

FILED

August 22, 2019

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A19-0916

Bruce Clark, et al.,

Respondents,

vs.

City of Saint Paul, et al.,

Appellants.

ORDER

Respondents Bruce Clark, et al., filed a timely petition with the City of Saint Paul for a referendum on Saint Paul, Minn. Ordinance No. 18-39. The City Council, by resolution, directed the City Clerk not to submit the referendum on the ordinance as a ballot question for the next election.

On February 7, 2019, respondents filed a petition in Ramsey County District Court, under Minn. Stat. § 204B.44 (2018), for correction of a ballot error. Specifically, respondents asked the district court to require appellants, the City of Saint Paul and election officials, to include the referendum on Saint Paul, Minn. Ordinance No. 18-39 on the ballot for the municipal election to be held on November 5, 2019. Following briefing, the district court granted the petition in an order filed on May 30, 2019, reasoning that a referendum on the ordinance would not conflict with state law governing municipal waste collection, and if the referendum results in a repeal of the ordinance, would not unconstitutionally impair the City's contract with waste haulers. The district court therefore ordered the City

to include the referendum on Saint Paul, Minn. Ordinance No. 18-39 on the ballot for the municipal election on November 5, 2019.

On June 27, 2019, the district court stayed the portion of its May 30 order that had suspended the enforcement of Saint Paul, Minn. Ordinance No. 18-39 effective as of June 30, 2019. The stay remained in effect pending the appeal to this court. The stay was not appealed.

On June 13, 2019, the City filed a Notice of Appeal with the court of appeals, and a petition for accelerated review with this court. We granted the City's petition for accelerated review, and following briefing, held oral argument on August 20, 2019.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The decision of the district court, directing the City of Saint Paul to include the referendum on Saint Paul, Minn. Ordinance No. 18-39 on the ballot for the election to be held on November 5, 2019, is affirmed.
2. The stay entered by the district court on June 27, 2019, shall remain in effect until the results of the election on November 5, 2019, are canvassed and declared under Minn. Stat. § 205.185 (2018).
3. So as not to impair the orderly process of ballot preparation, this order is issued with an opinion to follow at a later date.

Dated: August 22, 2019

BY THE COURT:



Lorie S. Gildea
Chief Justice