

Bond Case Briefs

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REFERENDA . - MINNESOTA

Clark v. City of Saint Paul

Supreme Court of Minnesota - October 16, 2019 - N.W.2d - 2019 WL 5198831

City residents filed petition, challenging city's refusal to put on the ballot referendum on city ordinance, stating that all trash collected in city had to be pursuant to written contract with the city and stating that all previous private contracts between solid waste haulers and residents were null and void.

The District Court granted petition. City appealed to the Court of Appeals, and Supreme Court granted city's petition for accelerated review.

The Supreme Court held that:

- Referendum on city ordinance that established organized waste collection services did not conflict with requirements in state statute, and
- Referendum on city ordinance that established organized waste collection services did not impair city's contract obligations under the contract clauses of the United States or Minnesota Constitutions.

Referendum on city ordinance that established organized waste collection services did not conflict with requirements in state statute, that municipalities ensure that residents have waste collection services, including through appropriate local controls, because other municipal ordinances that were not subject to the referendum fulfilled those requirements and legislature intended that municipalities have broad authority in process for establishing organized waste collection; it was reasonably possible for city to comply with statutory mandate to ensure that residents have waste collection services, even if ordinance was subject to referendum petition, appropriate local control could include an ordinance, and there was no legislative intent to exclude exercise of referendum authority over ordinance used as the local control.

Referendum on city ordinance that established organized waste collection services in home rule charter city did not impair city's contract obligations under the contract clauses of the United States or Minnesota Constitutions because, whatever result of the referendum, city's contract obligations were not impaired; city was contractually obligated to allow city waste haulers the exclusive right to provide waste collection services, and outcome of referendum on ordinance that established waste collection would not terminate the contract and did not rise to level of constitutional impairment of contractual obligation.