

MEMO

TO: Mayor Dan O’Leary, Sunfish Lake City Council
FROM: Timothy Kuntz, City Attorney
DATE: May 11, 2023
RE: Termination of Declaration of Local Emergency

BACKGROUND

In 2020, COVID-19 swept across the globe, resulting in a declaration of a public health emergency of global concern by the World Health Organization (WHO) as well as federal and state declarations of emergency. Sunfish Lake, like many other Minnesota cities, adopted a series of resolutions declaring a local emergency due to the COVID-19 pandemic. This declaration of local emergency authorized City staff to take all necessary actions to respond to the emergency, and further authorized the City Council and Planning Commission to conduct meetings using interactive technology (Zoom).

On March 13, 2020, Governor Tim Walz, by way of Emergency Executive Order 20-01, declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response.

By a Proclamation and Declaration of Emergency dated March 16, 2020, Mayor Dan O’Leary declared that a local emergency existed due to the COVID-19 health pandemic.

On March 19, 2020, the City Council adopted Resolution No. 20-06 which agreed with the Mayor’s Proclamation and Declaration of Emergency, consented to the declaration of a local emergency due to the COVID-19 health pandemic, and extended the declaration of local emergency until June 5, 2020.

On June 2, 2020, the City Council of the City of Sunfish Lake adopted Resolution No. 20-08 which extended the local declaration of emergency due to the COVID-19 global health pandemic.

On August 3, 2021, the City Council found that the COVID-19 global health pandemic continued at that time, including within the City of Sunfish Lake.

On August 3, 2021, the City Council ratified the continued existing declaration of local emergency due to the existing COVID-19 global health pandemic approved by the City Council in Resolution Nos. 20-06 and 20-08, and such local emergency will continue until such time as the Council takes formal action to declare that the local emergency due to the COVID-19 health pandemic has ended and to rescind the declaration of local emergency.

On August 3, 2021, all of the authorizations and approvals granted in the initial Proclamation and Declaration of Emergency and in Resolution Nos. 20-06 and 20-08 were continued for the duration of the existence of the previously declared and extended local emergency, and the Mayor and City Staff were authorized and directed to take any and all additional actions necessary or convenient in order to accomplish the intent of the Resolution, the initial Proclamation and Declaration of Emergency, and Resolution Nos. 20-06 and 20-08.

On August 3, 2021, the Mayor and City Attorney determined that in-person meetings of the City Council and Planning Commission of the City of Sunfish Lake were not practical or prudent, due to the COVID-19 health pandemic and existing local emergency. The City Council extended the authority to all city public bodies to conduct public meetings pursuant to and in compliance with Minnesota Statutes, Section 13D.021 until such time as the presiding officer of each body determined, in consultation with the City Attorney, that it is no longer impractical or imprudent for the respective public body to resume in-person meetings or the termination of the declaration of local emergency, whichever occurs first.

Over two years have passed since the start of the COVID-19 pandemic, and at this time WHO, congress, and the State of Minnesota have all rescinded or terminated their various emergency declarations related to the COVID-19 pandemic. The Federal Government, effective May 11, 2023, has taken the steps to terminate the Federal Declaration that created the public health emergency relating to the coronavirus pandemic.

Based on these rescissions, and the current COVID situation, it is recommended that the City Council formally rescind and terminate its declaration of local emergency and related emergency authorizations.

Conclusion

The Council is asked to consider approval of the attached Resolution terminating the existing declaration of local emergency due to the COVID-19 pandemic.

This item is on the Agenda for June 6, 2023.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING THE TERMINATION OF THE EXISTING LOCAL
EMERGENCY DECLARATION RELATED TO THE COVID-19 HEALTH PANDEMIC**

WHEREAS, on March 13, 2020, Governor Tim Walz, by way of Emergency Executive Order 20-01, declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response, effective immediately, which Peacetime Emergency was extended multiple times by a series of executive orders; and

WHEREAS, by that Proclamation and Declaration of Emergency dated March 16, 2020, Mayor Dan O’Leary declared that a local emergency existed due to the COVID-19 health pandemic; and,

WHEREAS, on March 19, 2020, the City Council adopted Resolution No. 20-06 which agreed with the Mayor’s Proclamation and Declaration of Emergency, consented to the declaration of a local emergency due to the COVID-19 health pandemic, and extended the declaration of local emergency until June 5, 2020; and,

WHEREAS, on June 2, 2020, the City Council of the City of Sunfish Lake adopted Resolution No. 20-08 which extended the local declaration of emergency due to the COVID-19 global health pandemic; and,

WHEREAS, on August 3, 2021, the City Council found that the COVID-19 global health pandemic continued at that time, including within the City of Sunfish Lake; and,

WHEREAS, on August 3, 2021, the City Council ratified the continued existing declaration of local emergency due to the existing COVID-19 global health pandemic approved by the City Council in Resolution Nos. 20-06 and 20-08, and such local emergency will continue until such time as the Council takes formal action to declare that the local emergency due to the COVID-19 health pandemic has ended and to rescind the declaration of local emergency; and,

WHEREAS, on August 3, 2021, all of the authorizations and approvals granted in the initial Proclamation and Declaration of Emergency and in Resolution Nos. 20-06 and 20-08 were continued for the duration of the existence of the previously declared and extended local emergency, and the Mayor and City Staff were authorized and directed to take any and all additional actions necessary or convenient in order to accomplish the intent of the Resolution, the initial Proclamation and Declaration of Emergency, and Resolution Nos. 20-06 and 20-08; and,

WHEREAS, on August 3, 2021, the Mayor and City Attorney determined that in-person meetings of the City Council and Planning Commission of the City of Sunfish Lake were not practical or prudent, due to the COVID-19 health pandemic and existing local emergency. The City Council extended the authority to all city public bodies to conduct public meetings pursuant to and in compliance with Minnesota Statutes, Section 13D.021 until such time as the presiding

officer of each body determined, in consultation with the City Attorney, that it is no longer impractical or imprudent for the respective public body to resume in-person meetings or the termination of the declaration of local emergency, whichever occurs first; and,

WHEREAS, the previous statewide and national Declarations of Emergency related to the COVID pandemic have been terminated, and the World Health Organization has also declared an end to the COVID-related public health emergency of international concern, and based on all of the above, termination of the existing declaration of local emergency in the City of Sunfish Lake is appropriate.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sunfish Lake, Minnesota as follows:

1. Effective immediately, declares that the local emergency due to the COVID-19 health pandemic has ended.
2. Effective immediately, rescinds the existing declaration of local emergency for the City of Sunfish Lake and all related authorizations and approvals contained within the resolutions approving and extending the declaration of local emergency as well as the original Proclamation and Declaration of Emergency.

ADOPTED this 6th day of June, 2023, by the City Council of the City of Sunfish Lake, Minnesota.

Ayes:

Nays:

CITY OF SUNFISH LAKE

By: _____
Dan O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk