



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

**STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR**

Exhibit 1 to Executive Order 2020-06

An order amending Executive Order 2020-06 as amended by 2020-07

WHEREAS, on Tuesday, April 14, 2020, the Governor issued Executive Order 2020-06, an order establishing the Governor's Office for Emergency Relief and Recovery (GOFERR) and processes and procedures for allocation and expenditure of COVID-19 emergency funds, as further amended by Executive Order 2020-07 on April 23, 2020; and

WHEREAS, since that time GOFERR has and continues to manage the expenditure of the 1.25 billion dollars in CARES Act Coronavirus Relief Funds (CRF) that came to New Hampshire; and

WHEREAS, on December 27, 2020, President Trump signed the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (the "Consolidated Appropriations Act") passed by the United States Congress, which extended the ability to use the CARES Act CRF funds through December 31, 2021; and

WHEREAS, the Consolidated Appropriations Act also contained \$200 million for Emergency Rental Assistance established by section 501 of Division N which remain available until at least September 30, 2022, for which GOFERR continues to oversee implementation through the New Hampshire Housing Finance Authority; and

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by President Biden. ARPA provides significant funding to New Hampshire including: (i) \$994,555,877 from the Coronavirus State Fiscal Recovery Fund (State Recovery Fund); (ii) \$150 million in supplemental funds for Emergency Rental Assistance; and (iii) \$112,208,773 from the Coronavirus Local Fiscal Recovery Fund that the State must distribute to non-entitlement units of New Hampshire local government; and

WHEREAS the \$994,555,877 from the State Recovery Fund may only be used to respond to the public health emergency or its negative economic impacts, for governmental services to the extent of the State's revenue loss during the pandemic, or for certain water, sewer, or broadband infrastructure as obligated by December 31, 2024, and expended by December 31, 2026; and

WHEREAS, on May 28, 2021 the Governor issued Executive Order 2021-10, the twenty-first extension of the state of emergency regarding COVID-19 declared on March 13, 2020 in Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2021-01, 2021-02, 2021-04, 2021-05, 2021-06 and 2021-08; and

WHEREAS, as stated in Executive Order 2021-10, the State has faced an unprecedented public health emergency and the corresponding financial and economic impacts resulting therefrom, which require the State to continue to respond as it allocates available federal funding; and

WHEREAS, it is reasonable to expect that the United States Congress may enact additional legislation that provides increased and additional federal relief and stimulus funding to the State of New Hampshire; and

WHEREAS, the State must manage and expend federal funds consistent with the allowable uses and required timetable as described by federal law and guidance; and

WHEREAS, it is critical that the process for expending all federal relief and stimulus dollars be transparent and provide for accountability and appropriate oversight; and

WHEREAS, it is necessary to ensure the infrastructure developed for the oversight and management of CARES Act dollars and other federal relief, response, and recovery funding continues until the completion of those programs; and

WHEREAS, over the last 14 months, GOFERR has developed experience and expertise in managing, implementing, coordinating and use of these federal funds coming to the State in compliance with reporting and other applicable federal requirements; and

WHEREAS, GOFERR was originally staffed entirely with existing state employees borrowed from other agencies; and

WHEREAS, it is necessary to clarify GOFERR's continued role regarding existing, currently authorized, and future federal funding, as well as its continued existence in order to enable hiring and staffing; and

WHEREAS, Paragraph 12 of Executive Order 2020-06 specifies that amendments shall be made as Exhibits to Executive Order 2020-06 and published on the Governor's website;

NOW, THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution, do hereby order, effective immediately, that:

1. All provisions of Executive Order 2020-06, as amended by 2020-07 and this order shall remain in full force and effect, and shall continue regardless of the continuation or end of the state of emergency declared in Executive Order 2020-04 as most recently extended by Executive order 2021-10, unless and until expressly terminated by a further Executive Order.
2. The following provisions of Executive Order 2020-06, as amended by 2020-07 are amended:

Paragraph 1 is amended to read as follows:

1. There is hereby established within the Executive Department, the Governor's Office for Emergency Relief and Recovery ("GOFERR"), which shall have the power and responsibilities to assist the Governor, Legislature, and State agencies with the management and expenditure of federal stimulus, infrastructure, and rescue funds as well as federal COVID-19 relief and response funds. All Executive Branch agencies shall coordinate with and report to GOFERR on the allocation and expenditure of such funds.

Paragraph 2 is amended to read as follows:

2. GOFERR shall be led by an Executive Director (the "Executive Director") appointed by and serving at the pleasure of the Governor. The Executive Director shall manage all operations of GOFERR and directly responsible to the Governor.

Paragraph 3 is amended to read as follows:

3. The Executive Director shall, with prior approval of the Governor, appoint a Deputy Director and such additional staff positions as the Executive Director deems necessary to carry out the operations of GOFERR. Such positions shall be authorized by the Governor under his authority to appoint staff in RSA 4:12. To the extent the current or future staff of GOFERR are current State employees of an existing agency temporarily assigned by the Governor to GOFERR, such State employees shall be entitled to the same salary and benefits to which they would otherwise be entitled in their positions as State employees and shall remain employees of their State agencies for all other purposes, except that their duties during the period of temporary assignment shall be supervised by the Executive Director. All other positions shall be nonclassified employees who serve at the pleasure of the Executive Director. Decisions to hire and fix salaries within the available appropriations shall be made by the Executive Director in consultation with the Governor.

Paragraphs 4 through 7 are suspended.

The purpose of Paragraphs 4 through 7 has been completed in regards to the CARES Act CRF funds. Future expenditures are to be allocated and expended through standard procedures involving the Joint Legislative Fiscal Committee and/or Governor and Executive Council. Given that legislative involvement, the legislative leadership has requested that the Legislative Advisory Board be discontinued.

Paragraph 8 is amended as follows:

8. Additional processes and procedures for development of plans for allocation and expenditure of subsequent federal funds that the State may receive shall be developed based on the timing of receipt and the required uses of such funds.

Paragraph 9 is amended as follows:

9. The Executive Director shall establish administrative processes and procedures for the operation of GOFERR with approval of the Governor, consistent with policies as provided in paragraph 3. The Executive Director shall develop a budget for the operation of GOFERR that

shall be approved by the Governor and/or the fiscal committee and which shall be supported, to the maximum extent possible, by available Federal funding.

Paragraph 11 is amended as follows:

11. A webpage for GOFERR shall be established, and all public meetings documents, minutes, and any other public documents related to GOFERR shall be published on the GOFERR webpage. GOFERR shall track and publicly report on the receipt, allocation, and expenditure of federal emergency relief funds to ensure transparency and accountability.

Given under my hand and seal at the Executive Chambers in Concord, this 11th day of June, in the year of Our Lord, two thousand and twenty one, and the independence of the United States of America, two hundred and forty-five.



GOVERNOR OF NEW HAMPSHIRE