



STATE OF ALABAMA  
**PROCLAMATION**  
BY THE GOVERNOR

**WHEREAS** the Alabama Emergency Management Act of 1955, as amended, confers upon the Governor the power to proclaim a state of emergency when there exist certain conditions of disaster or of extreme peril to the safety of persons and property within the State caused by natural or man-made disasters, *see* Ala. Code § 31-9-8;

**WHEREAS** St. Clair County has been impacted by the existence of a smoldering underground fire on a privately operated landfill located at 1317 Annie Lee Road;

**WHEREAS** the smoke from this fire has the potential to impact the health, safety, and welfare of citizens living nearby;

**WHEREAS** the St. Clair County Commission declared the existence of emergency conditions by resolution dated January 3, 2023;

**WHEREAS** the Alabama Emergency Management Act confers upon the County Commission, upon its determination of the existence of emergency conditions, certain authority to waive procurement, contracting, purchasing, appropriation and expenditure laws, and various other emergency powers, *see* Ala. Code § 31-9-10(b)(5);

**WHEREAS** St. Clair County officials have publicly expressed a desire to be granted the maximum authority allowed by law to quickly undertake all necessary actions to extinguish the fire;

**WHEREAS**, to the extent a declaration of a state of emergency by the Governor provides any additional authority to the County Commission and its chair under the Emergency Management Act, the Governor desires to confer such authority, *see* Ala. Code § 31-9-10(c); and

**WHEREAS** this event poses extraordinary conditions of disaster and of extreme peril to the safety of persons and property within St. Clair County, and it is anticipated that these conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat, *see* Ala. Code § 31-9-3;

**NOW THEREFORE**, I, Kay Ivey, Governor of the State of Alabama, pursuant to the relevant provisions of the Alabama Emergency Management Act of 1955, as amended, Ala. Code §§ 31-9-1 *et seq.*, do hereby proclaim that a state of emergency exists in St. Clair County to address the fire at 1317 Annie Lee Road.

**FURTHER**, pursuant to the Emergency Management Act, the chair of the St. Clair County Commission "may execute a resolution on behalf of the governing body declaring that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur." Ala. Code § 31-9-10(c)(1).

**FURTHER**, pursuant to the Emergency Management Act, execution of such a resolution shall authorize the St. Clair County Commission to "waive procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary

workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.” Ala. Code § 31-9-10(b)(5)a; *see also id.* § 31-9-10(c)(2).

**FURTHER**, all persons and entities identified in Alabama Code § 31-9-16(b)—including, in particular, St. Clair County and its officials, agents, contractors, and employees—are authorized and directed to take reasonable steps, in conjunction with all relevant federal, state, or local entities, to extinguish the fire and mitigate its effects, and in so doing, they shall be afforded all of the legal immunities conferred by operation of the Emergency Management Act. *See* Ala. Code § 31-9-16.

**FURTHER**, the citation to specific legal authorities in this emergency proclamation does not preclude St. Clair County or its officials, agents, contractors, or employees from exercising any other authority conferred upon them under the Emergency Management Act or any other provision of law.

**FURTHER**, to the extent a provision in this proclamation conflicts with any provision of state law, that law is hereby suspended for the duration of this state of emergency, and this proclamation shall control.

**FURTHER**, I declare that this proclamation, and all subsequent orders, laws, rules, or regulations issued pursuant hereto, shall remain in full force and effect for the duration of this state of emergency, unless rescinded or extended by proclamation.



**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this the 18th day of January 2023.

Handwritten signature of Kay Ivey in black ink, written over a horizontal line.

Kay Ivey  
Governor

ATTEST:

Handwritten signature of Wes Allen in blue ink, written over a horizontal line.

Wes Allen  
Secretary of State