

# State of North Carolina

**ROY COOPER**  
GOVERNOR

April 3, 2020

## EXECUTIVE ORDER NO. 126

### DISASTER DECLARATION FOR THE TOWN OF MONTREAT IN BUNCOMBE COUNTY, THE CITY OF MARION AND THE TOWN OF OLD FORT IN MCDOWELL COUNTY

**WHEREAS**, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I, Type II or Type III disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

**WHEREAS**, on May 29-30, 2018, the Town of Montreat in Buncombe County, North Carolina, the City of Marion and Town of Old Fort in McDowell County, North Carolina experienced sustained and devastating rains from the remnants of Tropical Storm Alberto; and

**WHEREAS**, the undersigned issued *A Declaration of a State of Emergency*, Exec. Order No. 44, 33 N.C. Reg. 1-2 (July 2, 2018), which was issued on June 11, 2018, declaring a state of emergency for the following counties: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Lincoln, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §166A-19.22, local state of emergency declarations were issued on May 29, 2018, in the City of Marion and Town of Old Fort in McDowell County and on May 30, 2018, in the Town of Montreat, North Carolina; and

**WHEREAS**, due to the impacts of the flooding events, local and state emergency management officials conducted a joint preliminary damage assessment on December 18, 2018, for the City of Marion in McDowell County, North Carolina, on February 7, 2019, for the Town of Montreat, in Buncombe County, North Carolina and on February 26, 2019, for the Town of Old Fort in McDowell County, North Carolina; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster; (c) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a. and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared for Public Assistance; and

**WHEREAS**, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. §166A-19.21(b)(1), exists in the State of North Carolina in the Town of Montreat in

Buncombe County, North Carolina, the City of Marion and Town of Old Fort in McDowell County, North Carolina; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

**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.**

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the Town of Montreat in Buncombe County, North Carolina, the City of Marion and Town of Old Fort in McDowell County, North Carolina (“the Emergency Area”).

**Section 2.**

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

**Section 3.**

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

- a. Debris clearance.
- b. Emergency protective measures.
- c. Roads and Bridges.

**Section 4.**

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

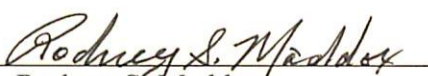
**Section 5.**

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

**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 3<sup>rd</sup> day of April in the year of our Lord two thousand and twenty.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Rodney S. Maddox  
Chief Deputy Secretary of State

