



Legislation Text

File #: RES 19-1401, **Version:** 1

Directing the City Clerk notify the County Auditor to place a referendum of Ordinance ORD 18-39 on the November 5, 2019 ballot and approving the title and language for that ballot question.

WHEREAS, the City of Saint Paul enacted Ordinance ORD 18-39 which created Chapter 220 of the Saint Paul Legislative Code; and

WHEREAS, Chapter 200 established rules for residents related Coordinated Trash Collection; and

WHEREAS, Saint Paul City Charter § 8.05 provides that an ordinance passed by the City Council may be subject to referendum by a petition filed within forty-five (45) days after its publication; and

WHEREAS, residents timely filed a petition seeking a referendum to repeal Ordinance ORD 18-39; and

WHEREAS, the City Council found that the petition was sufficient to satisfy the minimum signature requirements under the City Charter; and

WHEREAS, the City Council found that the subject matter of the petition was preempted by Minnesota Statutes and was an unconstitutional interference with the Contract between the City and the Consortium and directed the City Clerk not to submit Ordinance 18-39 as a ballot question; and

WHEREAS, petitioners filed a court challenge to the City Council's determination not to place Ordinance ORD 18-39 on the ballot (Court Case No. 62-CV-19-857); and

WHEREAS, on May 30, 2019, Ramsey County District Court Judge Leonardo Castro ordered that Saint Paul place Ordinance ORD 18-39 on the November 5, 2019 ballot; and

WHEREAS, the City petitioned the Minnesota Supreme Court to review Judge Castro's Order and the Minnesota Supreme Court agreed to hear the appeal (Court Case No. A19-0916); and

WHEREAS, the Minnesota Supreme Court issued a decision on the appeal on August 22, 2019; and

WHEREAS, the Minnesota Supreme Court upheld Judge Castro's Order to place Ordinance ORD 18-39 on the ballot; and

WHEREAS, Minnesota Statutes § 205.16 requires that the City Clerk provide to the County Auditor written notice of a ballot question at least 74 days before the election, which in this case is on or before August 23, 2019; and

WHEREAS, the written notice must include the title and language for the ballot question; and

WHEREAS, the City Attorney has approved the title of the ballot question and has drafted language of the ballot question; now therefore be it

RESOLVED, that the City Clerk is directed to notify the County Auditor to place a referendum of Ordinance ORD 18-39 on the November 5, 2019 ballot; and be it further;

RESOLVED, that the City Council adopts the title and the language of the ballot question as follows:

TITLE:

Referendum on whether Ordinance ORD 18-39 should remain in effect.

QUESTION:

Should Ordinance ORD 18-39, entitled “Residential Coordinated Collection”, remain in effect for residential trash collection in St. Paul? Ordinance 18-39 creates new rules for the collection and disposal of trash and payment for trash service; and requires that certain residential dwellings have trash collected by a designated trash hauler. A “yes” vote is a vote in favor of keeping Ordinance ORD 18-39. A “No” vote is a vote to get rid of Ordinance ORD 18-39.