

Bond Case Briefs

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CHARTER AMENDMENT - MINNESOTA

Bicking v. City of Minneapolis

Supreme Court of Minnesota - March 15, 2017 - N.W.2d - 2017 WL 1017813

Members of citizen group petitioned for review of city's denial of their request to put a proposed amendment to the city charter on the ballot.

The District Court dismissed the petition. Members appealed, and their petition for accelerated review with the Supreme Court was granted.

The Supreme Court of Minnesota held that:

- Case was justiciable, and
- Proposed amendment conflicted with state law.

Contest between citizens and city over citizens' right to place proposed city charter amendment on ballot was justiciable, and therefore Supreme Court had jurisdiction to resolve issue of whether city properly directed clerk not to place proposed amendment on ballot. Case involved dispute between adverse parties that claimed legal right to control decision to place proposed amendment before voters, and parties' conflicting legal claims presented concrete, genuine, justiciable controversy regarding city's authority to refuse to place proposed amendment on ballot.

Citizen-initiated proposed city charter amendment, which would have required police officers to maintain professional liability insurance, conflicted with state law, and therefore city properly refused to place amendment on ballot based on conflict preemption. Provision designating officers' coverage as primary added requirement that was absent from state law, provision relieving city of its liability for torts committed in scope of officers' employment until officers' insurance coverage was exhausted permitted what state law forbade, and provision requiring purchase of insurance coverage for acts for which city would otherwise have been immune forbade what state law permitted.