



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

Executive Order 2009 – 04

WHEREAS, I, John Hoeven, Governor of the State of North Dakota, by the authority vested in me, do hereby proclaim that a winter storm emergency exists within the state; and,

WHEREAS, heavy snows, extreme cold temperatures, high winds and blizzard conditions, which started on November 6, 2008, and are continuing, causing imminent danger to the health, public safety and welfare of the residents of the state; and,

WHEREAS, the state has repeatedly experienced major winter storms since the beginning of November 2008 that have disrupted the transportation infrastructure statewide and depleted local and tribal financial resources; and,

WHEREAS, North Dakota received record levels of snow in December, making it the snowiest month on record in December; and,

WHEREAS, National Weather Service meteorologists expect an enhanced chance of colder than normal temperatures and a potential for increased precipitation for the remainder of the winter season; and,

WHEREAS, equipment breakdowns and shortage of local contracting equipment are severely hampering recovery efforts by state, local, and tribal governments; and,

WHEREAS, the potential for agriculture losses, high emergency response and snow removal costs, and damage to public and private property, constitute a serious economic hardship; and,

NOW, THEREFORE, I order state funds to be made available to assist local jurisdictions with the winter storm emergency on a cost share basis when the following prerequisites have been met:

1. Qualifying jurisdictions must meet a threshold snow depth of 400% of normal. Counties that currently meet the threshold are: Burke, Burleigh, Divide, McHenry, McLean, Mercer, Mountrail, Pierce, Renville, Richland, Sheridan, Stutsman, Ward, Wells and Williams.
2. There must be an emergency declaration within the jurisdiction.
3. The jurisdiction must have spent on snow removal over 200% of its five year (2004-2008) by-month average since January 1, 2009.

Once the prerequisites have been met for counties and rural communities, the state will enter a cost share agreement, funding 50% of the costs incurred after January 1, 2009 in excess of 200% of the jurisdiction's five year average cost for snow removal. Access to these funds will be through the normal emergency manager process

For cities that have met the prerequisites with a population in excess of 5,000, the state will enter a cost share agreement, funding 25% of the costs incurred after January 1, 2009 in excess of 200% of the cities five year average cost for snow removal. Access to these funds will be through the normal emergency manager process

The state funding will be used for snow removal costs, including: defraying costs when the jurisdiction uses its own resources for snow removal, or the cost for use of a private entity for the purpose of snow removal, or for the use of the North Dakota National Guard and other state agencies, for the purpose of snow removal. The North Dakota National Guard will be made available upon request through the emergency managers to the Department of Emergency Services, based on the jurisdictions qualifying for the cost share agreement.

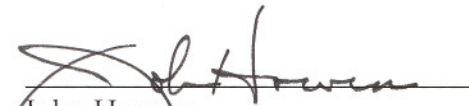
I further order that all state departments and administrators maintain winter storm response resources and capabilities at high levels of readiness to execute responsibilities pursuant to the State Emergency Operations Plan.

Executive Order 2009-03 is rescinded and dissolved immediately.

This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and,
3. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

Executed at Bismarck, North Dakota, this 20th day of February 2009.


John Hoeven
Governor

ATTEST:


Secretary of State