

ORDINANCE NUMBER 20-811

CITY COUNCIL CONSENT TO MAYORAL DECLARATION 2020 – 1,

DECLARING A LOCAL EMERGENCY

CITY OF HUTCHINSON, MINNESOTA

PREAMBLE

WHEREAS, the Mayor of the City of Hutchinson, Minnesota ("Mayor") declared an Emergency to exist in the City of Hutchinson, Minnesota ("City") effective March 24, 2020, at 5:08 p.m. time upon signing declaration 2020 – 1 (attached and incorporated by reference) ("Declaration"); and

WHEREAS, Minnesota Statute Section 12.29 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operation Plans and the Pandemic Response Plan, and authorize aid and services in accordance with inter-jurisdictional agreements. In order for the declaration of the Emergency to continue beyond three days the City Council of the City of Hutchinson, Minnesota ("City Council") must consent to the Declaration; and

WHEREAS, the City Attorney sent the declaration to the City Administrator on March 24, 2020, at 5:08 p.m. and the City Administrator confirmed receipt on March 24, 2020, at 5:08 p.m.; and

WHEREAS, the City Council convened at a regular meeting of the City Council of the City of Hutchinson on March 24, 2020, at 5:30 p.m. in the City Council Chambers of the Hutchinson City Center 111 Hassan St. SE. in the City and by other electronic means as permitted by Minnesota Statutes, Section 13 D .021, for purposes of receiving emergency COVID-19 updates and considering formal action to consent to the Declaration and related actions; and

WHEREAS, the City Council is the official governing body of the City; and

WHEREAS, City Charter Section 2.06 allows the Mayor, with the consent of the City Council, to take command of the police, maintain order, and enforce the law; and

WHEREAS, City Charter Section 3.06 allows the immediate adoption of an ordinance when necessary for the immediate preservation of the public peace, health, morals, safety or welfare of the City; and

WHEREAS City Charter Section 3.05 waives the notice requirements prior to adopting an emergency ordinance; and

WHEREAS, Minnesota Statute Section 12.37 authorizes the City, acting through its governing body, to:

“(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 works;

(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 levy;

(viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publications of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets”

; and

WHEREAS, the Hutchinson City Code of Ordinances, Chapter 33 provides for emergency management and defines an emergency as "an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring" and provides for planning and management of such emergency, including the creation of a civil defense agency known as emergency management, which is under the supervision and control of the City Emergency Management Director; and

WHEREAS, the Hutchinson City Code of Ordinances, Section 33.05 provides for the declaration of a local emergency:

- (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 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.

- (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.

WHEREAS the Hutchinson City Code of Ordinances, Section 33.06 provides for 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 Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons in the use of property during emergencies; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulation; drills or practice periods required for preliminary training; and in all other matters which are required to protect the public safety, health and welfare in declared emergencies.

(B) (1) every resolution of emergency regulation shall be in writing; shall be dated, shall refer to particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator.

(2) 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'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 Council shall designate in the resolution.

(3) By resolution, the Council may modify or rescind a regulation.

(C) The 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 Council shall be suspended during the period of time and to the extent conflict exists.

;and

WHEREAS the City Council finds that the emergency is sudden and unforeseen and could not have been anticipated; and

WHEREAS the City Council finds that the situation threatens the health, safety, and welfare of the citizens of the community and threatens the provision in delivery of City services as a result of the emergency; and

WHEREAS, the City Council finds that traditional sources of relief are not able to repair or prevent the injury and loss.

Now, therefore, the City Council of the City of Hutchinson, Minnesota does hereby ordain:

Section 1. The foregoing recitals of the preamble are incorporated herein by reference.

Section 2. The Governor of Minnesota issued Emergency Executive Order 20 – 01 declaring a Peacetime Emergency and Coordinating Minnesota Strategy Protect Minnesotans from COVID – 19 on March 13, 2020

Section 3. The City faces an imminent threat to public health resulting from the novel coronavirus and the resulting COVID – 19 disease.

Section 4. The City is confronted with a worldwide pandemic creating a threat to public health which the safety and welfare of the guests and inhabitants of the City are jeopardized in which timely action to contain and mitigate the risk to human life is required.

Section 5. This ordinance hereby invokes the City's Emergency Operation Plans and Pandemic Response Plan. Portions that are necessary for the response to and recovery from the Emergency are hereby authorized, including but not limited to all appropriate community containment and mitigation strategies.

Section 6. To the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Administrator, Emergency Management Director, and their designees are hereby authorized to suspend compliance with those laws, policies, and procedures as authorized by emergency Executive Order 20 – 01 and by Minnesota Statute Sections 12.32 and 12.37, and take those actions necessary to protect the public health, safety, and welfare.

Section 7. The City Administrator is hereby authorized:

- (A) To amend personnel policies, hire temporary employees, adjust work schedules, shift position responsibilities and to administer personnel leaves as he deems necessary.
- (B) To close City facilities and restrict public access as necessary.

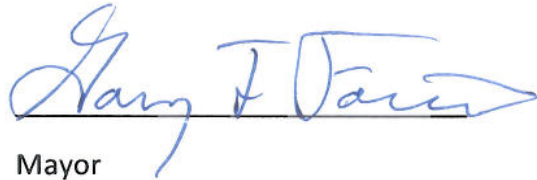
Section 8. This ordinance was adopted by at least four members of the City Council as required by Hutchinson City Charter Section 3.06

Section 9. This ordinance shall take effect immediately upon passage as permitted by Section 3.09 of the Hutchinson City Charter

Section 10. This ordinance shall be in effect for 30 days (until April 24, 2020, at 5:08 p.m.


Section 11. The City Administrator is authorized and directed to file and depose notice of this ordinance and any emergency regulation is authorized and required by state law, City Charter, and City Code.

Adopted this 24th of March, 2020 at 6:50 p.m.


Mayor

Attest:


City Administrator

Approved: 
City Attorney