RESOLUTION NO. 6294

PROCLAMATION AND DECLARATION OF A LOCAL EMERGENCY, AND EXTENSION OF DECLARED LOCAL EMERGENCY

WHEREAS, Rita C. Albrecht, the Mayor of the City of Bemidji, Minnesota (the "Mayor") finds that under the authority provided by Chapter 12 and related laws of the State of Minnesota, the following local emergency (the "Emergency") exists in the City of Bemidji:

Peace Time Emergency Due to COVID-19 Global Health Pandemic

WHEREAS, Minn. Stat. § 12.29 authorizes the Mayor of the City of Bemidji to declare a local emergency, and further provides that the Emergency may not be continued for a period in excess of three days except by or with the consent of the City Council of the City of Bemidji;

WHEREAS, the City Council agrees with the Mayor's determination and further finds that the local emergency will last for more than three days and that immediate action to respond to the Emergency is needed in order to protect the health, safety and welfare of the City and the community;

WHEREAS, the State-declared Emergency, the local emergency, and concerns for the safety of City staff and the public, has made it no longer feasible to have Council members, authorized staff, or members of the public present at the regular meeting locations of the City pursuant to Minnesota Statutes, Section 13D.021, subd. 1 (3) and (4);

WHEREAS, the Novel Coronavirus Disease 2019, commonly known as "COVID-19," is a respiratory disease that can result in serious injury or death, can easily be spread from person to person, and in fact is spreading globally, and has been identified by the World Health Organization ("WHO") as a pandemic;

WHEREAS, on March 13, 2020, the President declared that the COVID-19 outbreak in the United States constitutes a National Emergency;

WHEREAS, on March 13, 2020, Governor Tim Walz issued Executive Order 20-01 declaring a Peacetime State of Emergency in Minnesota to authorize any and all necessary resources to be used in support of the COVID-19 response;

WHEREAS, on March 16, 2020, the Governor issued Executive Order 20-04 (and modified by 20-08 on March 18, 2020) providing for Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation;

WHEREAS, on March 25, 2020, the Governor issued Executive Order 20-20 declaring a two-week "Stay at Home" order requiring, among other directives, that non-essential employees and public officials limit interaction with the public;

WHEREAS, the United States Center for Disease Control ("CDC") and Minnesota Department of Health ("MDH") have advised that aggressive community mitigation strategies are necessary to slow the transmission of COVID-19, reduce illness and deaths, and limit the economic impacts of the outbreak;

WHEREAS, the Mayor and Council find that this Emergency is an unforeseen and unprecedented health threat, and is a highly fluid and evolving situation which threatens the health, safety, and welfare of the residents of the City and threatens the provision and delivery of city services as a result of the Emergency;

WHEREAS, Minnesota Statutes §§ 12.29 and 12.37 authorize the actions taken in this proclamation and resolution, and provide that emergency contracts and agreements are not subject to the normal purchasing and competitive bidding requirements because of the Emergency;
WHEREAS, the Mayor and Council further find that the necessary resources to respond to and recover from this Emergency will likely exceed those traditional resources available within the City, and additional resources may be needed from other cities, counties, the state and federal sources.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bemidji, Minnesota, as follows:

1. By signing this Resolution, Mayor Rita C. Albrecht, declares that the COVID-19 global health pandemic also constitutes a local emergency within the City of Bemidji, pursuant to Minnesota Statutes, Chapter 12, and further declares that all City meetings shall be held by telephone or other electronic means pursuant to Minnesota Statutes, Section 13D.021;

2. With adoption of this resolution, the City Council agrees with the Mayor’s Declaration of a local emergency and hereby extends such Emergency until further action of the City Council or as long as the State of Minnesota peacetime emergency declaration of the Governor’s Executive Order 20-01 remains in effect.

3. The Council also agrees and directs that meetings of the City Council and other City commissions shall continue to be held through telephone or other electronic means until further action of the City Council. City staff is further directed to schedule future meetings without city staff or the public at the regular meeting location(s). However, the public may monitor the meeting remotely if feasible.

4. In-person meetings of the City’s joint powers partners, including the Joint Planning Board and Commission (the “JPB”) and the Bemidji Regional Airport Authority (the “Authority”), may be conducted by telephone or other electronic means until such time as it is no longer impractical or imprudent to resume in-person meetings.

5. To the extent that existing state laws and city policies and procedures impede an efficient response or compliance with federal and state directives or recommendations, the City Manager, Emergency Management Director, and designees are hereby authorized to suspend compliance with those laws, policies and procedures as authorized by the Governor’s Declaration and Minnesota Statutes Sections 12.31, 12.32, and 12.37, and to take those actions deemed necessary to protect the public health and safety.

6. All City departments and staff are directed to operate and support the response to this Emergency, under the direction and coordination of the City Manager and, as needed, the Emergency Management Team, including implementing new employee protocols, staffing strategies, operations strategies, and processes to ensure that public services are maintained while best protecting the health, safety and welfare of the public and the City’s employees.

7. City staff is directed to review City ordinances, policies, regulatory requirements, operations, practices, events, civil and legal proceedings, and resources to determine whether the foregoing should be adjusted or suspended, and to make recommendations regarding additional emergency regulations to support the employees and residents of the City.

8. City staff is authorized to enter into agreements and contracts necessary for the procurement of materials, equipment, and services required to respond to the Emergency.

9. The Mayor and City Manager are authorized to execute any necessary agreements, contracts, and related documents regarding the Emergency necessary to implement corrective action relative to the Emergency to protect the health, safety and welfare of the City and the community.

10. The Mayor, City Manager, City staff, City Attorney, and City consultants are authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this resolution; and Council shall be promptly notified of any such actions either pending or executed.

11. The City Manager and other appropriate City staff are authorized to request and coordinate appropriate aid and resources from surrounding jurisdictions, cities, counties, the State of Minnesota, and the Federal government, as needed.
12. The City Clerk is directed to give this declaration and resolution prompt and general publicity and file consistent with Minnesota Statutes, Section 12.29.

The foregoing resolution was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Rivera, was passed by the following vote:

Yeas: Rivera, Erickson, Thompson, Meehlhause, Albrecht, Johnson
Nays: None
Absent: None

Passed: March 27, 2020

ATTEST:  
Michelle R. Miller, City Clerk

APPROVED:  
Rita C. Albrecht, Mayor