

Bond Case Briefs

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CHARTER AMENDMENT - MINNESOTA

Jennissen v. City of Bloomington

Supreme Court of Minnesota - February 12, 2020 - N.W.2d - 2020 WL 699742

Group of city residents opposed to city's efforts to implement organized collection of solid waste brought action against city, seeking to compel city to place proposed charter amendment, requiring city to seek voter approval before establishing system of organized collection of solid waste, on next general-election ballot.

The District Court granted summary judgment in favor of city. Residents appealed, and the Court of Appeals affirmed. The Supreme Court reversed and remanded. On remand, the Court of Appeals held that the proposed charter amendment was not manifestly unconstitutional, but determined that amendment was impermissible because its second sentence stated an intent to repeal an ordinance by charter amendment. Both parties appealed.

The Supreme Court held that:

- Proposed charter amendment to require prior approval from a majority of voters before the City Council could establish an organized waste-collection system was a lawful exercise of the charter amendment power;
- Sentence in proposed charter amendment stating an intent to supersede existing ordinances and charter provisions adopted under conflicting procedures did not impermissibly convert amendment to a referendum; and
- Proposed amendment to city charter did not violate the Contract Clauses of the United States and Minnesota Constitutions.

Proposed charter amendment to require prior approval from a majority of voters before the City Council could establish an organized waste-collection system was consistent with the constitution, state law, and state public policy, and thus was a lawful exercise of the charter amendment power; procedural change was not one that could have been accomplished by referendum as a referendum to suspend and possibly repeal ordinance may have provided short-term relief to residents and may have been an obvious means of exercising powers granted to city residents under the charter, but would not have provided the structural change to government that residents sought to achieve by amending the charter itself and establishing a new procedure for operating city government.

Sentence in proposed charter amendment stating an intent to supersede existing ordinances and charter provisions adopted under conflicting procedures did not impermissibly convert amendment to a referendum; Minnesota statute granted home-rule city residents power to amend city charter so that they could establish new procedures for their city's operations, and contemplated broad authority to amend city charters, if charter amendment were adopted, and city council would need to obtain voter approval before exercising its legislative authority in certain circumstances.

City did not demonstrate that a substantial impairment of its contractual obligation with trash haulers would occur with a vote should proposed charter amendment pass requiring city to seek voter approval before establishing system of organized collection of solid waste, and thus proposed

amendment to city charter did not violate the Contract Clauses of the United States and Minnesota Constitutions; amendment only impaired city's performance under contract.