



Legislation Text

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RESOLUTION RENEWING DECLARATION OF LOCAL HEALTH EMERGENCY FOR PURPOSES OF DULUTH CITY CODE SECTION 17-7 AND MINNESOTA STATUTES SECTION 13D.021.

CITY PROPOSAL:

WHEREAS, the virus named COVID-19 is a new strain of coronavirus that has not previously been identified in humans and can easily spread from person to person;

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

WHEREAS, on March 13, 2020, Governor Walz declared a Peacetime State of Emergency to authorize all necessary resources to be used in support of the COVID-19 response;

WHEREAS, COVID-19 has been identified by the World Health Organization as a pandemic, and the United States Centers for Disease Control has provided guidance for individuals, healthcare professionals, and businesses to slow the spread of COVID-19;

WHEREAS, on March 25, 2020, Governor Walz issued a stay at home order requiring non-essential employees and public officials to limit interaction with the public;

WHEREAS, on May 27, 2020, Governor Walz issued Emergency Executive Order 20-63 Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency;

WHEREAS, the current pandemic has had a detrimental effect on the City of Duluth (the "City");

WHEREAS, on March 16, 2020, pursuant to Minnesota Statutes Section 12.29, the Mayor declared a local emergency;

WHEREAS, on March 19, 2020, pursuant to Duluth City Council Resolution No. 20-0282R, the City Council approved Mayor Larson's declaration of local emergency;

WHEREAS, pursuant to Minnesota Statutes, Section 12.37, an emergency declaration authorizes the City to enter into contracts and perform other duties without following many of the time-consuming legal procedures normally required, including:

- Arranging for the performance of public work
- Contracting
- Incurring obligations
- Employing temporary workers
- Renting equipment
- Purchasing supplies and materials

- Complying with limitation on tax levies
- Appropriating and expending public funds, including publication of ordinance and resolutions, advertisement for bids, provisions of civil service laws and rules, competitive bidding, and budget requirements;

WHEREAS, the Council finds that this situation threatens the health, safety, and welfare of the residents of the community and threatens the provision and delivery of city services as a result of the local emergency;

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

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

WHEREAS, Duluth City Code Section 17-7 (emergency regulations) provides that if an emergency does exist more than 30 days, it must be renewed by Mayor proclamation and Council resolution;

WHEREAS, on April 3, 2020, Mayor Larson renewed her declaration and proclamation of local emergency effective April 13, 2020 because she still finds that a local emergency exists at the end of said 30 days; and

WHEREAS, on April 13, 2020, pursuant to Duluth City Council Resolution No. 20-0318R, the City Council approved Mayor Larson's renewed declaration of local emergency;

WHEREAS, on May 4, 2020, Mayor Larson renewed her declaration and proclamation of local emergency effective May 11, 2020 because she still finds that a local emergency exists at the end of said 30 days; and

WHEREAS, on May 11, 2020, pursuant to Duluth City Council Resolution No. 20-0419R, the City Council approved Mayor Larson's renewed declaration of local emergency;

WHEREAS, on June 2, Mayor Larson renewed her declaration and proclamation of local emergency effective June 8, 2020 because she still finds that a local emergency exists at the end of said 30 days; and

WHEREAS, on Jul 1, Mayor Larson renewed her declaration and proclamation of local emergency effective July 13, 2020 because she still finds that a local emergency exists at the end of said 30 days; and

WHEREAS, the Council also finds that a local emergency still exists.

BE IT RESOLVED, effective July 13, 2020, a local state of emergency declaration is renewed by the City Council for the City pursuant to Duluth City Code Section 17.

FURTHER RESOLVED, that COVID-19 remains a special local emergency pursuant to Minnesota Statutes Section and Minnesota Statutes Section 12.29 and 365.37.

FURTHER RESOLVED, that under the Minnesota Open Meeting Law, specifically Minnesota Statutes Section 13D.021, in-person public meetings of the City Council and other public bodies under the Mayor's jurisdiction are not practical or prudent because of the COVID-19 health pandemic and the emergency declared under Minnesota Statutes Chapter 12 by Governor Walz.

FURTHER RESOLVED, that public meetings shall continue to be held via internet, television, and telephone consistent with Minnesota Statutes, Section 13D.021 due to the a current health pandemic and emergency.

STATEMENT OF PURPOSE: This resolution renews the Mayor and Council's declaration of local emergency pursuant to Duluth City Code Section 17-7 (emergency regulations), and Minnesota Statutes 365.37 (special emergency exemption to competitive bidding) and 13D.021 (meetings by telephone or other electronic meetings; conditions). The primary purpose of this resolution is to continue the City's emergency purchasing authority through the Council break.