



Guide for Using MLCT Emergency Declaration and Resolution Templates – COVID-19 Pandemic

The authority of a municipality to declare an emergency or disaster is set forth in Title 10, Chapter 3 (Disaster and Emergency Services). Declaring an emergency allows the local government to:

- (1) Activate applicable parts of the local or interjurisdictional disaster and emergency plan and program;
- (2) Authorize the furnishing of aid and assistance in accordance with such plans and programs;
- (3) Direct and compel the evacuation of all or part of the population from an incident or emergency or disaster area within that political subdivision when necessary for the preservation of life or other disaster mitigation, response, or recovery; and
- (4) Control the ingress and egress to and from an incident or emergency or disaster area and the movement of persons within the area;
- (5) Impose up to a 2-mill levy to cover expenditures associated with providing aid and assistance related to the emergency or disaster; and
- (6) Obtain funding or other financial support or reimbursement from federal and state agencies for expenditures incurred in association with a national or state emergency or disaster declaration.

The statute authorizes the “principle executive officer” of the local government entity to declare an emergency or disaster and terminate such declaration. The principal executive officer is typically the mayor, but depending on the form of government as well as local charters or ordinances, may be the city manager or other executive officer.

As a matter of best practice, the Commission may ratify the Declaration, though there is no requirement to do so. However, if the Declaration seeks authority to impose emergency mill levies, the Commission must authorize that authority by unanimous vote. If the Declaration seeks to waive normal procurement requirements, the Declaration must be ratified by the Commission with a 3/4 vote. The latter can also be accomplished through adoption of an emergency ordinance. All of these items should be discussed and reviewed with your City Attorney before issuing the Declaration or taking the Resolution to the Commission or Council for a vote.

Template Declaration and Resolution

1. These templates are provided to help you with the process for declaring an emergency, taking the necessary local actions to protect the public health and safety of your residents, and obtain the funding to implement your emergency and disaster response and recovery actions. They do not constitute legal advice or guidance, and you should ensure your City Attorney reviews and approves these documents as to content and form.
2. These templates contain numerous items you may wish to consider in granting authority to the principle executive officer during the COVID-19 emergency, but not all of them may be desired or necessary for your specific community. While you should generally keep the template recitals, discuss the need or desire for each of the declaration provisions with your City Attorney.
3. The language in regular typeface is boilerplate that should be kept, subject to discussion with your City Attorney.
4. The language in red or blank spaces are items that must be chosen specifically for your local government and situation. Each of the instructions or comments should be considered and discussed with your City Attorney.