

Amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Emergency Preparedness and Management.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Title of Chapter 128 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 128. EMERGENCY PREPAREDNESS AND MANAGEMENT

Section 2. That Section 128.10 of the above-entitled ordinance be amended to read as follows:

128.10. Declaration of necessity and policy. Because of the existing and increasing possibility of the occurrence of disasters and emergencies of unprecedented size and destruction in order to ensure that the preparations of the city will be adequate to deal with such disasters and emergencies, and generally to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

- (a1) To establish a local office of emergency preparedness and management;
- (b2) To provide for the exercise of necessary powers during declared emergencies;
- (c3) To provide for the rendering of mutual aid between the city and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness and management functions;
- (d4) To provide for the promotion and protection of the public health, safety and welfare in the event of declared emergencies.

It is further declared to be the purpose of this chapter and the policy of the city that all emergency preparedness and management functions of the city be coordinated to the maximum extent practicable with the comparable functions of the federal government, of the State of Minnesota, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's resources and facilities for dealing with any disaster that may occur.

Section 3. That Section 128.20 of the above-entitled ordinance be amended to read as follows:

128.20. Definitions. For the purposes of this chapter, the terms defined in this section shall have the following meanings:

Emergency preparedness and 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, whether caused by enemy attack, sabotage or other hostile action, or by any natural catastrophe or disturbance. These functions shall include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering and warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Emergency declaration. An emergency declared by the governor under the Minnesota Statutes, Section 12.31, or where declared as hereinafter provided by the city because of any large-scale or complex emergency.

Emergency preparedness and management forces. Emergency preparedness and management forces shall mean any personnel employed by the city and assigned by city department heads for service and for specific activities in preparation for emergency preparedness and any other volunteer or paid member of the office of emergency and preparedness and management engaged in carrying on emergency preparedness and management functions in accordance with the provisions of this chapter or any rule or order thereunder.

Section 4. That Section 128.30 of the above-entitled ordinance be amended to read as follows:

128.30. Office of emergency preparedness and management. There shall be an office of emergency preparedness and management ~~which shall be under the supervision and control of the mayor.~~ The city council shall provide for the necessary expenses of the office of emergency preparedness and management. The mayor shall, in the manner specified in the chapter for the appointment of other city officers, appoint a director of emergency management who shall be in the unclassified service and the mayor shall assign the operational duties of the office of emergency preparedness and management to the assistant city coordinator of regulatory services and emergency preparedness. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management. Subject to the supervision of the city coordinator as provided by Section 21.10, the director of emergency management shall

have direct responsibility for the organization, administration and operation of the office of emergency preparedness and management, subject to the direction and control of the mayor, and shall supervise the emergency preparedness and management staff. The office of emergency preparedness and management shall be organized, consistent with state and city emergency management plans as the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management deems necessary to provide for efficient performance during a declared emergency, to coordinate city planning and preparation for emergency relief, to provide liaison and coordination with federal, state, county and local jurisdictions relative to emergency preparedness and management activities, and to assure implementation of federal and state emergency preparedness and management program requirements.

Section 5. That Section 128.40 of the above-entitled ordinance be amended to read as follows:

128.40. Transportation of radioactive material. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall transmit, immediately upon the passage of this section and annually thereafter during the month of December, to the mayor and to the city council an assessment of the adequacy of emergency response capability, and the safety of the transportation of radioactive material, as defined, licensed and regulated in Title 10 CFR part 71 and 49 CFR parts 171-177, through, into, or out of the City of Minneapolis.

The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall make such assessment:

- (1) After consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the health, police, and fire departments of the city, and the State of Minnesota;
- (2) After consideration of the requirements of and certifications to other agencies responsible for the regulation of such transportation and the performance capabilities of the equipment to be utilized; and
- (3) After consideration of the method of transportation to be used, the route or routes of travel, timing, and any unique local features of the route or routes involving potential disturbance to the shipment or susceptibility to harm of the locale or persons nearby.

In such transmittal, the ~~assistant city coordinator of regulatory services and~~

~~emergency preparedness~~ director of emergency management shall delineate the resources available for emergency response, the sources of such resources, the training level of the resources, the rapidity of response from each source, the coordination of the responses as planned, and the plans of other agencies, owner, transporter, and the state to respond to any incident.

Section 6. That Section 128.100 of the above-entitled ordinance be amended to read as follows:

128.100. Mutual aid agreements. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, with the consent of the mayor, shall represent the city on any regional or state organization for emergency preparedness and management. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal emergency preparedness and management assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the city council for its approval or disapproval.

Section 7. That Section 128.110 of the above-entitled ordinance be amended to read as follows:

128.110. Surveys of resources. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall make such studies and surveys of the industries, resources and facilities of the city necessary to determine their adequacy for emergency preparedness and management and to plan for their most efficient use in time of declared emergency

Section 8. That Section 128.120 of the above-entitled ordinance be amended to read as follows:

128.120. Emergency management plan. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall prepare a comprehensive general emergency management plan for the defense of the city, and for relief from any emergency, and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all city departments and agencies and all emergency preparedness and management forces of the city shall perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall coordinate the emergency preparedness and management activities of the city to the end that they shall be consistent and fully integrated with the emergency management plans of the federal government, the state and other political subdivisions within the state.

Section 9. That Section 128.130 of the above-entitled ordinance be amended to read as follows:

128.130. Training and information programs. In accordance with the state and the city emergency management plans, the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall institute such training programs and public information programs, and shall take all other preparatory steps as may be necessary to the prompt and effective operation of the city emergency management plan in time of declared emergency. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management may, from time to time, conduct such tests of warning devices as necessary.

Section 10. That Section 128.140 of the above-entitled ordinance be amended to read as follows:

128.140. Use of city personnel and equipment. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall use 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 such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the office of emergency ~~preparedness and~~ management and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, shall be responsible for the planning and programming of emergency ~~preparedness and~~ management activities as will involve the utilization of the facilities of each department or agency.

Section 11. That Section 128.150 of the above-entitled ordinance be amended to read as follows:

128.150. Volunteers generally. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, may organize, recruit and train police reserve, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the emergency management plan of the city. To the extent that such emergency personnel are recruited to augment a regular city department or agency, it shall be assigned to such department or agency for purposes of administration and command. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency

management may dismiss any volunteer at any time and require the volunteer to surrender any equipment and identification furnished by the city.

Section 12. That Section 128.210 of the above-entitled ordinance be amended to read as follows:

128.210. Compliance with state regulations. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall carry out all orders, rules and regulations issued by the governor with reference to emergency preparedness and management. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall direct and coordinate the general operation of all city emergency preparedness and management resources during an emergency in conformity with controlling regulations and instructions of state authorities. The heads of departments and agencies shall be governed by the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management orders in respect thereto.

Section 13. That Section 128.220 of the above-entitled ordinance be amended to read as follows:

128.220. Emergency operation centers. Consistent with the emergency management plan, the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall provide and equip at some suitable place in the city an emergency operation center and, if required by the state emergency management plan, an auxiliary emergency operation center to be used during a declared emergency as headquarters for direction and coordination of emergency management activities. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall arrange for representation at the emergency operation center by city departments and agencies authorized by federal or state authority to carry on emergency management activities. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall arrange for the installation at the emergency operation center of necessary facilities for communication between heads of departments and agencies, the office of emergency preparedness and management, the stations and operating units of city services and other agencies concerned with emergency preparedness and management, and for communication with other communities and emergency operation centers within the surrounding area and with the federal and state agencies concerned.

Section 14. That Section 128.250 of the above-entitled ordinance be amended to read as follows:

28.250. Report. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall prepare and submit such reports on the activities of the office of emergency preparedness and management as may be requested by the mayor or the city council.

Section 15. That Section 128.270 of the above-entitled ordinance be amended to read as follows:

28.270. Special police officer. The mayor may appoint any qualified person holding a position in the office of emergency preparedness and management or in any other agency created under federal or state authority for emergency management purposes as a special police officer of the city, with such police powers and duties within the city incident to the functions of the position, not exceeding those of a regular police officer of the city, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the chief of police and such other police officers of the city as the police chief may designate.

Section 16. That Section 128.280 of the above-entitled ordinance be amended to read as follows:

28.280. Nonliability of civil defense workers. All functions under this chapter and all other activities relating to emergency preparedness and management shall be governmental functions. The city and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in emergency preparedness and management activities, while complying with or attempting to comply with all applicable laws, rules, orders or regulations shall not be liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any officer or employee of the city to receive benefits to which such officer or employee would otherwise be entitled under this chapter or under the workers' compensation law, or under any pension law.

Section 17. That Section 128.290 of the above-entitled ordinance be amended to read as follows:

128.290. Office of emergency preparedness and management not to participate in certain activities. The office of emergency preparedness and management 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 legitimate labor dispute.