



City of Sunfish Lake
City Council Agenda Report

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TO: Mayor O'Leary and Members of the Sunfish Lake City Council
FROM: Kori Land, City Attorney
DATE: August 12, 2025
RE: Ordinance Establishing Emergency Management Organization and Resolution Appointing Emergency Management Director

BACKGROUND

Minnesota Statutes, Section 12.25, subd. 1 requires each political subdivision (cities and counties) to establish a local organization for emergency management and appoint a director of emergency management. The director is statutorily responsible for the organization, administration, and operation of the emergency management organization. The City of Sunfish Lake has not yet established an emergency management organization.

DISCUSSION

The City Attorney's Office has prepared draft Ordinance No. 2025-2 amending Article II of the City Code of the City of Sunfish Lake to add Section 203 titled "Emergency Management." The Ordinance establishes the City's emergency management organization, authorizes the City Council to appoint a director of emergency management, and sets forth the powers and duties of the director. The Ordinance authorizes the City Council to enter into a contract with another political subdivision to perform the services of the director. The City has an agreement with the City of West St. Paul for law enforcement so it is appropriate to contract with West St. Paul for director services.

Additionally, the Ordinance establishes procedures for declaring a local emergency and adopting emergency regulations as well as clarifies the City will not be responsible for removing trees, debris, or obstructions from private property or roads during a declared emergency.

Upon approval of the Ordinance, the City will have to appoint a Director of Emergency Management. The City Attorney's Office has also prepared draft Resolution No. 2025-___ appointing the West St. Paul Police Chief as the Director of Emergency Management.

RECOMMENDATION

Review and approve the (1) Ordinance establishing an Emergency Management

Organization and (2) Resolution appointing an Emergency Management Director.

ATTACHMENTS

- Ordinance No. 2025-2, Amending Article II of the City Code of the City of Sunfish Lake by Adding Emergency Management Section 203
- Resolution No. 2025- __, Appointing the Police Chief of the City of West St. Paul as Emergency Management Director of the City of Sunfish Lake

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

ORDINANCE NO. 2025-2

**AN ORDINANCE AMENDING ARTICLE II OF THE CITY CODE OF THE CITY OF
SUNFISH LAKE BY ADDING EMERGENCY MANAGEMENT SECTION 203**

The City Council of the City of Sunfish Lake does ordain:

SECTION 1. AMENDMENT. That the Sunfish Lake, Minnesota City Code Article II, is hereby amended by adding Section 203 as follows:

SECTION 203: EMERGENCY MANAGEMENT

SECTION 203.01 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 Minn. Stat. § 12.25, which requires that each political subdivision of the State shall establish a local organization for emergency management.

SECTION 203.02 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, fire-fighting 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 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.

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

SECTION 203.03 Establishment Of Emergency Management Organization and Appointment of Emergency Management Director:

There is hereby created within the City government an emergency management organization for the City. The emergency management organization shall have a Director who shall be appointed by the City Council. The City may enter into a contract with another political subdivision to perform the services of the Director. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization. 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 CFR part 201.

SECTION 203.04 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 prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present the plan to the City Council for its approval. When the City Council has approved the plan, it shall be the duty of all City agencies and all emergency management forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner. 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.
- C. In accordance with the State and City Emergency Plan, the Director shall institute training programs, 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.
- D. The Director shall 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.
- E. 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 Minn. Stat. § 12.25.
- F. The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.
- G. The Director shall prepare and submit reports on emergency preparedness activities when requested by the City Council.

SECTION 203.05 Local Emergencies:

- A. In accordance with Minn. Stat. § 12.29, Subd. 1, a local emergency may be declared only by the Mayor or his 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 City 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.

- 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.

SECTION 203.06 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 City Council, the City 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. 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's Office shall be conspicuously posted on the City's official bulletin board 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 City Council may modify or rescind a regulation.
- C. The City Council may rescind any regulation by resolution at any time. 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. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the City Council shall be suspended during the period of time and to the extent conflict exists.
- D. During a declared emergency, the City is, under the provisions of Minn. Stat. § 12.37, and notwithstanding any statutory provision to the contrary, empowered, through its City 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. 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 into contracts, incurring obligations, employment of

temporary workers, 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.

SECTION 203.07 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 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.

SECTION 203.08 No Tree, Debris or Obstruction Removal:

During a declared emergency, the City may, but has no obligation to remove trees, debris or other obstructions from private property or private roads or streets.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minn. Stat. 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The text amendment modifies the City Ordinance to add provisions regarding Emergency Management Process and Procedures in the event of a declared emergency.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective after its passage and publication according to law.

Adopted by the City Council of the City of Sunfish Lake this ____ day of _____, 2025.

CITY OF SUNFISH LAKE

Daniel O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk

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

RESOLUTION NO. 2025-_____

**RESOLUTION APPOINTING THE POLICE CHIEF OF THE CITY OF WEST ST.
PAUL AS THE DIRECTOR OF EMERGENCY MANAGEMENT FOR THE CITY OF
SUNFISH LAKE**

WHEREAS, Minnesota Statutes, Section 12.25 requires the City of Sunfish Lake to appoint a person to serve as the Director of Emergency Management for the City; and

WHEREAS, the City currently has a contract with the City of West St. Paul for law enforcement purposes; and

WHEREAS, the City desires to have the Police Chief of the City of West. Paul serve as the Director of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE that the West St. Paul Police Chief is hereby appointed as the Director of Emergency Management.

Adopted by the City Council of the City of Sunfish Lake this _____ day of _____, 2025.

CITY OF SUNFISH LAKE

Daniel O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk