

Citizen Conservation Board – City of Helena

# Waste Reduction Brainstorming

# State of Montana, House Bill 407

- In 2022 the state legislature passed HB 407, pertaining to statewide uniformity for auxiliary container regulations
- MCA 17-1-121: a local unit of government may not adopt or enforce any local ordinance, resolution, initiative or referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.
- Containers = all containers you can imagine, whether single use or reusable

# 2024 Updates to HB 407


- MT non-profits, like Beyond Plastics and Families for a Livable Climate, organized and with the help of Cottonwood Environmental Law Center brought suit to challenge the law
- March 19, 2024 – a Helena district court ruled the ban on citizen initiatives is unconstitutional and overturned it
- This means that ballot initiatives to regulate single-use containers can happen
  - It will be on the November ballot in Bozeman (Plastic Ordinance – ban polystyrene and single use plastic bags)
  - Entails getting verified signatures from city constituents in order to go to public vote
    - 25% during special election years
    - 15% during general election year
- This does not change the law that prohibits municipalities from creating bans

As of now we cannot create policies that control the use of plastics in our city without a ballot initiative

- So, what are some other tools and options available to us?



## Some definitions from the MCA (Montana Code Annotated)

- 7-1-4124. (12) “Ordinance” means an act that is adopted and approved by a municipality and that has effect only within the jurisdiction of the local government.
  - 7-1-4121 (22) "Resolution" means a statement of policy by the governing body or an order by the governing body that a specific action be taken
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# MCA Municipality General Powers

- • 7-1-4124. Powers. A municipality with general powers has the power, subject to the provisions of state law, to:
  - (1) enact ordinances and resolutions
  - (7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;
  - (9) make grants and loans of money, property, and services for public purposes;
  - (12) ratify any action of the municipality or its officers or employees that could have been approved in advance;
  - (15) initiate a civil action to restrain or enjoin violation of an ordinance;
  - (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety;
  - (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in 7-1-4150; and
  - (24) exercise powers not inconsistent with law necessary for effective administration of authorized services and functions.

# MCA Municipality Legislative Powers

- 7-1-4123. Legislative powers. A municipality with general powers has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:
  - (1) preserve peace and order and secure freedom from dangerous or noxious activities;
  - (2) secure and promote the general public health and welfare;
  - (3) provide any service or perform any function authorized or required by state law;
  - (4) exercise any power granted by state law;
  - (5) subject to 15-10-420, levy any tax authorized by state law for public or governmental purposes as described in 7-6-2527;
  - (6) appropriate public funds;
  - (7) impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
  - (8) grant franchises; and
  - (9) provide for its own organization and the management of its affairs.

# ▶ We don't want to tax, impose fees or put people in difficult financial situations that make them resent conservation conscious decisions

- A better option would be to encourage choices that reduce our waste and impact on the environment
- Businesses typically create more waste and consume more water and electricity than individuals do
- If we can encourage businesses operating in Helena to voluntarily make conscious choices, we can reduce their impact and in turn, individual impacts



# Potential Proposal Starting Point

- The creation of the “Helena Consortium of Conservation Conscious Businesses” (working name, open to ideas)
- Consortium would be defined as a group of companies with the objective of participating in a common activity or goal
  - the goal in this case being a reduction in their waste production, energy consumption, water use, contributions to pollution etc.

# Helena Consortium of Conservation Conscious Businesses

- Voluntary program a business operating in Helena can participate in
- The business would create a Conservation Plan outlining what measures they would like to take in order to reduce their consumption of resources and/or their production of waste
- Upon proof of reductions, they would be given signage for the current calendar year that they can display at their business showing they are part of the HCCCB and attract more patrons
- Potential reduction in bills to increase profit, or offset costs of other choices
  - Savings on NWE bill could mean they can purchase paper products over plastic

# More HCCCB Incentives

- We all vote with our dollars, by displaying their participation in the HCCCB, businesses can attract consumers who want to support a business that is making environmentally conscious choices
- The city has the power to make grants for public purposes, solicit and accept grants and services, create ordinances and resolutions to appropriate public funds:
  - We could try to set aside city money as a monetary incentive for participation in the consortium
    - City grant to match dollars saved in electricity bill/water bill the 1<sup>st</sup> year of participation, up to some \$ amount
  - Appropriate city funds to purchase starter packs for HCCCB businesses; light bulbs, water fixtures
  - We could ask local businesses to donate incentives that could be raffled off to members of HCCCB annually
    - Golf sessions at Bill Roberts
    - Gift cards to local restaurants, spas, outfitters etc.



# Policy driven options

1. Resolution stating that the city/ccb create a proposal for consideration by the commission regarding the creation of the HCCCB program, outlining conservation plans, program intentions, participation incentives and administration of the program
  1. Rather than going straight to the creation of the program, but that is an option too
2. Resolution creating a grant to be available to members of the HCCCB
  1. Matching 1st year savings up to a set amount or just a set amount for purchasing efficient upgrades to get businesses started
3. Resolution creating a grant through appropriation of public funds for local businesses to purchase upgrades, this could also include private citizens
  1. Could savings from the Waste Treatment Plant upgrades be allocated to customers within the city for purchasing water wise fixtures?

# Still a lot to consider and iron out...

- Conservation Plan options need to be outlined, reduce lbs of food thrown away, donate food to local food banks, compostable to-go products....
- Proving a reduction in consumption and waste production
  - Provide 1<sup>st</sup> month energy and water bill, then again a few months in to show reduction
  - Other things like, swapping polystyrene for paper, filling peoples reusable coffee containers over the use of plastic, not using plastic utensils can all be seen
- Could the CCB help with the HCCCB administration or would the city need to find time to take on the oversight?
- Could we find programs that donate or offer deals on efficiency upgrades?



# Options for getting started:

- Send out a poll to local businesses
  - Gauge their interest in a program like this
  - Get some voluntary data on their waste production and resource consumption
  - What methods they might be interested in using to reduce their impact