EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-77-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS the Governor's Office of Emergency Services, the Government Operations Agency (including the Department of General Services), and the California Health and Human Services Agency (including the Department of Public Health) have been working, in the exercise of their discretion, to lease or otherwise acquire and utilize property in connection with the State's response to the COVID-19 pandemic; and

WHEREAS it is necessary for the State to acquire and utilize additional property for use in the State's response to the COVID-19 pandemic; in particular, it is necessary for the State to lease or otherwise acquire up to three sites for use as laboratories to increase the capacity to test for SARS-CoV-2, and to enter into other contracts for the operation of those laboratories, thereby facilitating efforts to track and mitigate the spread of the virus; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations as specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8572, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Notwithstanding any provision of law that would otherwise regulate the State's acquisition or utilization of property, or that would otherwise affect the procedures for such acquisition or utilization, the Department of General Services and the Department of Public Health are authorized to enter into agreements, and to take such action as might be necessary or convenient to carry out such agreements, to acquire and utilize property at up to three sites (as determined by the Department of General Services and the Department of Public Health) for use as laboratories to increase the capacity to test for SARS-CoV-2. Any provision of law that would restrict, delay, or otherwise inhibit the State's acquisition or utilization of such sites is suspended. For purposes of this Order, the "acquisition" of property includes the acquisition of any property interest or right of any kind (including, but not limited to, any leasehold interest), and the "utilization" of property includes, but is not limited to, occupancy, construction, alteration, repair, and all other activities necessary to establish, maintain, and operate a laboratory at each site.

2) Notwithstanding Paragraph 1, the Department of General Services and the Department of Public Health are directed to use all reasonable efforts to ensure that the State's acquisition and utilization of the property specified in this Order is consistent with all laws that would otherwise apply to the State's acquisition or utilization of such property, and are further directed to prioritize efforts to ensure consistency with applicable laws that promote health, safety, and accessibility. Additionally, the Department of General Services and the Department of Public Health are specifically directed to ensure consistency with all sections of Title 24 of the California Code of Regulations, the California Building Standards Code, that apply to the work necessary to utilize such property, other than sections pertaining to enforcement.

3) Nothing in this Order shall be construed to in any way restrict any State entity's existing authority to acquire or utilize property for use in response to the COVID-19 pandemic.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of August 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State