

**DECLARATION OF A STATE OF EMERGENCY PURSUANT TO N.C.G.S. 166A-19.16
AND CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF GASTONIA**

WHEREAS, on October 10, 2023, the North Carolina General Assembly adopted Session Law 2023-137 which added a new statute in Chapter 166A entitled *Emergency Supply Chain Declaration*, at N.C.G.S. §166A-19.16; and

WHEREAS, Electricities of North Carolina, Inc., lobbied for the adoption of N.C.G.S. §166A-19.16 so that certain North Carolina bidding laws may be waived in the event of a “supply chain emergency”; and

WHEREAS, N.C.G.S. §166A-19.3(6), provides in pertinent part that “[a]n emergency may also be caused by a disruption in the supply chain that creates a significant threat to a local government’s ability to acquire products or services required to provide essential services such as electricity and water to the populace or required to restore such essential services in the event of widespread or severe damage to the local government system used to provide such essential service;” and

WHEREAS, N.C.G.S. §166A-19-16(2) provides that certain bidding requirements under Chapter 143 of the General Statutes may be waived for apparatus, supplies, materials or equipment, or construction or repair work requiring same, where such apparatus, supplies, materials or equipment is “[l]isted in an order or regulation issued by an agency of the federal government under the Defense Production Act of 1950, as amended;” and

WHEREAS, on June 6, 2022, President Biden invoked the federal Defense Production Act of 1950 (“DPA”) to waive certain bidding requirements of the DPA for transformers and electric grid power components; and

WHEREAS, the City of Gastonia followed the bidding process set forth in Chapter 143 of the General Statutes in order to buy new electrical transformers in 2021 and awarded a contract as a result of the process; however, to date no electrical transformers have been received from that supplier and the City’s supply of electrical transformers has fallen dangerously low in the last two years; and

WHEREAS, the City is experiencing long lead times from placing orders to actually receiving apparatus, supplies, materials or equipment as described in the list below, including industrial apparatus, supplies and equipment necessary for the City’s water and sewer systems which are also encompassed by the definition of an emergency in N.C.G.S. §166A-19.3;

WHEREAS, with the City inventory of critical apparatus, supplies and equipment running dangerously low, it is becoming entirely foreseeable that, not only, may the City not be able to have adequate resources to restore electric, water and/or sewer service after a significant storm event, but also, that the City may not be able to provide critical infrastructure components for new development; and

WHEREAS, as a result of the above-described disaster, the City Council of the City of Gastonia hereby determines that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and

WHEREAS, declaring a State of Emergency to waive the bidding requirements of Chapter 143 of the General Statutes as well as any internal purchasing regulations of the City of Gastonia that align with the bidding requirements of Chapter 143 is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Gastonia under Chapter 166A and Article 36A of Chapter 14 of the North Carolina General Statutes and Chapter 9 of the Gastonia Code of Ordinances:

Section 1. A Supply Chain State of Emergency is hereby declared within the entire jurisdiction of the City of Gastonia for the items listed below and/or construction or repair work requiring the apparatus, supplies and equipment so listed.

Section 2. This Supply Chain State of Emergency is applicable to the following apparatus, supplies and equipment:

1. Distribution Transformers;
2. Underground primary cable;
3. Pad mounted switch gear;
4. Voltage Regulators;
5. Ductile iron or Polyvinyl Chloride (PVC) pipe, couplings, valves, bends, and flange kits
6. Pumps and Parts for Centrifugal and Submersible Pumps;
7. Generators and/or associated repair parts needed to maintain operations and compliance with all regulatory requirements;
8. Supervisory Control and Data Acquisition (SCADA) repair parts;
9. Pressure Reducing Valves (PRV) and/or associated repair parts;
10. Water meters and/or repair parts;
11. Electrical replacement and repair parts of water and wastewater infrastructure, which must maintain operation to protect public health and meet Federal and State regulatory requirements;
12. Equipment, for which no redundancy exists, required to maintain water and wastewater treatment operations and/or compliance with Federal and State regulatory requirements.

Section 3. I hereby order all city officers and employees and all other personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and city regulations.

Section 4. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with City Clerk and posted on the City's website; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

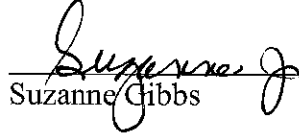
Section 5. This declaration shall take effect on the date and time written below and shall continue for twelve months unless sooner terminated.

DECLARED this 19th day of March, 2024.



Richard Franks, Mayor

ATTEST:


Suzanne Gibbs

Res2798

**RESOLUTION TO APPROVE DECLARATION OF A STATE OF EMERGENCY
PURSUANT TO N.C.G.S. 166A-19.16 AND CHAPTER 9 OF THE CODE OF
ORDINANCES OF THE CITY OF GASTONIA**

WHEREAS, N.C.G.S. §166A-19.16 provides that an Emergency Supply Chain Declaration can be made, particularly in reference to a disruption in the supply chain that disrupts the government's ability to acquire products or services required to provide essential electric, water and sewer service, and certain bidding requirements may be waived under certain conditions; and

WHEREAS, the City is experiencing long lead times from placing orders to actually receiving apparatus, supplies, materials or equipment, including industrial apparatus, supplies and equipment necessary for the City's electric, water and sewer systems; and

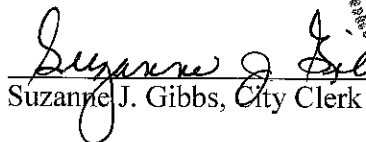
WHEREAS, with the City inventory of critical apparatus, supplies and equipment running dangerously low, it is becoming entirely foreseeable that, not only, may the City not be able to have adequate resources to restore electric, water and/or sewer service after a significant storm event, but also, that the City may not be able to provide critical infrastructure components for new development; and

WHEREAS, the City Council of the City of Gastonia hereby determines that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and


WHEREAS, declaring a State of Emergency to waive the bidding requirements of Chapter 143 of the General Statutes as well as any internal purchasing regulations of the City of Gastonia that align with the bidding requirements of Chapter 143 is necessary to maintain order and protect public health, safety, and welfare, and to secure property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GASTONIA THAT THE DECLARATION OF A STATE OF EMERGENCY PURSUANT TO N.C.G.S. 166A-19.16 AND CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF GASTONIA BE HEREBY APPROVED

THIS Resolution, adopted on the 19th day of March 2024.


Suzanne J. Gibbs, City Clerk




Richard Franks, Mayor