



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Wednesday, October 18, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO
<b>Subject:</b>	Updates from City Attorney
<b>Background Information:</b>	<p>During the year, I monitor legislation and court decisions that address the authority of charter cities.</p> <p>Legislative Decisions. The 2023 Legislature passed an overwhelming number of bills that affected all cities – both statutory and charter alike. Among those bills were Cannabis, Earned Safe and Sick Leave, Managed Landscaping, and a number of others. Specific to charter cities, however, the Legislature amended Minn. Stat. § 410.32 to extend the period in which capital notes issued by a home rule charter city are payable from 10 years to 20 years. This change does not warrant a Charter amendment.</p> <p>Court decision.</p> <ul style="list-style-type: none"> <li>• Kranz v. City of Bloomington. This case involved a challenge to the constitutionality of a proposed charter amendment. In June 2022, the Bloomington City Clerk confirmed the validity of 3300 registered voters out of the 3600 signers on a petition circulated by Residents for a Better Bloomington (RFABB) asking for the repeal of Ranked Choice Voting on the November 2022 ballot. On August 8, 2022, the Bloomington City Council refused the petition. The Council claimed that one of the petition provisions was illegal. The Bloomington City Council stated that the last of the proposed amendment's four sections, section 4.08, was manifestly unconstitutional. Appellants filed a petition seeking declaratory and injunctive relief to sever section 4.08 and submit the remaining valid provisions to voters. The district court denied the petition, concluding that it would be improper to sever section 4.08 from the remainder of the proposed charter amendment since it was not clear, considering the intent of voters “who signed the petition,” “that the proposal which would [have been] submitted to the voters is the one which the petitioners sought to have adopted.” The Minnesota Supreme Court upheld the District Court decision.</li> </ul>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	None.