State of North Carolina

ROY COOPER

GOVERNOR

March 30, 2020

EXECUTIVE ORDER NO. 122

DONATION OR TRANSFER OF STATE SURPLUS PROPERTY TO ASSIST STATE AGENCIES, LOCAL GOVERNMENTS, AND SCHOOLS IN RESPONSE TO PUBLIC HEALTH EMERGENCY

WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020, which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq*. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 121 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 pandemic, reduce the number of people infected, avoid strain on our healthcare system, and to address adverse economic impacts that would lead to additional human suffering upon individuals adversely impacted by the COVID-19 pandemic; and

WHEREAS, the State currently has surplus property that may be beneficial to State agencies, political subdivisions of the State, or to public schools in the State, including but not limited to personal protective equipment for health care and other first responders, along with

computers and other items that may be useful in facilitating the ability to participate in distance education opportunities;

WHEREAS, pursuant to N.C. Gen. Stat. § 143-64.01, the Secretary of the North Carolina Department of Administration ("the Secretary") is charged with overseeing and managing the State Surplus Property Office; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(7) authorizes the undersigned to utilize the services, equipment, supplies, and facilities of existing departments, office, and agencies of the State in response to such emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Transfers of Surplus State Property

I hereby authorize the disposal of surplus State property by donation or transfer to any state agency, political subdivision of the State, or public school system in the State.

Section 2. Donations of Personal Protective Equipment and other Healthcare Supplies

I hereby authorize the Secretary, or the Secretary's designee, to approve donations or transfers of personal protective equipment and other health care supplies through the State's Health Care Coalitions or as directed by North Carolina Department of Health and Human Services.

Section 3. Implementation of this Order

I hereby authorize the Secretary, or the Secretary's designee, to carry out this Executive Order. Any North Carolina state agency, political subdivision, or public school system may contact the North Carolina State Surplus Property Office to identify what inventory is available for donation or transfer.

Section 4. Effective Date

This Executive Order is effective immediately and shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 30th day of March in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State