

**SECTION 750**  
**EMERGENCY MANAGEMENT ORGANIZATION\***

**750.01      POLICY AND PURPOSE**

Subd. 1      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 or catastrophic measure or other major incidents, and in order to insure that preparations 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 this City, it is hereby found and declared to be necessary

- a)      To establish a City emergency management organization responsible for city planning and preparation for emergency government operation in time of disasters.
- b)      To provide for the exercise of necessary powers during emergencies and disasters.
- c)      To provide for the rendering of mutual aid between the City, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- d)      To comply with the provisions of Minnesota Statutes, Chapter 12, known as the Minnesota Emergency Management Act of 1996.  
\*Adopted 3-9-99
- e)      To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, review and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this ordinance and Minnesota Statutes, Chapter 12.

**750.02      DEFINITIONS**

Subd. 1      "Emergency Management" means the preparation for and the carrying out of all emergency functions, 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 or other major incidents. 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, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as "Civil Defense" or "Emergency Preparedness" functions.

Subd. 2      "Disaster" means 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 major 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.

Subd. 3 "Emergency" means an unforeseen combination of circumstances which calls for immediate action respond, or prevent from developing or occurring.

Subd. 4 "Emergency Management Forces" means the total personnel resources engaged in city level management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from City department, authorized volunteers, and private organizations and agencies.

Subd. 5 "Emergency Management Organization" means the staff element responsible for coordinating city-level planning and preparedness for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this ordinance and assures implementation of federal, state, county and other program requirements.

Subd. 6 "Major Incidents" means any incident which exhausts local resources.

Subd. 7 "Emergency Management Mutual Aid" means any disaster or major incident which requires that dispatching of city personnel, equipment or other necessary resources within or without city limits.

Subd. 8 "Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee" means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plan, exercises, major incidents and disaster responses which are consistent with this ordinance.

### **750.03 ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION**

Subd. 1 There is hereby created with the City government an emergency management organization which shall be under the supervision and control of the Emergency Management Director, hereinafter called the "director". The director shall be appointed by the City Council at its organizational meeting annually. The director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

### **750.04 POWERS AND DUTIES OF THE DIRECTOR**

Subd. 1 The director shall represent the City on any regional or state conference for emergency management. The director may develop additional 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 such agreements to the City for its action. Such arrangements shall be consistent with the Emergency Plan. The

director shall also be the City's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committees.

Subd. 2 The director shall make assessments of personnel, business and 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, major incident or disaster.

Subd. 3 The director shall work with the City Administrator and Department Heads in preparing a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the City for its approval. When the Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces to 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 basic emergency management activities to the City to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and Federal and State Governments.

Subd. 4 In accordance with the Emergency Plan, the director shall institute such 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 Emergency Plan when a disaster, major incident or mutual aid occurs.

Subd. 5 The director, during an emergency, major incident or mutual aid, 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 such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the Emergency Management organization. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6 The director shall in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.

Subd. 7 The director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

Subd. 8 The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

## **750.05 LOCAL EMERGENCIES**

Subd. 1 A local emergency, including a disaster, major incident or

mutual aid response, may be declared by the Mayor, or the Mayor's legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local records-keeping agency of the subdivision.

Subd. 2 A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures which are consistent with this ordinance.

Subd. 3 No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

#### **750.06 EMERGENCY REGULATIONS**

Subd. 1 Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting the conduct of persons and 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 all other manners which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2 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, which copy shall be kept posted and available for public inspections during business hours. Notice of the existence of such regulations and its availability for inspection at the Administrator's Office shall be conspicuously posted at the front of the city hall or other headquarters of the City or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.

Subd. 3 The City Council may rescind any such regulations 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 comes first. Any resolution, rule or regulation inconsistent with an emergency regulations promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4 During a declared emergency, the director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law and pertaining

to the performance of public works, 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, publications of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

**750.07      EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION**

Subd. 1      All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this sections shall not affect the right of any person or receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

**750.08      PARTICIPATION IN LABOR DISPUTE OR POLITICS**

Subd. 1      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. The director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota Statutes, Chapter 12.

**750.09      AUTHORIZING DISPATCH AND USE OF CITY EQUIPMENT AND SERVICES BY THE DIRECTOR IN EMERGENCY SITUATIONS (MUTUAL AID)**

Subd. 1      The City finds it desirable and necessary to authorize the director to dispatch City equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this ordinance, and Section 4, Subdivision 5.

Subd. 2      The director shall evaluate the internal needs of the City, and dispatch appropriate available aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the City. Aid requested from outside the Lake Minnetonka Regional area, or extended local aid with the Lake Minnetonka Regional area shall require mutual agreement between the director and the City Manager/Administrator or their designee.

Subd. 3      The director shall be fully authorized as an act of the City, and all provisions for compensation of personnel, rental or equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the City.