



Resolution No. 2020-14

Moved by

A RESOLUTION ENACTED UNDER AUTHORITY OF MINNESOTA STATUTES §§ 12.29 and 12.37 TO EXTEND THE PERIOD OF A MAYOR-DECLARED LOCAL EMERGENCY, AND UNDER THE AUTHORITY OF MINNESOTA STATUTES §§ 13D.021, Subd. 1 TO PROVIDE FOR TELEPHONIC MEETINGS

WHEREAS, Thomas C. Funk, the Mayor of the City of Victoria, has found that the following situation (the "Situation") exists:

Peacetime Emergency Due to the COVID-19 Health Pandemic

WHEREAS, on March 11, 2020 the World Health Organization determined that the COVID-19 outbreak constitutes a pandemic. On March 13, 2020, President Trump declared a national state of emergency as a result of the pandemic. On March 16, the Trump administration provided guidance to contain the spread of COVID-19 including: gatherings of more than 10 people should be avoided, and older persons or persons with an underlying medical condition should stay home and stay away from other people; and

WHEREAS, the Governor issued Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 on March 13, 2020. The Governor's Executive Order triggered activation of the City's emergency management plan and enabled the City to exercise its emergency powers. The Governor has issued subsequent Orders temporarily closing schools and restaurants, bars, health clubs, and other places of "public accommodation or amusement."; and

WHEREAS, Mayor Funk issued Proclamation No. 2020-01, Declaring A Local Emergency on Monday, March 16, 2020 (attached); and

WHEREAS, the Center for Disease Control (CDC), the Minnesota Department of Health and other public health officials have provided guidance encouraging postponement or cancelation of events that do not allow social distancing of at least six feet per person; and

WHEREAS, the City Council of the City of Victoria agrees with the mayor's findings, and further finds that the Situation will last for more than three (3) days; and

WHEREAS, Minnesota Statutes, Section 13D.021, subd. 1, provides that:

1. The mayor (or presiding officer), the city attorney or city manager ("city officials") determines that an in-person meeting is not practical or prudent because of a health pandemic.
2. The city can ensure that all members of the council participating in the meeting, wherever their physical location, will be able to hear one another and hear all discussion and testimony.
3. Attendance at the meeting place by members of the public and at least one member of the body, city attorney, or city manager shall be permitted unless city officials determine that such a gathering is not feasible or prudent. In such case, the meeting will be held via telephone or other electronic means only.
4. All council member votes will be conducted by roll call so each member's vote on each issue can be identified and recorded.

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Adopted:

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NOW, THEREFORE, BE IT RESOLVED that the city officials declare, and the City Council of the City of Victoria concur, the conditions required by Minnesota Statutes, Section 13D.021, subd. 1, are present which hereby authorizes a council meeting or meetings by telephone or other electronic means as needed.

BE IT FURTHER RESOLVED by the City Council of the City of Victoria, as follows:

1. All meetings of the city bodies governed by Minnesota Statutes, Chapter 13D, including but not limited to city council meetings, EDA meetings and meetings of all boards, committees and commissions of the city or EDA shall be conducted in the City Council Chambers or where social distancing as recommended by the CDC can be accomplished. In addition, some, or all, members of the city council and the city's boards, commissions and committees may participate in such meetings by telephone or other electronic means as deemed by such members to be necessary or prudent. If it is not practical to conduct a city meeting in a manner that allows social distancing as determined by the CDC, or as deemed not feasible or prudent by city officials, such meeting shall be conducted via telephone or other electronic means only.
2. All such meetings shall comply with the requirements in Minnesota Statutes, Section 13D.021.
3. The City Council, the city attorney and the city manager are not required to be present in the meeting room during the meetings.
4. Attendance at the meeting place by members of the public and at least one member of the body, city attorney, or city manager shall be permitted unless city officials determine that such a gathering is not feasible or prudent. In such case, the meeting will be held via telephone or other electronic means only.
5. Before each meeting, notice will be provided regarding how the public may listen or participate in meetings as they are being conducted.
6. All votes occurring at the meetings shall be conducted by roll call.
7. The council declares the Situation exists until revocation or termination by the Victoria City Council.
8. This Resolution shall remain effective until rescinded by affirmative vote of the City Council.

This Resolution of a local emergency will invoke the city's disaster plan. The portions that are necessary for response to and recovery from the emergency are hereby activated. The city manager and other emergency officials, and their designees, are authorized to take other appropriate emergency actions directed or recommended by federal and state government or health organizations, or deemed necessary by city emergency management authorities, including those otherwise inconsistent with established laws, policies and procedures, as determined to protect the public health, safety and welfare.

This Resolution is adopted by the City of Victoria and approved by the Mayor this day of

Thomas C. Funk, Mayor

ATTEST:

Cindy Patnode, City Clerk