

**EXECUTIVE ORDER NO. 27**  
**PROCLAMATION OF STATE DISASTER FOR THE CITY OF CHERRYVILLE, CITY OF SHELBY AND THE CLEVELAND COUNTY SANITARY DISTRICT, EXCLUDING THE CITY OF KINGS MOUNTAIN**

WHEREAS, I have determined that a State of Disaster and State of Emergency, as defined in N.C.G.S. §§ 166A-4(1) and 14.288.1(10), exists in the State of North Carolina, specifically in the City of Cherryville, the City of Shelby and the Cleveland County Sanitary District, excluding the City of Kings Mountain, as a result of severe drought conditions.

WHEREAS, on 18 June 2002, the City of Cherryville proclaimed a local State of Emergency; and

WHEREAS, on 15 August 2002, the County of Cleveland, excluding the City of Kings Mountain, and the City of Shelby proclaimed a local State of Emergency; and

WHEREAS, pursuant to N.C.G.S. § 166A-6, the criteria for a Type I disaster are met including the following: 1) Receipt of the preliminary damage assessment from the Secretary of Crime Control and Public Safety; 2), the City of Cherryville, the City of Shelby and the Cleveland County, excluding the City of Kings Mountain, each declared a local state of emergency pursuant to N.C.G.S. § 166A-8 and N.C.G.S. §§ 14-288.12, 14-288.13, and 14-288.14 and forwarded a written copy of the declaration to the Governor; 3) The preliminary damage assessment meets or exceeds the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. Part 123 or meets or exceeds the State infrastructure criteria set out in N.C.G.S. § 166A-6.01(b)(2)a.; and 4) A major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

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

Section 1. Pursuant to N.C.G.S. §§ 166A-6 and 14-288.15, a State of Disaster and State of Emergency is hereby declared for the City of Cherryville, the City of Shelby and the Cleveland County Sanitary District, excluding the City of Kings Mountain.

Section 2. All state and local government entities and agencies are hereby ordered to

cooperate in the implementation of the provisions of this proclamation and the provisions of the North Carolina Emergency Operations Plan.

Section 3. Bryan E. Beatty, Secretary of Crime Control and Public Safety, and/or his designee, is hereby delegated all power and authority granted to me and required of me by Chapter 166A, and Article 36A of Chapter 14 of the General Statutes for the purpose of implementing the said Emergency Operations Plan and to take such further action as is necessary to promote and secure the safety and protection of the populace in the above-referenced counties.

Section 4. Further, Bryan E. Beatty, Secretary of Crime Control and Public Safety, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in N.C.G.S. 143B-476.

Section 5. I authorize this proclamation: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) unless the circumstances of the state of disaster prevent or impede, to be promptly filed with the Secretary of Crime Control and Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and, (c) to be distributed to others as necessary to assure proper implementation of this proclamation.

Section 6. The Type I disaster declaration shall expire 30 days after the issuance of the state of disaster and state of emergency and Type I disaster proclamation for the City of Cherryville, the City of Shelby and the Cleveland County Sanitary District, excluding the City of Kings Mountain, issued on August 30, 2002 unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date for first issuance. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type I disaster declaration.

Done in the Capital City of Raleigh, North Carolina, this the 30<sup>th</sup> day of August 2002.

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MICHAEL F. EASLEY  
GOVERNOR

ATTEST:

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ELAINE MARSHALL  
SECRETARY OF STATE