

# State of North Carolina

**ROY COOPER**  
GOVERNOR

September 17, 2018

## EXECUTIVE ORDER NO. 58

### DONATING STATE SURPLUS PROPERTY TO ASSIST IN HURRICANE FLORENCE RESPONSE AND RECOVERY EFFORTS

**WHEREAS**, Hurricane Florence (“Hurricane”) made landfall off the coast of North Carolina on or about 14 September 2018; and

**WHEREAS**, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, N.C. Const. art. III § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, the undersigned issued Executive Order No. 51, declaring a State of Emergency on 7 September 2018, to provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

**WHEREAS**, Executive Order No. 51 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**, the President of the United States issued an emergency declaration, FEMA-3401-EM, on 10 September 2018 for the State of North Carolina that provides, in part, for Public Assistance – Category B, including direct Federal Assistance to the State; and

**WHEREAS**, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on September 14, 2018; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the Governor to make and amend orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, the execution of the undersigned’s emergency powers under N.C. Gen Stat. § 166A-19.30 is appropriate to ensure the public safety of our residents and visitors located in North Carolina during the State of Emergency; and

**WHEREAS**, the Secretary of the Department of Administration (“the Secretary”) is charged with overseeing and managing the State Surplus Property Office; and

**WHEREAS**, 01 N.C. Admin. Code 43A .0304 provides for the normal order of priority for the disposition of state surplus property; and

**WHEREAS**, 01 N.C. Admin. Code 43A .0305 provides that the Governor may, through Executive Order, direct the disposal of surplus property by transfer or donation to any North Carolina State agency, or political subdivision or the State Government of any other state within the United States, in response to a declared Federal or North Carolina State Disaster; and

**WHEREAS**, North Carolina state agencies and political subdivisions are subject to a declared North Carolina State Disaster as identified in 01 N.C. Admin. Code 43A .0305; and

**WHEREAS**, the State currently has surplus property that may be beneficial to these entities in the preparation for and recovery from the Hurricane’s arrival, including, but not limited to, tarps, handheld tools, office furniture, and school desks.

**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.**

I hereby order the disposal of surplus State property by transfer or donation to any North Carolina State agency or political subdivision subject to a declared Federal or North Carolina State Disaster or to the State Government of any other State within the United States, in response and subject to a declared Federal Disaster related to Hurricane Florence.

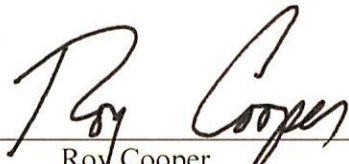
**Section 2.**

I hereby authorize the Secretary or the Secretary’s designee to carry out this Executive Order. Any North Carolina state agency or political subdivision subject to a declared Federal or North Carolina State Disaster, or any other State subject to a declared Federal Disaster may contact the North Carolina State Surplus Property Office to identify what inventory is available for donation or transfer.

**Section 3.**

This Executive Order is effective as of 15 September 2018 and shall remain in effect until rescinded, or until FEMA-4393-DR is rescinded, whichever recession occurs first.

**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 17<sup>th</sup> day of September in the year of our Lord two thousand and eighteen.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State

