GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE DIRECTIVE

No. 2020-5

To: State Department Directors and Autonomous Agency Heads
From: Governor Gretchen Whitmer
Date: May 4, 2020
Re: Creating the COVID-19 Office of Accountability

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease. On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4, which declared a state of emergency across the state of Michigan. In the weeks that have followed, the virus has spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions.

The COVID-19 pandemic has brought unprecedented challenges and state government has met those challenges in many ways. The state moved swiftly to ensure our medical system was not overwhelmed, coordinating efforts among hospitals and building alternative care facilities. Our procurement officers have worked energetically and diligently to secure personal protective equipment for health care workers and others on the front lines of the pandemic, and these efforts are ongoing. The state has also taken steps to mitigate the effects of the crisis on workers, businesses, students, vulnerable populations, and others. And the state is rapidly building the infrastructure necessary to contain the infection and avert another statewide shutdown, including the capacity to test, trace, and support people who are infected or exposed so they do not continue to spread the virus.

Protecting the people of Michigan and averting a greater catastrophe demands flexibility and decisiveness. It also requires money, often in enormous sums. These dollars have come not only from the state treasury, but also from philanthropic sources and the federal government. Michiganders have the right to expect—no less so in a time of crisis—that state government will be responsible stewards of their resources.

We must make every effort to ensure these resources are spent wisely, in compliance with the law, and in a transparent and accountable manner. Achieving this goal requires meaningful oversight across state government. The State Budget Office, which manages the state budget and monitors its implementation, is well-suited to lead this effort.

Acting under sections 1 and 8 of article 5 of the Michigan Constitution of 1963, I direct the following:

1. Under MCL 16.107, the Department of Technology, Management, and Budget ("Department") must create the Michigan COVID-19 Office of Accountability ("Accountability Office") within the State Budget Office.

2. The Department must designate a Chief COVID-19 Accountability Officer to lead the Accountability Office.

3. The Accountability Office must perform the following functions:

   (a) Provide oversight of all spending to address the crisis;

   (b) Review the emergency procurement process and recommend to the governor, the state budget director, the director of the Department of Technology, Management, and Budget, and the director of the Michigan State Police any appropriate reforms to strengthen accountability; and

   (c) Review and monitor the allocation of funds received by this state to ensure that uses of the funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner.

4. All departments, agencies, committees, commissioners, and officers of this state must give to the Accountability Office, or to any member or representative of the office, any necessary assistance required by the office, or any member or representative of the office, in the performance of the duties of the Accountability Office so far as is compatible with their duties and consistent with this directive and applicable law. Departments, agencies, committees, and officers of this state must also provide free access to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Accountability Office, consistent with applicable law.

5. The Accountability Office must report regularly on its work to the governor and the state budget director.

6. Nothing in this directive supersedes the requirements and processes established in ED 2019-2 on reporting irregularities relating to public money and public property.

This directive is effective immediately.

Thank you for your cooperation in implementing this directive.

Gretchen Whitmer
Governor