

EXECUTIVE ORDER NO. 303

*Appointing an
Executing Agency, Implementing Agency, and Project Implementation Unit
for Purposes of Enabling the Implementation of the Palau Water Sector Improvement Program*

WHEREAS, on September 30, 2011, the President signed into law the “Palau Water and Sewer Loan Approval Act”, RPPL No. 8-30, and “The Water & Sewer Corporation Act of 2010”, RPPL 8-31, respectively, which laws specifically authorized the President to enter into loan agreements with and borrow money from the Asian Development Bank to fund a water and sewer improvement program in Palau, and created the Palau Water and Sewer Corporation (“PWSC”) as an independent government owned utility to manage, operate and provide water and sewer services in Palau; and

WHEREAS, on October 6, 2011, pursuant to RPPL No. 8-30, the President executed two separate loan agreements with the Asian Development Bank, one for Ordinary Operations, Loan Number 2991-PAL (Ordinary Operations Loan Agreement), and another for Special Operations, Loan Number 2692-PAL (SF) (Special Funds Loan Agreement), respectively, to fund a Water Sector Improvement Program (the “Program”) jointly developed by the Palau National Government and the Asian Development Bank; and

WHEREAS, pursuant to Section 5.01 of each of the loan agreements, to achieve loan effectiveness it is necessary for the President to appoint an Executing Agency, an Implementing Agency, and a Project Implementation Unit; and

WHEREAS, Section 7 of Article VIII of the Palau Constitution grants the President all the inherent powers and duties of a national chief executive, including, but not limited to enforcing the law of the land; and

WHEREAS, 2 PNC §110 empowers the President by Executive Orders to establish offices and agencies within the Executive Branch and to prescribe their duties, responsibilities and functions so as to assist the President, the Vice President and the Ministers in the performance of their duties, responsibilities and functions;

NOW, THEREFORE, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau, 2 PNC §110, RPPL No 8-30, and RPPL No. 8-31, the President orders as follows

1. Appointment of the Executing Agency. The Ministry of Finance is hereby appointed as the Executing Agency for purposes of the Program.

2. Appointment of Implementing Agency. The PWSC is hereby appointed as the Implementing Agency for purposes of the Program.

3. Establishment of Project Implementation Unit. A Project Implementation Unit (“PIU”) shall be established in the PWSC for purposes of the Program. The Chief Executive Officer of the PWSC, pursuant to the authority granted by RPPL No. 8-31, will head the PIU and will appoint necessary staff.

4. Powers and Duties of the Executing Agency, Implementing Agency and a Project Implementation Unit. The Executing Agency, Implementing Agency and the Project Implementation Unit shall exercise the powers and responsibilities as are required of them by the Program, in particular as stated in paragraph 1 of Schedule 5 to the Special Funds Loan Agreement, and as authorized by RPPL No. 8-31 and any regulations promulgated pursuant thereto.

5. Effective Date. This Executive Order shall take effect immediately and shall remain in force and effect until amended or repealed by the President.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of October, 2011.

/s/

Johnson Toribiong
President
Republic of Palau