

Applicable State Statutes & City Code

State Statute

12.29 DECLARATION OF LOCAL EMERGENCY.

Subdivision 1. Authority to declare emergency.

A local emergency may be declared only by the mayor of a municipality or the chair of a county board of commissioners or their legal successors. It may not be continued for a period in excess of three days except by or with the consent of the governing body of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local emergency must be given prompt and general publicity and filed promptly by the chief of the local record-keeping agency of the political subdivision.

Subd. 2. Effect of declaration of emergency.

2 A declaration of a local emergency invokes necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance under those plans.

Subd. 3. Interjurisdictional agencies.

No interjurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

12.37 POLITICAL SUBDIVISION'S POWERS TO FAST PROVIDE EMERGENCY AID.

During an emergency or disaster, each political subdivision, notwithstanding any statutory or charter provision to the contrary, and through its governing body acting within or without the corporate limits of the political subdivision, may:

- (1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and
- (2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time consuming procedures and formalities prescribed by law pertaining to:
 - (i) the performance of public work;
 - (ii) entering into contracts;
 - (iii) incurring of obligations;
 - (iv) employment of temporary workers;
 - (v) rental of equipment;
 - (vi) purchase of supplies and materials;
 - (vii) limitations upon tax levies; and
 - (viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

City Charter

Section 3.8. - The Mayor.

Subd. 1.

Legislative Functions. The mayor shall be the presiding officer of the council. The mayor shall have a vote as a member of the council. The mayor shall act as chief spokesperson for the council and shall exercise leadership of the council in the formulation of policy.

Subd. 2.

Executive Functions. The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study the administration and operations of the city and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary. If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator. The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

City Code, Chapter 18

Sec. 18-26. - Policy and purpose.

(a) Because of existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from tornados, windstorms, fire, flood, chemical accident and/or spill, national emergency and other natural causes and in order to ensure that preparation of the city will be adequate to deal with such disasters and, generally, to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of the city, it is found and declared to be necessary to:

(1) Establish a local organization for emergency management.

(2) Provide for the exercise of necessary powers during emergency situations.

(3) Provide for the rendering of mutual aid between the city and other political subdivisions.

(b) It is further declared to be the purpose of this article and the city's policy that all emergency management functions of the city be coordinated to the maximum extent practicable with the comparable functions of the federal government and state, county, and other governmental agencies and private agencies of every type, to the end that the most effective preparation and use may be made of the manpower, resources and facilities for dealing with any disaster that may occur.

Sec. 18-27. - Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency means an emergency declared by the governor under Minn. Stat. § 12.31 or an emergency proclaimed by the mayor as authorized under this article and in addition includes disasters caused by fire, flood, tornados, windstorms or other natural causes.

Emergency forces means any personnel employed by the city and any other volunteer or paid member of the local emergency management agency engaged in carrying out emergency management functions in accordance with this article or any other rule or order thereunder.

Emergency management means the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and

repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, firefighting services; police services; medical and health services; rescue, engineering, warning services; communications; radiological, chemical, and other special weapons defense; evacuation of persons from stricken areas; emergency human services; emergency transportation; existing or properly assigned functions of plant protection; temporary restoration of public utility services; implementation of energy supply emergency conservation and allocation measures; and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions. For purposes of this definition, the term "emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.

Sec. 18-28. - Establishment of emergency management service division. There is created within the city an emergency management service division, referred to as "EMS." The emergency management service division shall have direct responsibility for the organization, administration and the operation to provide for the efficient performance of emergency forces during an emergency. The emergency management service division shall perform emergency management functions within the city as may be required pursuant to the provisions of the Minnesota Emergency Management Act of 1996 (Minn. Stat. ch. 12) or by this article.

§ 12.25, subd. 1.

Sec. 18-29. - Duties of emergency management service division.

(a) The director of emergency management, with the consent of the city administrator, shall represent the city on any regional or state organization related to the emergency management service division functions. The emergency management service division shall develop proposed mutual aid agreements with other political subdivisions for reciprocal EMS aid and assistance in an emergency too great to be dealt with by local forces, and the agreement shall be presented to the city council for adoption. The agreement shall be consistent with state, county and city plans. The emergency management service division shall provide emergency forces in accordance with the mutual aid agreement as approved by the city administrator.

(b) The emergency management service division shall study and make surveys of manpower, industry, resources and facilities of the city as it is deemed necessary to determine their adequacy for the emergency management service division and to plan for their most efficient use in the time of emergency.

(c) The emergency management service division shall prepare a comprehensive general plan for the city emergency management service division and shall present such plan to the city council for its approval. When the council has approved the plan by resolution, it shall be the duty of all municipal agencies and the emergency management service division forces to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The city administrator shall coordinate the EMS activities of the city to the end that they shall be consistent and fully integrated with the EMS plan of governmental subdivisions within the state.

(d) The emergency management service division shall institute training programs and public information programs and shall take all other preparatory steps including mobilization of the

EMS forces in advance of an actual disaster as may be necessary to familiarize the EMS forces and governmental officials with the effective operation of the EMS plan.

(e) The emergency management service division shall utilize the personnel, services, equipment, supplies and facilities of existing city departments and agencies to the maximum extent practical. The city administrator, to the maximum extent practicable, shall coordinate the uses of all municipal facilities and resources. Each department head shall keep the city administrator informed of the department's activity during an emergency.

(f) The emergency management service division shall, in cooperation with existing municipal departments and agencies affected, organize, recruit, and train shelter managers, radiological monitors, auxiliary police, volunteer firefighters, emergency medical personnel and any other personnel that may be required to carry out the EMS plan of the city. Such recruited personnel shall be assigned through the emergency management service division and shall report to and be supervised by the department head of an existing city department or a volunteer head of a particular task. The volunteer may at any time be dismissed by the director of emergency management and surrender all equipment and identification furnished by the city.

(g) The emergency management service division shall provide within its means facilities and resources on a temporary basis for the injured and homeless persons who were made homeless or injured by the cause of the emergency.

(h) The emergency management service division shall carry out all orders, rules and regulations issued by the governor pertaining to national and state emergencies.

(i) The mayor shall have direct responsibility for the overall responsibility during the declared emergency. If the mayor is absent, the president pro tem shall have direct responsibility. The mayor shall carry out all orders, rules and regulations issued by the governor pertaining to the state-called emergency. The director of emergency management service shall be responsible for all the EMS emergency personnel who have not been assigned to other city departments.

(j) The emergency management service division shall provide and equip at some suitable place in the city an emergency operating center and shall have an auxiliary center planned and available during an emergency. The emergency operating center shall be where all department heads report their activity. The emergency operating center shall be equipped with adequate communications to communicate with other emergency management agencies and operating municipal departments.

Sec. 18-30. - Emergency regulations.

(a) Whenever necessary to meet an emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the city council, the mayor may by proclamation promulgate regulations, consistent with applicable federal or state law or regulation, respecting the following:

- (1) Protection against acts of war;
- (2) The conduct of persons and the use of property during emergencies;
- (3) The sounding of attack warnings;
- (4) The repair, maintenance, and safeguarding of essential public services;
- (5) Emergency health, fire and safety regulations;
- (6) Trial drills or practice periods required for preliminary training; and
- (7) All other matters which are required to protect public safety, health, and welfare in EMS emergencies.

(b) Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the finance director/city clerk, where a copy shall be kept posted and available for public inspection during business hours. The emergency shall not continue for a period in excess of three days except by or with the consent of the city council. Notice of the existence of such regulation and its availability for inspection at the finance director/city clerk's office shall be conspicuously posted at the front of the municipal hall and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation the mayor may modify or rescind any such regulation.

(c) The city council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.