

**\*\*DRAFT RESOLUTION\*\***

COUNCIL RESOLUTION NO. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA, DECLARING ITS SUPPORT FOR LEGISLATION BY THE 2023 MONTANA LEGISLATURE RESTORING TO LOCAL GOVERNMENTS THE POWER TO REGULATE SINGLE USE PLASTICS, OR IN THE ALTERNATIVE, FOR LEGISLATION BY THE 2023 MONTANA LEGISLATURE BANNING CERTAIN SINGLE USE PLASTICS, INCLUDING BUT NOT LIMITED TO SINGLE USE PLASTIC BAGS, STRAWS, STIRRERS, AND POLYSTYRENE CONTAINERS.

WHEREAS, the Missoula City Council recognizes the constitutional right of all Montanans, including the citizens of Missoula, Montana, to a clean and healthful environment, and WHEREAS, the Missoula City Council acknowledges that it, the State of Montana, and all persons, have a duty to maintain and improve a clean and healthful environment for present and future generations, and

WHEREAS, the Missoula City Council has concluded that single use plastics pose an imminent danger to its citizens' constitutional right to a clean and healthful environment, and

WHEREAS, the 2021 Montana Legislature passed, and the Governor signed, House Bill 407 revoking the power of local governments to perform their constitutional duty to maintain and improve a clean and healthful environment by adopting local regulation on certain single use plastics, and

WHEREAS, the 2021 Montana Legislature did not pass any legislation banning single use plastics, to address the imminent danger posed by single use plastics, to a clean and healthful environment, and WHEREAS, by revoking the power of local governments to adopt or enforce local action to ban or place a fee on single use plastics, the State of Montana, acting through the 2021 Montana Legislature, has prevented local governments, including the Missoula City Council, from performing their constitutional duty to maintain and improve a clean and healthful environment, and

WHEREAS, the State of Montana, acting through the 2023 Legislature, must enact legislation banning certain single use plastics, to fulfill its constitutional duty to maintain and improve a clean and healthful environment, and

WHEREAS, if the State of Montana, acting through the 2023 Legislature, fails to enact legislation banning certain single use plastics, it must repeal House Bill 407 and allow

local governments to fulfill their constitutional duty to maintain and improve a clean and healthful environment by passing ordinances which ban or place fees on certain single use plastics, and

NOW THEREFORE BE IT RESOLVED by Missoula City Council:

1. The Missoula City Council declares its support for local regulation of certain single use plastics, and
2. The Missoula City Council urges the State of Montana, acting through the 2023 Montana Legislature, to fulfill its constitutional duty to maintain and improve a clean and healthful environment for present and future generations by enacting legislation that bans certain single use plastics, and
3. The Missoula City Council urges the State of Montana, acting through the 2023 Legislature, to repeal House Bill 407 if it fails to enact legislation banning certain single use plastics, so that local governments can fulfill their constitutional duty to maintain and improve a clean and healthful environment by adopting local regulation to ban or place fees on certain single use plastics, and
4. The Missoula City Council declares its intention to favorably consider the adoption of an ordinance regulating certain single use plastics in coordination with local businesses if House Bill 407 is repealed.

PASSED AND ADOPTED by the City Council of the City of Missoula, Montana, at a regular session held on the \_\_ day of \_\_, 2022.