirty (30) days after signing.

Dated: Feb. 16th, 1998.



TAUESE P. F. SUNIA
Governor

cc: Per Standard List