

TITLE III: ADMINISTRATION

Chapter

30. GENERAL PROVISIONS

31. CITY COUNCIL AND OFFICIALS

32. EMERGENCY MANAGEMENT

CHAPTER 30: GENERAL PROVISIONS

Section

- 30.01 City Council authority to grant deferments of special assessments
- 30.02 City audits

§ 30.01 COUNCIL AUTHORITY TO GRANT DEFERMENTS OF SPECIAL ASSESSMENTS.

(A) The City Council shall have specific authority to grant deferments of special assessments for a period of time not to exceed 10 years in any of the following instances: when property to be assessed is the homestead of the owner, and the owner is retired as a result of age, or disability, the deferment shall be granted upon a certification by the owner on a form provided by the Administrator-Clerk/Treasurer which established the qualification of the owner to the defendant.

(B) The certification may be made at any time following the adoption of the Assessment Roll by the City Council, and not later than August 31. Upon expiration of the 10-year deferment, or upon loss of the deferment, the Administrator-Clerk/Treasurer shall forthwith certify to the County Auditor the amount of the deferred assessment, including interest to be extended on the proper tax rolls of the county and to be collected over the period of time remaining on the original assessment.

(C) Deferment is valid while the named property is owned and maintained by the applicant as his or her principal residence and while qualifying for homestead status on the property.

(D) Deferment will continue until 1 of the following events occurs:

- (1) Loss of financial hardship status as defined by the City Council policy;
- (2) Sale, transfer or subdivision of all or any part of the property;
- (3) Loss of homestead status of the property; or
- (4) Death of the owner of the property where spouse is not entitled to deferment.

(E) It shall be the duty of the applicant, or his or her heirs, to notify the City Administrator-Clerk/Treasurer of any event that may effect his or her eligibility for this deferment.
(Ord. 74, passed 1-11-1988)

§ 30.02 CITY AUDITS.

Beginning with the year in which this chapter becomes effective and each year thereafter, there shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.
(Ord. 57, passed 11-17-1990)

CHAPTER 31: CITY COUNCIL AND OFFICIALS

Section

General Provisions

- 31.01 Date of election
- 31.02 Terms of Council members and Mayor

City Administrator

- 31.15 Establishment
- 31.16 Duties
- 31.17 Requirements of knowledge, skills and abilities
- 31.18 Education and experience
- 31.19 Appointment
- 31.20 Effective date

City Council Procedures

- 31.35 City Council meetings
- 31.36 Presiding officer
- 31.37 Minutes
- 31.38 Order of business
- 31.39 Voting
- 31.40 Ordinance, resolutions, motions, petitions and communications
- 31.41 Suspension or amendment of rules
- 31.42 Compensation of Mayor and Council Members
- 31.43 Compensation of officers and employees
- 31.44 Quorum for conducting business
- 31.45 Fees and charges
- 31.46 Application of state laws
- 31.47 Background information

GENERAL PROVISIONS**§ 31.01 DATE OF ELECTION.**

The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year, beginning with the 1974 election.
(Ord. 48, passed 8-12-1974)

§ 31.02 TERMS OF COUNCIL MEMBERS AND MAYOR.

(A) *Terms and transition.* Two Council members shall be elected for 4-year terms at each biennial election commencing in 1978. One Councilperson shall be elected for a 4-year term at the 1974 city election. Of the 3 Councilpersons to be elected at the 1976 election, the 2 candidates receiving the highest number of votes shall serve for terms of 4 years, and the 1 receiving the third-highest number of votes shall serve for a term of 2 years.

(B) *Re-establishment of term.* The City Council re-establishes that the Mayor shall be elected for a 2-year term at the election commencing in 2000, per M.S. § 412.022, as it may be amended from time to time.
(Ord. 48, passed 8-12-1974) (Am. Ord. 93, passed 8-9-1999)

CITY ADMINISTRATOR**§ 31.15 ESTABLISHMENT.**

(A) The position of City Administrator-Clerk/Treasurer is hereby established. The City Administrator-Clerk/Treasurer shall be chosen by the City Council in accordance with the qualifications of divisions (B)(3) and (4) below and for an indefinite period of time. The duties of the City Administrator-Clerk/Treasurer of the municipality shall include the duties of the clerk-treasurer.

(B) The City Administrator-Clerk/Treasurer shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the County Auditor all appointments and the results of all municipal elections. He or she shall be responsible for maintaining the following:

- (1) A minute book, noting therein all proceedings of the City Council;

(2) An ordinance book, in which he or she shall record at length all ordinances passed by the City Council;

(3) An account book, in which he or she shall enter all money transactions of the Municipality, including the dates and accounts of all receipts and the person from whom the money was received and all orders drawn upon the treasurer with their payee and object; and

(4) Ordinances, resolutions and claims considered by the City Council need not be given in full in the minute book if they appear in other permanent records of the City Administrator-Clerk/Treasurer and can be accurately identified from the description given in the minutes. The City Administrator-Clerk/Treasurer shall act as the clerk-treasurer and bookkeeper of the municipality, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish the notices, ordinances and resolutions as may be required and shall perform any other appropriate duties as may be imposed upon him or her by the City Council. For certified copies and for filing and entering, when required, papers not relating to municipal business, he or she shall receive the fees allowed by law to town clerks; but the City Council may require the Administrator-Clerk/Treasurer to pay those fees to the municipal treasury.

(Ord. 90, passed 10-14-1998)

§ 31.16 DUTIES.

(A) This description is intended to describe the kinds of tasks and levels of work difficulty being performed by people assigned to this classification. The list of responsibilities is not intended to be construed as an exhaustive list of all responsibilities, duties and skills required of personnel so classified.

(B) All duties recited in the job description shall be included:

(1) Direct the daily administration of city affairs under the City Council's policy guidance and in compliance with state and federal laws rules regulations, and local ordinances. Keep the City Council informed of all relevant matters;

(2) Prepare reports and summaries relating to contemplated municipal projects and/or improvements and submit them with recommendations as may be required to the City Council for study and subsequent action, i.e. streets, water, sewer, light, parks, and recreation, storm sewer, equipment maintenance, building, and the like;

(3) Prepare an annual fiscal budget and capital improvement plan for submission to the City Council. Maintain financial guidelines for the municipality within the scope of the approved budget and capital program;

(4) Prepare the annual financial statement and perform other duties as required in M.S. § 412.141, as it may be amended from time to time;

Wanamingo - Administration

- (5) Attend and participate in Council meetings. Attend and support meetings of the EDA as well as other commissions, boards, and committees;
- (6) Coordinate municipal programs and activities as authorized by the City Council;
- (7) Submit monthly reports to the City Council of the financial condition of the municipal accounts;
- (8) Supervise the conduct of local elections in accordance with the prescribed laws and regulations;
- (9) Supervise the activities of all municipal department heads and the administrative staff in the administration of municipal policy with authority to effectively recommend their employment removal;
- (10) Work in cooperation with the City Council's appointed attorney, engineer and other contracted consultant;
- (11) Prepare news releases, develop and discuss public relations material with all concerned as required. Maintain good public relations with the general public and represent the city;
- (12) Consult with appointed officials and with other public or private agencies as may be required;
- (13) Be fully informed regarding federal, state and county programs, which affect the municipality;
- (14) Conduct employee job reviews for presentation to the City Council as needed. Oversee personnel, payroll, and benefits;
- (15) Perform all duties required of him or her by ordinances or resolutions adopted by the City Council;
- (16) Be fully informed in the management and investment of funds, make recommendations as needed;
- (17) Draft and analyze city contracts;
- (18) Act and perform the duties as City Zoning Administrator;
- (19) Draft/write/update city ordinances; codify all city ordinances; see that all ordinances are enforced as needed;

(20) Prepare long range financial and capital planning;

(21) Verify and research liquor license applications;

(22) Prepare long range financial and capital planning;

(23) Coordinate working relationship with townships for fire protection;

(24) Work with appropriate groups to develop and encourage downtown rehabilitation, economic development, and residential rehabilitation within the city; and

(25) Delegate those responsibilities, where applicable, under the direction of the City Council.
(Ord. 90, passed 10-14-1998)

§ 31.17 REQUIREMENTS OF KNOWLEDGE, SKILLS AND ABILITIES.

(A) Considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing, and all administrative requirements for proper municipal operation.

(B) Knowledge of or ability to acquire full knowledge of all laws affecting the municipality.

(C) Ability to provide harmonious relationships with municipal employees and general public; confer with the media; speak to schools, civic groups, and other organizations.

(D) Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organizations.

(E) Ability to make effective oral and written presentations.
(Ord. 90, passed 10-14-1998)

§ 31.18 EDUCATION AND EXPERIENCE.

A combination of education and experience equivalent to a bachelors degree in Public or Business Administration or a related work. Three years progressively responsible experience in a municipal government.

(Ord. 90, passed 10-14-1998)

§ 31.19 APPOINTMENT.

The City Administrator-Clerk/Treasurer is appointed by a majority of the City Council for an indefinite term, removal only by a majority of the City Council. In the absence of or temporary vacancy in the position of the City Administrator-Clerk/Treasurer, the title of City Administrator-Clerk/Treasurer as written in all ordinances and/or resolutions adopted by the City Council shall be replaced by the title of City Council.

(Ord. 90, passed 10-14-1998)

§ 31.20 EFFECTIVE DATE.

This chapter will be effective following approval and publication according to law.

(Ord. 90, passed 10-14-1998)

CITY COUNCIL PROCEDURES**§ 31.35 CITY COUNCIL MEETINGS.**

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless the City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

(B) *Special meetings.* The Mayor or any 2 members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. Ch. 13D, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least 3 days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the 3 days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. Ch. 16D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 16D, as it may be amended from time to time.

(D) *Initial meeting.* At the first regular City Council meeting in January of each year, the City Council shall:

(1) Designate the depositories of city funds;

(2) Designate the official newspaper;

(3) Choose one of the Council Members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;

(4) Appoint officers and employees and members of departments, boards, commissions and committees as may be necessary;

(5) Establish and appoint Council Members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of City Commissions and Boards, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 16D, as it may be amended from time to time.

§ 31.36 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the City Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Administrator-Clerk/Treasurer shall call the meeting to order and shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

§ 31.37 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Administrator-Clerk/Treasurer or, in the City Administrator-Clerk/Treasurer's absence, by the Deputy City Administrator-Clerk/Treasurer. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Administrator-Clerk/Treasurer and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Administrator-Clerk/Treasurer, and copies thereof shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

§ 31.38 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or by-laws or other procedures adopted by Council resolution:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Consent agenda.
- (5) Public hearings.
- (6) Petitions, requests, and communications.
- (7) Ordinances and resolutions.
- (8) Reports of officers, boards, and committees.

- (9) Unfinished business.
- (10) New business.
- (11) Miscellaneous.
- (12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Administrator-Clerk/Treasurer upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Administrator-Clerk/Treasurer thereof at least 72 hours before new business is to be heard. The City Administrator-Clerk/Treasurer may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 31.39 VOTING.

The votes of the Council Members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council Members on any action taken shall be recorded in the minutes. The vote of each Council Member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting."

§ 31.40 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Administrator-Clerk/Treasurer, and filed by the City Administrator-Clerk/Treasurer in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

§ 31.41 SUSPENSION OR AMENDMENT OF RULES.

These rules may be suspended only by a 2/3 vote of the members present and voting.

§ 31.42 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

(A) The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time. The compensation established by the ordinance shall not take effect until after the next city election after the ordinance was adopted and published.

(B) Commencing January 1, 2007, the annual salary of the Mayor will be fixed at \$2,500 per year (1 meeting per month) with extra meetings at \$50 per extra meeting.

(C) Commencing January 1, 2007, the annual salary of each Councilor will be fixed at \$1,900 per year (1 meeting per month) with extra meetings at \$35 per extra meeting.
(Am. Ord. 130, passed 12-12-2005)

§ 31.43 COMPENSATION OF OFFICERS AND EMPLOYEES.

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.

§ 31.44 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

§ 31.45 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

§ 31.46 APPLICATION OF STATE LAWS.

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. § 471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of this city and their members.

§ 31.47 BACKGROUND INFORMATION.

Upon request of the City Administrator-Clerk/Treasurer or designee, the Police Department, Sheriff's Department, or the Bureau of Criminal Apprehension is authorized to provide certain criminal history data contained in the Minnesota Criminal Justice Information System. The data to be provided must only be about finalists for city positions of employment. The City Administrator-Clerk/Treasurer or designee must obtain the consent of the finalists, in writing, before requesting the data, but an applicant's failure to provide consent may disqualify the applicant from the prospective position.

CHAPTER 32: EMERGENCY MANAGEMENT

Section

- 32.01 Policy and purpose
- 32.02 Definitions
- 32.03 Establishment of emergency management organization
- 32.04 Powers and duties of Director
- 32.05 Local emergencies
- 32.06 Emergency regulations
- 32.07 Emergency management and government function
- 32.08 Participation in labor disputes or policies

- 32.99 Penalty

§ 32.01 POLICY AND PURPOSE.

(A) Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure.

(B) In order to insure that preparations of this city will be adequate to deal with those 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 this city, it is hereby found and declared to be necessary:

(1) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(2) To provide for the exercise of necessary powers during emergencies and disasters;

(3) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

(4) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 32.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as “civil defense” functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

§ 32.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the City Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the City Council for its approval. When the City Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city 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 Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 32.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor, or his or her legal successor. It shall not be continued for a period in excess of 3 days except by or with the consent of the City Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator-Clerk/Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.
Penalty, see § 32.99

§ 32.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the City Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting:

- (1) The conduct of persons and the use of property during emergencies;
- (2) The repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training; and
- (3) All other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing; 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 City Administrator-Clerk/Treasurer. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Administrator-Clerk/Treasurer's Office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the City Council shall designate in the resolution. By resolution, the City Council may modify or rescind a regulation.

(C) The City Council may rescind any regulation by resolution at any time. If not sooner rescinded, every 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 comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the City Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time, and notwithstanding any statutory or charter provision to the contrary, empowered, through its City Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 32.99

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

§ 32.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.