

**TITLE 3: ADMINISTRATION**

Chapter

**30. CITY COUNCIL**

**31. CITY ORGANIZATION**

**32. EMERGENCY MANAGEMENT**



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- 30.01 Meetings
- 30.02 Rules of order
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**CHAPTER 30: CITY COUNCIL**

**§ 30.01 MEETINGS.**

(A) *Regular.* The City Council shall meet in the Council rooms in the City Hall on the second and fourth Thursday of each month at 7:00 p.m. for its regular meetings.

(B) *Special.* Special meetings may be called by the Mayor or any two members of the City Council.  
(Ord. 138, passed 10-9-2014)

**§ 30.02 RULES OF ORDER.**

The rules of order of the City Council shall be as follows.

(A) *Rule One.* The Mayor, and in his or her absence, the Acting Mayor of the city, shall call the members of the Council to order at the appointed hour for the meeting, whether in regular or special session, at which time the roll of members of the Council shall be called by the Clerk-Treasurer, and if a quorum is present and answer to their names, the minutes of the preceding session shall be read, corrected, and approved.

(B) *Rule Two.* Every member present shall vote on all questions put by the presiding officer, unless excused by the Council for special reasons given.

(C) *Rule Three.* No member shall speak more than once on the same question without leave of the Council.

(D) *Rule Four.* A motion to adjourn shall always be in order and shall be decided without debate.

(E) *Rule Five.* The following shall be the ordinary order of transaction of business:

- (1) Presentation of petitions and other communications;

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(2) Reports from officers of the city;

(3) Resolutions, motions, ordinances, and other matters; and

(4) Presentation of accounts and other claims against the city.

(Ord. 138, passed 10-9-2014)

**§ 30.03 COMPENSATION.**

Compensation for the Mayor and Council shall be as follows.

(A) *Mayor*. The Mayor shall be paid \$175 for each regular meeting attended. Attendance at special meetings will be compensated \$125 per meeting. Attendance as a Council members to other city board meetings will be compensated the same amount as the appointed board members.

(B) *Council members*. Each Council member shall be \$125 for each regular meeting attended. Attendance at special meetings will be compensated at \$100 per meeting. Attendance as a Council members to other city board meetings will be compensated the same amount as the appointed board members.

(C) *Other events*. The Mayor or Council members may from time to time request to attend other meetings related to the city's business. If the member wishes compensation for such attendance, the Council must approve it in advance, with the requesting member abstaining from the vote. Compensation shall be set according to the amounts for special meetings set out above. The Council may also approve reimbursement of actual expenses.

(D) *Costs of special meetings*. If a special meeting of the City Council is requested by any organization, business, or individual (excluding the Mayor and Council), the Council may require the requesting party to pay a fee of \$550, plus additional professional service charge, if applicable, to offset the compensation and notice costs incurred by the city on accommodating such request.  
(Ord. 138, passed 10-9-2014; Ord. 173, passed 10-22-2020)

Section

*General Provisions*

**CHAPTER 31: CITY ORGANIZATION**

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**GENERAL PROVISIONS**

**§ 31.01 APPOINTMENT OF OFFICERS AND EMPLOYEES.**

(A) *Appointment of officers and employees.* The Mayor, with the consent and approval of the Council, at the first regular meeting in the month of January each year, may appoint the following officers and employees, and their appointment shall extend until the time of the next such meeting, or until their successors are appointed and qualified, provided, however, that the City Council may remove any such officer and employee at its pleasure:

- (1) A City Attorney; and
- (2) A Clerk-Treasurer.

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(B) *Compensation of officers and employees.* The rate of compensation of the officers and employees of the city shall be such as the Council may prescribe from time to time.

(C) *Duties of the Mayor.*

(1) The Mayor shall see that the laws of the state and ordinances of the city are duly observed and enforced within the city.

(2) He or she shall take care that all other city officers perform their duties and to that end may maintain any appropriate action against any delinquent city officer.  
(Ord. 1-3, passed 4-2-1969; Ord. 29, passed 5-15-1974)

**§ 31.02 COMBINING OFFICE OF CLERK-TREASURER.**

(A) Pursuant to the authority granted by M.S. § 412.591, subd. 2, as it may be amended from time to time, the offices of Clerk and Treasurer in the city are hereby combined in the office of Clerk-Treasurer.

(B) There shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.

(Ord. 1-5, passed 4-2-1969)

***DEPARTMENTS, BOARDS, AND THE LIKE*****§ 31.15 VOLUNTEER FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.**

(A) If, at the time of the adoption of this code, the city has a Volunteer Fire Department, there is continued in this city a Volunteer Fire Department. If the city, at the time of the adoption of this code, does not have a Volunteer Fire Department, the City Council may by resolution create a Volunteer Fire Department subject to the provisions of this code. All Volunteer Fire Departments are established under the authority of state law, M.S. § 412.221, subd. 17, as it may be amended from time to time.

(B) All officers of the Volunteer Fire Department, with the exception of the Chief Training Officer, shall be recommended to the City Council by members of the Fire Department and appointed upon confirmation from the City Council. Should the City Council fail to confirm the recommendation, the process shall be repeated. The Chief Training Officer shall be exclusively appointed by the city. Any of the officers of the Department shall be removed by the members of the Department or by the City Council for cause and after a public hearing. If any of the officers should resign, be removed from their position for any reason, or is deceased, the successor shall be appointed by the appropriate body for the

position within 30 days of the position becoming open. Any officer appointed, is so appointed for the remaining unexpired term of the vacated position.

(C) Firefighters and probationary firefighters, with the exception of the Chief Training Officer, shall be appointed by the City Council upon recommendation by the members of the Volunteer Fire Department. The process of recruitment, selection, appointment, and termination of firefighters and probationary firefighters shall, as required by state law, follow all of the provisions of the Veteran's Preference Act, M.S. §§ 43A.11 and 197.46, as they may be amended from time to time, and, as required by state law, there shall be no discrimination on the basis of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation or disability (except based on a bona fide occupational qualification) as provided by the Minnesota Human Rights Act, M.S. Ch. 363A, as it may be amended from time to time. Firefighters shall continue as members of the Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council.

(D) As required by state law, M.S. § 412.241, as it may be amended from time to time, the City Council shall have full authority over the financial affairs of the Volunteer Fire Department, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. This division does not apply to the funds of any Fire Relief Association.

(E) The Chief Training Officer position shall be open to any member of the Eyota Volunteer Fire Department. The city shall have full authority over the appointment and termination of this position. The duties and responsibilities of the position shall be explained in a job description to be created and maintained by the city and may be changed to suit the need of the Department upon Council approval.

**§ 31.16 DUTIES OF CHIEF.**

The Chief shall have control of all firefighting apparatus and shall be responsible for its care and condition. The Chief shall report semi-annually to the City Council as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention. (Ord. 162, passed 12-27-2018)

**§ 31.17 RECORDS.**

The Fire Department shall keep in convenient form a record of all fires. The Minnesota Fire Information Reporting System (MNFIRS) shall be utilized for the entry, reporting, and storage of such records. The city may at any time request a copy of such records.

**§ 31.18 PRACTICE DRILLS.**

It shall be the duty of the Chief Training Officer, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of firefighting and fire prevention.

**§ 31.19 ASSISTANT CHIEF.**

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

**§ 31.20 FIREFIGHTERS.**

Firefighters shall not be less than 18 years of age and able bodied. They shall become full members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

**§ 31.21 COMPENSATION.**

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

**§ 31.22 INTERFERENCE WITH VOLUNTEER 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 Volunteer Fire Department in the discharge of its duties. Penalty, see § 31.99

**§ 31.23 POLICIES AND PROCEDURES.**

The Volunteer Fire Department may adopt policies and procedures for the operation of the department, which shall be effective upon approval by the City Council. Any provision of these policies and procedures, which may be called a Constitution and Bylaws, which is inconsistent with state and federal law, including the Veterans Preference Act, Minnesota Human Rights Act, and state laws requiring the City Council to control Fire Department Finances, shall be unenforceable and void.



**§ 31.24 COLLECTIONS.**

As authorized by M.S. § 415.01 subd. 2, as it may be amended from time to time, the city will charge for emergency services based on the fee schedule.

**§ 31.99 PENALTY.**

Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.



Section

- 32.01 Policy and purpose
- 32.02 Definitions **CHAPTER 32: EMERGENCY MANAGEMENT**
- 32.03 Establishment of emergency management organization
- 32.04 Powers and duties of Director
- 32.05 Local emergencies
- 32.06 Emergency regulations
- 32.07 Emergency management a government function
- 32.08 Participation in labor disputes or politics
  
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**§ 32.01 POLICY AND 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, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of this city will be adequate to deal with those 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; and

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

**§ 32.02 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 from 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.

***EMERGENCY MANAGEMENT ORGANIZATION.*** The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

**§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.**

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration, and operation of the emergency preparedness organization, subject to the direction and control of the Council. The emergency management organization shall conform to and be

consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 C.F.R. pt. 201, as it may be amended from time to time.

**§ 32.04 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed 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 these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, 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 or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of 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 emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs and public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director 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 city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency, in cooperation with the Director, shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be

assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

### **§ 32.05 LOCAL EMERGENCIES.**

(A) A local emergency may be declared only by the Mayor or his or her 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 Clerk-Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional 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 inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions. Penalty, see § 32.99

### **§ 32.06 EMERGENCY REGULATIONS.**

(A) Whenever necessary, to meet a declared emergency or to prepare for 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 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 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 Clerk-Treasurer. 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 Clerk-Treasurer's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) (1) The Council may rescind any regulation by resolution at any time.

(2) If not sooner rescinded, every 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.

(3) 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 conflict exists.

(D) (1) During a declared emergency, the city is, under the provisions of M.S. § 12.37, 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 a disaster.

(2) 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 § 32.99

**§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.**

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 resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

**§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.**

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.

**§ 32.99 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 shall be subject to the penalty provisions of § 10.99.