

**SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS**

September 17, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 17, 2004 at 1:30 p.m. at the Courthouse in Austin, Minnesota.

Members present, viz: Richard Cummings, Chair
 Raymond Tucker
 David Hillier
 Dick Lang
 Garry E. Ellingson
 Kelly Olson, Clerk Pro Temp

Mower County Board of Commissioners met in special session due to flooding in Austin on September 15 and 16, 2004.

Date: September 17, 2004

Res. #77-04

**RESOLUTION GIVING CONSENT AND APPROVING
THE CHAIR'S DECLARATION OF LOCAL EMERGENCY**

On motion of Commissioner Hillier, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 17, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, the Chair has declared a local emergency by declaration dated September 15, 2004, and which declaration stated as follows:

WHEREAS, the County of Mower has experienced widespread flooding beginning September 15 and continuing at present; and

WHEREAS, the water levels throughout the community have reached record levels, have caused widespread and significant damage to both public and private property, the total extent of which will not fully be known until after the waters recede; and

WHEREAS, the damage caused by the flooding is so significant that traditional sources of relief and assistance within the County of Mower are unable to provide adequate and immediate response; and

WHEREAS, Minnesota Statute 12.29, Subd. 1 vests in the Chair of the County Board the authority to declare a local emergency; and

WHEREAS, Minnesota Statute 12.29, Subd. 1 authorizes the extension of the three days with the consent of the County Board;

NOW, THEREFORE, AS CHAIR OF THE MOWER COUNTY BOARD, I HEREBY DECLARE A STATE OF LOCAL EMERGENCY FOR A PERIOD OF 3 DAYS FROM TODAY'S DATE AND ASK FOR THE CONSENT OF THE COUNTY BOARD TO EXTEND THIS FOR A PERIOD OF 30 DAYS.

Contemporaneously herewith, an emergency meeting of the County Board has been called for the purpose of requesting the Board's consent to extend the duration. If said Consent is not given, then this declaration shall be for a period of three days.

Said declaration shall have the effect of invoking the Emergency Operations Plan for the County of Mower as well as any other applicable interjurisdictional disaster plans, and authorizes aid and assistance under those plans. In addition, this declaration invokes and authorizes the County of Mower to invoke any and all powers described in Minnesota Statutes Chapter 12 (Emergency Management). Those powers include, but are not limited to the powers described in Minnesota Statutes 12.37, which states as follows:

“During an emergency or disaster, each political subdivision, notwithstanding any statutory or charter provision to the contrary, and through its governing body acting within or without the corporate limits of the political subdivision, may:

(1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and

(2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:

- (i) the performance of public work;
- (ii) entering into contracts;
- (iii) incurring of obligations;
- (iv) employment of temporary workers;
- (v) rental of equipment;

- (vi) purchase of supplies and materials;
- (vii) limitations upon tax levies; and
- (viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.”

WHEREAS, Minnesota Statutes 12.29, Subd. 1 requires the County Board to consent to any such declaration that is to extend beyond three days; and

WHEREAS, the circumstances that support the declaration of emergency/disaster are such that a 30-day declaration is both appropriate and warranted for the health and safety of the public.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Commissioners of Mower County, that the Chair’s Declaration of Emergency/Disaster is hereby approved and consent is hereby given for said Declaration to extend for a period of thirty days as stated in said Declaration.

Passed and approved this 17th day of September, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: September 17, 2004

Res. #78-04

**RESOLUTION
DECLARING A STATE OF EMERGENCY**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 17, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, the flooding beginning September 15, 2004 impacted the population of Mower County and its cities; and

WHEREAS, the flooding event has caused a significant amount of public property damage; and

WHEREAS, the Mower County Department of Emergency Management requests the Mower County Board of Commissioners to declare Mower County in a STATE OF EMERGENCY for the flooding event of September 15, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners declares Mower County in a State of Emergency for conditions resulting from the flooding event of September 15, 2004.

Passed and approved this 17th day of September, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Austin City Administrator, Jim Hurm, provided an update on the City's actions in response to the flood.

Sheriff Terese Amazi provided an update to the board regarding the activity of the department in response to the flood.

County Engineer Michal Hanson provided an update on county road repairs needed due to damage of the flood.

Craig Strand, State Homeland Security Emergency Management, reviewed the upcoming procedures and activities regarding inspections and damage assessments.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to adjourn the meeting at 1:55 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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