

State of North Carolina



MICHAEL F. EASLEY
GOVERNOR

EXECUTIVE ORDER NO. 103
PROCLAMATION OF STATE OF DISASTER FOR THE TOWNS OF
BOILING SPRINGS, TAYLORSVILLE, AND TRYON AND FOR THE CITIES OF
CHERRYVILLE, KINGS MOUNTAIN, NEWTON, SHELBY, AND SALUDA

WHEREAS, I have determined that a State of Disaster and State of Emergency, as defined in N.C.G.S. §§166A-4 and 14.288.1(10), exists in the State of North Carolina, specifically in the Towns of Boiling Springs, Taylorsville, and Tryon and for the Cities of Cherryville, Kings Mountain, Newton, Shelby, and Saluda as a result of the December 14-15, 2005, ice storm in the western part of North Carolina.

WHEREAS, on December 15-16, 2005, the Towns of Boiling Springs, Taylorsville, and Tryon; and the Cities of Cherryville, Kings Mountain, Newton, and Shelby; and on January 19, 2006, Saluda proclaimed a local State of Emergency;

WHEREAS, pursuant to N.C.G.S. §166A-6, the criteria of Type I disaster is met including the following: (1) receipt of the preliminary damage assessment from the Secretary of Crime Control and Public Safety; (2) the Towns of Boiling Springs, Taylorsville, and Tryon and for the Cities of Cherryville, Kings Mountain, Newton, Shelby, and Saluda 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 the 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 Towns of Boiling Springs, Taylorsville, and Tryon and for the Cities of Cherryville, Kings Mountain, Newton, Shelby, and Saluda are eligible entities, for purposes of reimbursement, as defined by N.C.G.S. § 166A-4(3).

Section 2. 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 towns and cities.

Section 4. Further, Bryan E. Beatty, Secretary of Crime Control and Public Safety, as chief coordinating officer of 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 Towns of Boiling Springs, Taylorsville, and Tryon and for the Cities of Cherryville, Kings Mountain, Newton, Shelby, and Saluda issued on July 5, 2006, 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.

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 fifth day of July in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred and thirtieth.



Michael F. Easley

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall

Elaine F. Marshall
Secretary of State