



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

STATE OF EMERGENCY FOR SEVERE FLOODING

- WHEREAS:** On September 4, 2022, heavy rainfall accumulated in parts of Northwest Georgia resulting in widespread flooding in Chattooga and Floyd Counties; and
- WHEREAS:** The National Weather Service issued a Particularly Dangerous Situation ("PDS") advisory during the early morning hours of Sunday, September 4, 2022, that was subsequently elevated to a Flash Flood Warning; and
- WHEREAS:** Due to the estimated twelve (12) inches of rain, this severe weather event has caused and will likely continue to cause rivers to rise rapidly causing significant localized downstream flooding; and
- WHEREAS:** Preliminary assessments from county emergency management agencies and the Georgia Emergency Management and Homeland Security Agency indicate a need for assistance in the impacted counties; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety, protect public and private property, and restore the social and economic welfare of Chattooga and Floyd Counties; and
- WHEREAS:** On April 14, 2022, due to the ongoing severe disruptions to Georgia's supply chain, I issued Executive Order 04.14.22.01, declaring a State of Emergency for Supply Chain Disruptions; and
- WHEREAS:** On May 10, 2022, I renewed the State of Emergency for Supply Chain Disruptions until June 14, 2022, by issuing Executive Order 05.10.22.01; and

- WHEREAS:** On May 26, 2022, I renewed the State of Emergency for Supply Chain Disruptions until July 14, 2022, by issuing Executive Order 05.26.22.01; and
- WHEREAS:** On July 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until August 13, 2022, by issuing Executive Order 07.01.22.01; and
- WHEREAS:** On August 3, 2022, I renewed the State of Emergency for Supply Chain Disruptions until September 12, 2022, by issuing Executive Order 08.03.22.01; and
- WHEREAS:** On September 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until October 12, 2022, by issuing Executive Order 09.01.22.01; and
- WHEREAS:** This Order shall create a coexisting state of emergency in the State of Georgia with the State of Emergency for Supply Chain Disruptions described in the immediately preceding paragraphs; and
- WHEREAS:** The responses by the State to this State of Emergency for Severe Flooding and the State of Emergency for Supply Chain Disruptions should both proceed simultaneously, without one impeding the other; and
- WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; and
- WHEREAS:** Code Section 38-3-28 provides that "[a]ll orders, rules, and regulations promulgated by the Governor" have the force and effect of law; and
- WHEREAS:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; and
- WHEREAS:** Code Section 38-3-51(c)(1) vests the Governor with the power to enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the state; and
- WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and
- WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for

conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: In consultation with state emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the continued strength of Georgia's economy and provide for the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That a State of Emergency exists in Chattooga and Floyd Counties due to the damage created by the severe flooding on September 4, 2022.

IT IS FURTHER

ORDERED: That the State of Emergency declared by this Order shall coexist with the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, and 09.01.22.01. The existence or termination of one shall not impinge the other.

IT IS FURTHER

ORDERED: That any orders derivative of or appurtenant to this Order addressing this State of Emergency for Severe Flooding shall not infringe, overturn, or in any way amend any orders that have been issued for the purpose of responding to the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, and 09.01.22.01.

IT IS FURTHER

ORDERED: That all resources of the state of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

IT IS FURTHER

ORDERED: That state agencies shall coordinate all public and emergency information, activities, releases, and response efforts related to this emergency with the Georgia Emergency Management and Homeland Security Agency.

IT IS FURTHER

ORDERED: That the Georgia Department of Transportation and Georgia Department of Public Safety shall take all necessary action to ensure the expeditious movement of utility vehicles, equipment, and personnel through the State to eliminate power outages.

IT IS FURTHER

ORDERED: That state agencies shall provide sufficient personnel required for the staffing of the Georgia State Operations Center or other command, control, and coordination points as may be designated by the Director of the Georgia Emergency Management and Homeland Security Agency and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.

IT IS FURTHER

ORDERED: Pursuant to Code Section 10-1-393.4, price gouging related to goods and services necessary to respond to this State of Emergency, including motor fuel and diesel fuel, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to

the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

IT IS FURTHER

ORDERED: The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

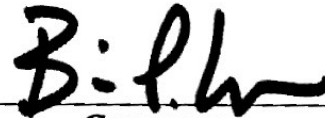
IT IS FURTHER

ORDERED: All provisions of the Order shall become effective upon signature and shall be valid for a period of thirty (30) days, expiring October 4, 2022, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

IT IS FURTHER

ORDERED: That this Order shall be effective upon signature.

This 4th day of September 2022.

A handwritten signature in black ink, appearing to read "B. Lee", is written over a horizontal line.

GOVERNOR