FILED
August 31, 2016
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

A16-1379

David Bicking, et al., petitioners,

Appellants,

vs.

City of Minneapolis, et al.,

Respondents,

Ginny Gelms, in her official capacity
as Elections Manager, Hennepin County,

Respondent,

Police Officers Federation of
Minneapolis, intervenor,

Respondent.

ORDER

On August 5, 2016, the Minneapolis City Council considered a petition to place a question on the ballot for the general election on November 8, 2016 that would ask city voters whether to amend the Minneapolis City Charter by adopting a provision requiring city police officers to obtain and maintain professional liability insurance for certain wrongful acts. Following a vote, the City Council directed the City Clerk not to submit the proposed charter amendment to the County Auditor as a ballot question for placement on

the ballot for the general election. On August 5, 2016, appellants David Bicking, et al. filed a petition in the district court, pursuant to Minn. Stat. § 204B.44 (Supp. 2015), for correction of a ballot error and for a declaratory judgment directing the City Clerk to forward the proposed charter amendment to the Hennepin County Election Manager for inclusion on the November general election ballot. Following briefing, the district court dismissed the petition after finding that the proposed charter amendment is preempted by and in conflict with state law.

On August 25, 2016, appellants David Bicking, et al., filed a notice of appeal with the court of appeals, and filed a petition for accelerated review pursuant to Minn. R. Civ. App. P. 118. We granted the petition on August 25, 2016, and following briefing, held oral argument on August 30, 2016. We conclude that the district court correctly decided that the proposed liability-insurance amendment is preempted by state law and, therefore, is improper and cannot be included in the Minneapolis City Charter. *See, e.g., State ex rel. Town of Lowell v. City of Crookston*, 252 Minn. 526, 528, 91 N.W.2d 81, 83 (1958) (recognizing that municipal charters must be in accordance with the constitution and state law).

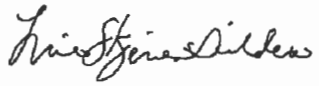
Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the order and judgment of the district court dismissing the petition of appellants' David Bicking, et al., be, and the same is, affirmed.

IT IS FURTHER ORDERED that so as not to impair the orderly election process, this order is issued with opinion to follow.

Dated: August 31, 2016

BY THE COURT:



Lorie S. Gildea
Chief Justice

STRAS, J., would dismiss the petition as nonjusticiable.

DIETZEN, J., took no part in the consideration or decision of this case.