

TITLE III: ADMINISTRATION

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CHAPTER 30: ELECTIONS

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' 30.01 ELECTION DAY.

Pursuant to M.S. ' 205.07, as it may be amended from time to time, the regular city election shall be held annually on the first Tuesday after the first Monday in November of each even-numbered year.

' 30.02 TERMS OF OFFICE.

The Mayor shall be elected for a term of two years, and Council Members shall be elected for a term of four years.

' 30.03 VOTERS AND VOTER REGISTRATION.

(A) *Registration system adopted.* The system for permanent registration of voters provided for by M.S. Chapter 201, as it may be amended from time to time, is hereby adopted for the city.

(B) *Voters must be registered.* No person shall be permitted to vote at any election in the city unless he or she is registered as provided by the Minnesota Statutes, as they may be amended from time to time.

' 30.04 ELECTION DISTRICT.

The city shall constitute one precinct for election purposes.

CHAPTER 31: CITY COUNCIL

Section

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Cross-reference:

Terms of office, see ' 30.02

GENERAL PROVISIONS

' 31.01 AUDIT OF CITY.

Prior to June 30 of each year the Council shall cause an audit to be performed and a detailed financial statement prepared. The City Administrator shall file the statement in his or her office for public inspection and shall cause same to be published at least one week prior to June 30 of each year in the official newspaper of the city.

' 31.02 COMMITTEES.

(A) *Establishment.* At the first regular meeting of the Council in each year the Mayor and/or a majority of the Council shall determine and establish such committees as may be necessary to conduct the business of the city for the coming year.

(B) *Membership.* Unless otherwise specifically provided in other sections of the code, the Mayor shall determine the number of members of each committee and shall appoint its members, subject to approval by a majority of the Council.

(C) *Meetings.* Unless the committee shall provide otherwise, committee meetings shall be held at the call of the Chairperson upon notice as required for special Council meetings.

(D) *Reports.* Each committee shall act promptly and faithfully on any matter referred to it and shall report to the Council on its activities upon request.

' 31.03 AUTHORITY OVER AIRPORT BUILDINGS.

The Council shall have control over the construction and location of buildings at the Fertile Municipal Airport. No hangar, warehouse, repair shop, or other building shall be erected, added to, or substantially repaired on any part of the Fertile Municipal Airport unless and until the construction plan and plat showing the location of the proposed building or improvement have been approved by the Airport Commission and by the Council, and a permit for such building, building addition, or substantial repair has been issued. All applications for such building permits shall contain a plat showing the location of the proposed building or improvement and shall be first presented to the Airport Commission for its approval and then to the City Administrator, who shall provide it to the Council at its next regular meeting or duly called special meeting. No building permit shall be issued by the Council until the applicant has executed a ground lease with the city for the ground on which the building is to be located. The form and terms of the lease shall be established by the Council from time to time.

Cross-reference:

Airport, see Chapter 95

Airport Commission, see ' 33.17

' 31.04 AUTHORITY OVER PUBLIC BUILDINGS AND PROPERTY.

The Council shall have and exercise the general supervision of the public buildings and the property of the city, with the authority to buy, sell, lease, and permit the use thereof, as provided by Minnesota Statutes, as they may be amended from time to time.

MEETINGS**' 31.15 MEETINGS GENERALLY.**

(A) *Regular meetings.* Regular meetings of the Council shall be held on the second Monday of each calendar month at 6:30 p.m. 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.

(B) *Call and notice.* The Mayor or any two Members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each Member of the Council; or, in lieu of mailed notice, the City Administrator shall cause written notice to be posted on the bulletin board at the City Hall. Attendance by any Council Member shall constitute a waiver of any defect of notice. 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 three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three 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) *Initial meeting.* At the first regular Council meeting in January of each year the 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 boards, commissions, and committees as may be necessary and to contract with and appoint a Minnesota licensed attorney or firm to act as the Fertile City Attorney (as defined by ' 32.06 of this Code).

(5) Establish the salary of the Mayor and Council Members, which salaries shall be continued at the rate of \$125 per month for the Mayor and \$75 per month for each Council Member with an additional compensation of \$15 for each special meeting until changed by the Council.

(D) *Public meetings.* All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be open to the public, except that certain meetings of the Council may be closed to the public as provided for by M.S. Chapter 13D, as it may be amended from time to time.

' 31.16 PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Administrator 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.

' 31.17 PROCEDURE.

The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order, Revised*.

' 31.18 MINUTES.

(A) *Who keeps.* Minutes of each Council meeting shall be kept by the City Administrator or, in his or her absence, Deputy City Administrator. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Administrator 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 and shall be signed by the City Administrator. At the next regular Council meeting approval of the minutes shall be considered by the 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 Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

' 31.19 ORDER OF BUSINESS; AGENDA.

(A) *Order established.* Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Auditing claims.
- (5) Special order.

- (6) Unfinished business.
- (7) New business.
- (8) Adjournment.

(B) *Varying order.* The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

(C) *Agenda.* The City Administrator shall prepare an agenda of business for each regular Council meeting and file a copy in his or her office not later than one day before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council Member at the meeting. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the Council Members present.

' 31.20 QUORUM; VOTING.

(A) *Quorum.* At all Council meetings a majority of all the Council Members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

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

(C) *Votes required.* A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

' 31.21 ORDINANCES AND RESOLUTIONS.

(A) *Ordinances written.* Every ordinance and resolution presented in writing may be voted upon at the first Council meeting to which it is introduced for approval.

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

(C) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution, or 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.

' 31.22 MOTIONS, PETITIONS, AND COMMUNICATIONS.

Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the City Administrator.

' 31.23 CLAIMS.

All claims for the payment of goods and services provided to the city shall be in writing, signed by the person submitting same, and filed with the City Administrator not less than two days prior to the regular Council meeting at which the claim is to be considered.

CHAPTER 32: CITY OFFICERS

Section

- 32.01 Mayor
- 32.02 Acting Mayor
- 32.03 City Administrator
- 32.04 City Clerk-Treasurer
- 32.05 Deputy City Administrator
- 32.06 Director of Public Works
- 32.07 City Attorney

' 32.01 MAYOR.

The Mayor shall preside at each meeting of the Council; he or she shall supervise all officers, committee chairpersons, and department heads in the performance of their duties; he or she shall take steps as may be reasonably necessary to insure that the business of the city is promptly and fully carried out and that the city ordinances, code provisions, and applicable state laws are enforced.

' 32.02 ACTING MAYOR.

At the first Council meeting each year the Council shall choose an acting Mayor from the Council. He or she shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of vacancy in the office of Mayor, until a successor has been chosen and qualifies.

' 32.03 CITY ADMINISTRATOR.

(A) *Position established.* The position of City Administrator is hereby established.

(B) *Appointment and removal.* The City Administrator shall be appointed by the Council for an indefinite term. He/She shall not be removed except by affirmative action taken by the Council twice at two regular meetings held within 60 days. The action taken at the first such meeting shall be an expression of intent to vote thereon at the second such regular meeting not to be held sooner than 10 days thereafter. If, at any time after he has completed six months of continuous service, the Council takes such action, the City Administrator may within 30 days after written notice of removal, request a public hearing which the Council must grant and which must be started within 30 days after the request. The Council shall affirm or rescind the City Administrator's removal within 30 days of the hearing and/or submission or written arguments.

(C) Qualifications. The City Administrator shall be selected solely on the basis of his/her executive and administrative qualifications with special reference both to his/her experience, formal education, as well as his/her knowledge of accepted practices to the duties of his/her office.

(D) Duties. The City Administrator shall be the chief administrative officer of the City and he/she shall be responsible to the Council for the proper administration of all affairs of the City and to that end shall have the power and shall be required to:

(1) Supervise the administration of all Departments, offices and divisions of the City except as otherwise provided by law and carry out any other responsibilities placed under his/her jurisdiction by this Chapter or by subsequent Council action. He/She shall interview and screen all prospective City employees as permitted by law and shall make recommendations for terminating and suspending employees and may suspend any employee until the next Council meeting when the Council shall affirm, modify or rescind the suspension.

(2) Develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices under his/her jurisdiction as permitted by law and Council approval.

(3) Prepare and submit an annual budget to the Council and keep the Council advised of the financial condition of the City and make such recommendations as he/she may from time to time determine desirable and necessary.

(4) Attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council. The City Administrator shall also represent the City at all official or semi-official functions as may be directed by the Council and not in conflict with the prerogatives of the Mayor. He/She shall be entitled to notice of all regular and special meetings of the Council.

(5) See that all laws and provisions of the City Code are duly enforced.

(6) Make or let purchases and contracts when the amount thereof does not exceed \$5,000.00 or as a line item in the budget and to receive estimates, quotations, sealed bids, purchases or contracts in excess of \$5,000.00 or as a line item in the budget and present them to the Council for official action.

(7) Recommend from time to time the adoption of such measures as he/she may deem necessary or expedient for the health, safety and welfare of the community or for the improvement of the administration.

(8) Perform such other duties as may be required by the Council and consistent with Minnesota Statutes and the City Code.

(E) Bond Required. The City Administrator shall furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

(F) Compensation. The City Administrator shall receive such compensation as the Council shall fix from time to time by resolution.

' 32.04 CITY CLERK-TREASURER.

(A) *Position established.* The position of City Clerk-Treasurer is hereby established and will be performed by the City Administrator.

(B) *Provisions applicable.* All provisions applicable to the City Administrator shall likewise apply to the City Clerk-Treasurer

' 32.05 DEPUTY CITY ADMINISTRATOR.

(A) *Position established.* The position of Deputy Administrator is hereby established and will be performed by a person appointed by the City Administrator.

(B) *Duties.* The City Administrator may delegate any of the duties of the position of City Administrator to a Deputy Administrator.

(C) *Provisions Applicable.* All provisions applicable to the City Administrator shall likewise apply to the Deputy Administrator when performing duties of the position of City Administrator.

' 32.06 DIRECTOR OF PUBLIC WORKS.

(A) *Position established.* The position of Director of Public Works is hereby established and will be performed by a person appointed by the City Administrator.

' 32.07 CITY ATTORNEY.

(A) *Generally.* At its first meeting each year the Council shall retain an attorney to represent the city in legal matters as the Council shall from time to time determine. For convenience of reference, the attorney shall be designated as "City Attorney" in all matters in which he or she provides representation to the city. However, the attorney shall at no time be an officer or employee of the city, but shall render his or her services as an independent contractor.

(B) *Fees.* The Council shall contract for the services of the City Attorney upon terms and conditions it deems appropriate; provided, however, that the compensation paid to the Attorney shall be determined on an hourly basis.

(C) *Duties.* The City Attorney shall advise the Council and all officers, committee chairpersons, and department heads of the city in matters of law; shall represent the city in civil and criminal actions; and shall perform other duties as the Council may require.

CHAPTER 33: BOARDS, COMMISSIONS, AUTHORITIES AND DEPARTMENTS

Boards

Section

33.01 Agassiz Environmental Learning Center Board

Commissions

33.17 Airport Advisory Board

33.18 Joint Airport Zoning Board

Authorities

33.30 Economic Development Authority for Fertile/Housing Redevelopment Authority

Departments

33.41 Police Department

33.42 Fire Department

BOARDS

' 33.01 AGASSIZ ENVIRONMENTAL LEARNING CENTER BOARD.

The Agassiz Environmental Learning Center Board is established and hereby operates as incorporated within its own, existing by-laws.

' 33.02 FAIR MEADOW ADVISORY BOARD

The duties of the Fair Meadow Advisory Board are hereby designated as follows:

(A) Establishment.

There shall be a Fair Meadow Advisory Board whose duty shall be to manage and operate Fair Meadow Nursing Home facility and Fair Meadow Assisted Living subject to the authority of the City Council.

Fertile - Administration**(B) Composition and appointment.**

The Fair Meadow Advisory Board shall be composed of at least seven members, two of which shall be members of the City Council, appointed by the Council on an annual basis. The remaining members of the Board shall serve for a term of three years with the terms beginning and expiring on staggering dates. A member shall serve for a maximum of two consecutive terms. The Council shall appoint appropriate persons to succeed the members whose terms expire in the current year. Vacancies on the Board shall be filled by appointment by the Mayor with Council approval, upon recommendation from the Nursing Home Administrator.

(C) Organization of Board.

Each year in January at the first regular meeting of the Board, the Board shall elect a President and Vice President from members of the Board and a secretary. The President shall preside at all meetings of the Board. The Vice-President shall perform the duties of the President in the case of absence or disability. The Secretary shall keep a complete record of the minutes of each meeting of the Board and shall cause a copy of such record to be filed in the Office of the City Administrator/Clerk/Treasurer within ten days after such meeting.

(D) Powers and Duties of Board.

- (1) The Board shall provide recommendation to the City Council for the administration, maintenance and operation of Fair Meadow.
- (2) The Board shall establish written by-laws governing the management and operation of the Board, subject to approval of the City Council, with copies to be filed with the City Council.
- (3) The Board shall meet quarterly at a minimum and more often if needed. All meetings must comply with the Open Meeting Law pursuant to Minnesota Statutes;
- (4) The Board shall recommend a salary scale and a benefit program for employees subject to approval of the City Council.
- (5) The Administrator shall present to the City Council the information required in (E) 4 below at its monthly meetings. A joint annual meeting between the Board and the Council will occur yearly in August, for discussion and approval of the annual budget.
- (6) The Administrator may contract and purchase all necessary equipment, apparatus and supplies, provided however, than any single capital item of purchase not specifically included in the budget between the amounts of \$5000 and \$25000 shall be first approved by the City Council and all capital items of purchase of more than \$25000 shall first be approved by the City Council.
- (7) The Board shall recommend to the City Council all major transactions such as disposition of assets, acquisitions, major capital improvements and strategic plans and goals;

- (8) A member shall serve in good faith and in a diligent and responsible manner with a duty of loyalty to exercise his or her authority for the benefits of the institution rather than for any personal gain or benefit.
- (9) The Board shall meet annually in joint session with the City Council to hear the report of the Auditor, review the auditor's management letter and review the operation of Fair Meadow.

(E) Funds, Accounting and Financial Reporting.

- (1) All checks drawn on the account of Fair Meadow shall contain two (2) signatures. One signature shall be signature of the Mayor. The second signature shall be the signature of either the Administrator or the Human Resource Manager.
- (2) The City Council authorizes the Fair Meadow Nursing Home Administrator and the Human Resource Manager to make payment of regular expenditures for Fair Meadow Nursing Home and Fair Meadow Assisted Living to include payroll expenditures, regular cyclical payments and payment of all necessary equipment, apparatus and supplies provided.
- (3) Any single capital item of purchase not specifically included in the budget between the amounts of \$5,000 and \$25,000 shall be first approved by the City Council and all capital items of purchase of more than \$25,000 shall first be approved by the City Council.
- (4) The Administrator shall keep accurate accountings of all monies received and disbursed by it on a monthly basis. The Administrator shall furnish the Council with a list of all checks written, financial statements showing income and expenditures each month, and a balance sheet at the scheduled City Council meeting. Financial information will be provided to the City Administrator no later than 3 p.m. on the Friday prior to the Council meeting so that information can be included in the packets provided to Council.
- (5) The books and accounts shall be audited annually. The Board and its administration shall be subject to limitations on their powers as may be set by City Council resolution or other city ordinances.

COMMISSIONS**' 33.17 AIRPORT ADVISORY BOARD.**

(A) *Establishment.* There is hereby continued a non-salaried airport advisory board to be known as the Airport Commission. It shall be composed of five members appointed by the Mayor. Each member shall serve a term of five years or until his or her successor has been appointed and qualified. A vacancy shall be filled by the Mayor for any unexpired term.

(B) *Meeting and reports.* The Commission may make and alter any rules and regulations for its government and the conduct of its business as is consistent with the laws relating to cities and the ordinances and code provisions of the city. It shall meet as needed and upon request of its Chairperson or a majority of its members. It shall keep an accurate record of all its proceedings and shall furnish the record to the Council as soon after each meeting of the Commission as practicable. In the month of January of each year, it shall make and file with the Council a full report of its transactions for the preceding year.

(C) *Duties.* The Commission shall plan, promote, and encourage the development and utilization of the municipal airport. It shall advise the Council, both with respect to general policies and detailed administration, in all matters relating to the acquisition, construction, improvement, maintenance, operation, management, and control of the municipal airport and appurtenances thereto. It shall advise the Council with respect to the airport budget, the charges and other financial arrangement for the use of the airport property as well as recommendations for the zoning and protection of aerial approaches. It shall consult and cooperate with any federal, state, and other agencies as may be necessary to insure that the city receives the maximum cooperation, financial and otherwise, from such agencies for the operation and maintenance of the airport facilities.

(D) *Administrative control.* Nothing in this section shall be construed as removing from the Council any of its governmental power or authority to manage the municipal airport, personnel, funds, and properties.

Cross-reference:

Airport, see Chapter 95

Council authority over airport buildings, see ' 31.03

' 33.18 Joint Airport Zoning Board.

AUTHORITIES

' 33.30 ECONOMIC DEVELOPMENT AUTHORITY AND HOUSING REDEVELOPMENT AUTHORITY

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. M.S. Chapter 469.090 to 469.108, as amended, authorizing the establishment of economic development authorities and housing redevelopment authorities.

AUTHORITY. The Fertile Economic Development Authority.

ENABLING ORDINANCE. This section establishing the Fertile Economic Development Authority pursuant to the Act, and all ordinances and code provisions amendatory thereof.

(B) *Establishment.* There is hereby created in the city an Economic Development Authority which, subject to the provisions of this section, shall have all of the powers, duties, and responsibilities of an economic development authority created pursuant to the Act. It shall be the role and responsibility of the Economic Development Authority to carry out economic, industrial and multi- and single-family housing development and redevelopment with the city in accordance with such general policies as may from time to time be established by the Council and pursuant to such bylaws as may be adopted by the Authority with approval of the Council.

(C) *Name.* The economic development authority created by the Enabling Ordinance shall be known as the "Fertile Economic Development Authority."

(D) *Members.* The Authority shall be comprised of seven members who shall be appointed as provided in the Act.

(E) *Administration.* The administration of the Authority shall be as determined in the bylaws of the Authority, which bylaws to be effective shall require approval of the Council.

(F) *Powers and limitations.* The Authority shall have the powers as may be mandated by the Act and any other powers as may be permitted by the Act and conferred by the Council. All permissive powers shall be set forth in the bylaws of the Authority, together with the limitations thereon. Permissive powers enumerated in the Act but not expressly set forth in the bylaws shall be deemed withheld from the Authority.

DEPARTMENTS

' 33.41 POLICE DEPARTMENT

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council. The City Council retains the right to, at any time, contract with county or state law enforcement agencies to provide law enforcement coverage and enforcement within the city limits.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

(C) Until such time as a city police department is established, the City Council may contract with the Polk County Sheriff's Department, as necessary, for law enforcement within the city limits of Fertile.

' 33.42 FIRE DEPARTMENT

(A) The City of Fertile maintains a contract with a Fire Department that acts as an independent company who's officers are elected by the company, all firefighters and probationary firefighters are appointed by the company and are classified as City Employees.

(B) *Interference with Fire Department.* It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Fire Department in the discharge of its duties.

Penalties, see § 10.99

CHAPTER 34: EMERGENCY MANAGEMENT

Section

- 34.01 Purpose
- 34.02 Interpretation and effect
- 34.03 Definitions
- 34.04 Local emergencies
- 34.05 Emergency regulations
- 34.99 Penalty

' 34.01 PURPOSE.

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 or hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this 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 operations 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 this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.

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

' 34.02 INTERPRETATION AND EFFECT.

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 chapter, the workers' compensation law, or any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

' 34.03 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 industrial hazardous material mishaps. These functions include, without limitation, firefighting 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.

' 34.04 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 three 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 interjurisdictional 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 interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

' 34.05 EMERGENCY REGULATIONS.

(A) 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 Council, the Council may by resolution promulgate regulations consistent with applicable federal or state law or regulations 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 regulations; drills or practice periods required for preliminary training; and 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. 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 any other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind any such regulation.

(C) The 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 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 the 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 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 the 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 ' 34.99

' 34.99 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 and shall be punished as provided in ' 10.99.