

ORDINANCE NO. 2020-7

**CITY COUNCIL CONSENT TO MAYORAL DECLARATION 2020-1,
DECLARING A LOCAL EMERGENCY**

CITY OF BLOOMINGTON, MINNESOTA

PREAMBLE

WHEREAS, the Mayor of the City of Bloomington, Minnesota (“Mayor”) declared an Emergency to exist in the City of Bloomington, Minnesota (“City”) effective 6:00 p.m. on March 15, 2020 upon signing Declaration 2020-1 (attached and incorporated by reference) (“Declaration”); and

WHEREAS, Minnesota Statutes Section 12.29 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operations Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements. In order for the Declaration of the Emergency to continue beyond three days the City Council of the City of Bloomington, Minnesota (“City Council”) must consent to the Declaration; and

WHEREAS, the City Attorney sent the Declaration to the City Clerk on March 15, 2020, and the City Clerk confirmed receipt on March 16, 2020; and

WHEREAS, the City Council convened in an emergency meeting of the City Council of the City of Bloomington at 6:30 p.m. on March 16, 2020, in the City Council Chambers (1800 West Old Shakopee Road in the City) and by other electronic means as permitted by Minnesota Statutes, Section 13D.021, for purposes of receiving an emergency COVID-19 update 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 Statutes 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 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;
- (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”

; and

WHEREAS, Minnesota Statutes, Section 145A.04, provides for the powers and duties of the community health board, which is the City Council, whose duties include:

“(1) identify local public health priorities and implement activities to address the priorities and the areas of public health responsibility, which include:

- (i) assuring an adequate local public health infrastructure by maintaining the basic foundational capacities to a well-functioning public health system that includes data analysis and utilization; health planning; partnership development and community mobilization; policy development, analysis, and decision support; communication; and public health research, evaluation, and quality improvement;
- (ii) promoting healthy communities and healthy behavior through activities that improve health in a population, such as investing in healthy families; engaging communities to change policies, systems, or environments to promote positive health or prevent adverse health; providing information and education about healthy communities or population health status; and addressing issues of health equity, health disparities, and the social determinants to health;
- (iii) preventing the spread of communicable disease by preventing diseases that are caused by infectious agents through detecting acute infectious diseases, ensuring the reporting of infectious diseases, preventing the transmission of infectious diseases, and implementing control measures during infectious disease outbreaks;
- (iv) protecting against environmental health hazards by addressing aspects of the environment that pose risks to human health, such as monitoring air and water quality; developing policies and programs to reduce exposure to environmental health risks and promote healthy environments; and identifying and mitigating environmental risks such as food and waterborne diseases, radiation, occupational health hazards, and public health nuisances;
- (v) preparing and responding to emergencies by engaging in activities that prepare public health departments to respond to events and incidents and assist communities in recovery, such as providing leadership for public health preparedness activities with a community; developing, exercising, and periodically reviewing response

plans for public health threats; and developing and maintaining a system of public health workforce readiness, deployment, and response; and

(vi) assuring health services by engaging in activities such as assessing the availability of health-related services and health care providers in local communities, identifying gaps and barriers in services; convening community partners to improve community health systems; and providing services identified as priorities by the local assessment and planning process; and

(2) submit to the commissioner of health, at least every five years, a community health assessment and community health improvement plan, which shall be developed with input from the community and take into consideration the statewide outcomes, the areas of responsibility, and essential public health services;

(3) implement a performance management process in order to achieve desired outcomes; and

(4) annually report to the commissioner on a set of performance measures and be prepared to provide documentation of ability to meet the performance measures”

and as further set forth in City Code of Ordinances, Chapter 14; and

WHEREAS, City Code of Ordinances, Chapter 7 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 an emergency, including the creation of a civil defense agency known as Emergency Management, which is under the supervision and control of the Coordinator; and

WHEREAS, City Code of Ordinances, Section 7.21 provides for emergency regulations:

“(a) Whenever necessary to meet a civil defense emergency or natural disaster 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: protection against air-raids; the sounding of air-raid alarms; the conduct of persons and use of property during alarms; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms or illumination during air attacks shall be adopted or take effect unless approved by the State Director of the Division of Emergency Services. (b) A local emergency may be declared only by the Mayor. It shall not be continued for a period in excess of three days except by or with 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 promptly by the City Clerk. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of the emergency plan and may authorize aid and assistance thereunder”

; and

WHEREAS, City Code of Ordinances, Section 7.22 provides for the proclamation of regulations:

“Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular civil defense emergency or disaster to which it

pertains, if so limited, and shall be filed in the office of the City Clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Clerk's office shall be conspicuously posted at the Municipal Building or other headquarters of the city and at such other places in the affected area as the Mayor shall designate in the proclamation. Thereupon the regulations 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 regulations"

; and

WHEREAS, City Code of Ordinances, Section 7.23 provides for the expiration of regulations and declaration:

"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 civil defense emergency or disaster 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"

; 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 conditions in Minnesota and the threat to the visitors to and inhabitants of the City has worsened considerably as a result of the Emergency; and

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

WHEREAS, the City Council finds that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; 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 BLOOMINGTON, 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's Strategy to Protect Minnesotans from COVID-19 on March 13, 2020.

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

Section 4. The City is confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City are jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

Section 5. This Ordinance hereby invokes the City's Emergency Operations Plans and the Pandemic Response Plan. The portions that are necessary for 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 Manager, Emergency Management (Coordinator), 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 Statutes, Sections 12.32 and 12.37, and to take those actions necessary to protect the public health, safety, and welfare.

Section 7. This Ordinance was adopted by at least five members of the City Council as required by Section 3.06 of the City Charter.

Section 8. This Ordinance shall take effect immediately upon passage as permitted by Section 3.09 of the City Charter.

Section 9. This Ordinance shall be in effect for 30 days (until April 15, 2020) as permitted by Section 7.23 of the City Code.

Section 10. The City Clerk is authorized and directed to file and to post notice of this Ordinance and any emergency regulations as authorized and required by State law, City Charter, and City Code.

Passed and adopted this 16th day of March, 2020.


Mayor

ATTEST:


Secretary to the Council

Approved:


City Attorney

Date	Action
March 15, 2020	Declaration No. 2020-1
March 15, 2020	Public Notification of Declaration No. 2020-1
March 16, 2020	Declaration No. 2020-1 filed with City Clerk
March 16, 2020	City Council consent to Declaration No. 2020-1
March 16, 2020	City Council consent to Declaration No. 2020-1 filed with City Clerk
March 17, 2020	Public Notification of City Council consent to Declaration No. 2020-1

CITY OF BLOOMINGTON, MINNESOTA

DECLARATION NO. 2020-1

WHEREAS, the Mayor of the City of Bloomington, Minnesota ("Mayor") finds that the following local emergency ("Emergency") exists in the City of Bloomington, Minnesota ("City"):

1. The Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 on March 13, 2020 (attached); and
2. The City faces an imminent threat to life and public health resulting from the novel coronavirus and the resulting COVID-19 disease; and
3. The City is confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City are jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

WHEREAS, Minnesota Statutes Section 12.29 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operations Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements; and

WHEREAS, Minnesota Statutes 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 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.

; and

WHEREAS, the Mayor finds that the Emergency is sudden and unforeseen and could not have been anticipated; and

WHEREAS, the Mayor finds that conditions in Minnesota and the threat to the visitors to and inhabitants of the City has worsened considerably as a result of the Emergency; and

WHEREAS, the Mayor finds that this situation threatens the health, safety, and welfare of the citizens of the community and threatens the provision and delivery of city services as a result of the Emergency; and

WHEREAS, the Mayor finds that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

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

NOW, THEREFORE, the Mayor of the City of Bloomington, Minnesota, declares a local Emergency effective at 6:00 p.m. on March 15, 2020 in the City of Bloomington, Minnesota, and hereby calls for an emergency meeting of the City Council of the City of Bloomington at 6:30 p.m. on March 16, 2020, in the City Council Chambers (1800 West Old Shakopee Road in the City) and by other electronic means as permitted by Minnesota Statutes, Section 13D.021, for purposes of receiving an emergency COVID-19 update and considering formal action to consent to this Declaration and related actions.

This declaration of a local emergency will invoke the City's Emergency Operations Plans and the Pandemic Response Plan. The portions that are necessary for response to and recovery from the Emergency are hereby authorized, including but not limited to all appropriate community containment and mitigation strategies. 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 Manager, Emergency Manager, and their designees are hereby authorized to suspend compliance with those laws, policies, and procedures as authorized by Emergency Executive Order 20-01 and Minnesota Statutes, Section 12.32, and to take those actions necessary to protect the public health, safety, and welfare.


Mayor

3/15/20 5:45 pm
Date & Time


Recording Secretary

Date	Action
March 15, 2020	Declaration No. 2020-1
March 15, 2020	Public Notification of Declaration No. 2020-1
March 16, 2020	Declaration No. 2020-1 filed with City Clerk
March __, 2020	City Council consent to Declaration No. 2020-1
March __, 2020	Public Notification of City Council consent to Declaration No. 2020-1
March __, 2020	City Council consent to Declaration No. 2020-1 filed with City Clerk

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-01

Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The infectious disease known as COVID-19, an act of nature, has now been detected in 118 countries and territories, including the United States. COVID-19 has been reported in 42 states. There are over 1,600 confirmed cases nationwide, including fourteen in Minnesota.

The U.S. Department of Health and Human Services Secretary has declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. The World Health Organization has recently assessed that this outbreak can be characterized as a pandemic.

In coordination with other state agencies, local governments, and partners in the private sector, the Minnesota Department of Health ("MDH") has been preparing for and responding to the COVID-19 pandemic in Minnesota.

On April 4, 2019, I issued Executive Order 19-22, which assigned emergency responsibilities to state agencies to respond to and assist in recovery from the effects of natural or technological emergencies, including responsibility to engage in emergency preparedness efforts. On April 4, 2019, I also issued Executive Order 19-23, which directed state agencies to engage in continuity of government and continuity of operations planning. That Executive Order established the Continuity Policy Coordination Sub-Cabinet to develop and maintain a framework for a continuity of government plan, and to oversee agency continuity of operations planning, led by Minnesota Management and Budget ("MMB").

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. Our State has been actively conducting continuity planning for state agency operations. MMB activated its Statewide Contingency Response Team ("SCRT"), which meets regularly to coordinate and direct state agencies to ensure priority government services continue. State agency emergency managers and continuity coordinators from the agencies have

been meeting together and sharing information related to emergency management and continuity of operations planning activities.

The State also has activated our Joint Information Center (“JIC”), led by the Department of Public Safety (“DPS”) and MDH. The JIC is responsible for sharing operational updates and keeping the public informed on COVID-19. This group convenes daily to provide consistent, coordinated, and timely information.

Agencies have activated their internal command or continuity teams and have been reviewing their emergency response and continuity plans, which are plans in place that outline how agencies will provide priority services during an emergency. Agencies have been reviewing their priority services and preparing their employees with the goal of providing uninterrupted priority services throughout an emergency.

On January 29, 2020, MDH instituted its Incident Command System (“ICS”). The ICS provides a standardized approach to the command, control, and coordination of emergency response. MDH convened a state agency COVID-19 coordinating group on March 3, 2020. DPS’s Division of Homeland Security and Emergency Management (“HSEM”) activated the State Emergency Operations Center on March 6, 2020.

MDH remains in close contact with federal, state, and local partners, and the Commissioner of Health recently convened a group of experts, including healthcare professionals (doctors, nurses, administrators, insurers), government partners (cities, counties, tribal nations), business and labor leaders, educators (child care, K-12, higher ed), public health experts, and authorities on long term care and Minnesota’s aging population. This cross-sector group provides guidance to the Commissioner on MDH’s strategies for responding to COVID-19.

As part of the response, MDH experts have been providing timely information and education to the public and stakeholders through up-to-date website information, regular press briefings, and calls for stakeholders such as schools, long-term care facilities, healthcare providers, and the business community. MDH’s COVID-19 website, with materials available in 16 languages, has been accessed by thousands of Minnesotans.

Local resources are inadequate to fully address the COVID-19 pandemic. We must continue to take this pandemic seriously, and there are sensible steps that Minnesotans and our state government can take to protect all Minnesotans by slowing the spread of COVID-19, prioritizing our healthcare resources, and safeguarding at-risk communities.

For these reasons, I declare a peacetime emergency in Minnesota and order as follows:

1. In consultation with federal, state, and local partners, tribal nations, relevant experts, and stakeholders, MDH will continue to lead the coordination of the State’s response to COVID-19.
2. HSEM will continue to assist MDH and coordinate support through the State Emergency Operations Center and in accordance with the Minnesota Emergency Operations Plan.

3. All state agencies, in cooperation with appropriate federal agencies, will work to support healthcare providers, tribal and local governments, and public health organizations as they respond to COVID-19.
4. The Minnesota National Guard will ensure that it is ready to assist as needed during this peacetime emergency.
5. In consultation with the Centers for Disease Control and Prevention, as well as public health, medical, and other experts, MDH will continue to provide guidance that is accessible and transparent to all Minnesotans, including guidance on how to best prevent and reduce community spread of COVID-19 within Minnesota and manage critical healthcare resources.
6. I encourage individual Minnesotans to help protect all Minnesotans by continuing their individual prevention efforts such as staying home when feeling sick, frequently washing their hands, and monitoring information about COVID-19.
7. I urge and advise Minnesotans to follow MDH guidance regarding hygiene, public gatherings, social distancing, and healthcare use. Minnesotans should regularly check MDH's COVID-19 webpage: <https://www.health.state.mn.us/diseases/coronavirus/>
8. As circumstances require, and pursuant to relevant law, I will issue orders and rules to protect public health and safety. All state agencies are directed to submit proposals for such orders and rules to my office.

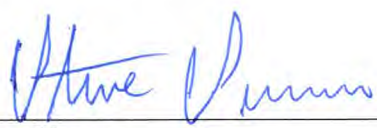
This Executive Order and declaration of peacetime emergency is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and its duration is governed by Minnesota Statutes 2019, section 12.31, subdivision 2.

Signed on March 13, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

