No.: 01-89
Date: March 7, 1989

RESOLUTION
OF THE CITY COUNCIL
CITY OF CLARK FORK

TITLE: OPPOSITION TO IDAHO HOUSE OF REPRESENTATIVES BILL NO. 294

WHEREAS: House Bill 294 (RS22810C2) has been introduced by the Resources and Conservation Committee of the Idaho House of Representatives; and,

WHEREAS: House Bill 294 proposes to amend Section 39-103 Idaho Code by providing that the director of the State Department of Health and Welfare shall formulate and adopt a comprehensive state nutrient management plan for the surface waters of the State of Idaho with the panhandle hydrologic basin plan to be completed no later than July 1, 1992; and,

WHEREAS: House Bill 294 further proposes to amend Section 39-103 Idaho Code by providing that an emergency exists and that this legislation be in full force and effect retroactively to January 1, 1989, when there has been no indication heretofore that an emergency exists with regard to the surface waters throughout the panhandle, even though several associations have previously encouraged the State to initiate efforts to stop or reverse the deterioration of the quality of the lakes, rivers and streams throughout northern Idaho; and,

WHEREAS: House Bill 294 specifically proposes that Section 39-103 Idaho Code be amended to read, in part, as follows: "No nutrient management program adopted by any local unit of government shall be effective prior to the completion of the state comprehensive nutrient management plan or hydrologic basin plan."; and,

WHEREAS: Members of the legislative body should be aware of the fact that the City Council of the City of Missoula, Montana, recently adopted an ordinance banning the sale of detergents containing phosphates within their city limits as a step toward protecting their surface waters, particularly the Clark Fork River which drains into Lake Pend Oreille in northern Idaho; and,

WHEREAS: Members of the legislative body should also be aware of
           efforts currently underway in the Idaho panhandle,
           particularly in Bonner County through which the Clark
           Fork and Pend Oreille Rivers flow, to promote a similar
           ban of the sale of detergents containing phosphates;
           and,

WHEREAS: It appears to the Mayor and City Council of the City of
           Clark Fork that representatives of the phosphate
           industry who have not been successful in convincing us
           that there is no need for a phosphate ban, have not
           only been successful in convincing some members of the
           legislative body that a study is necessary, but have
           also convinced them to include language in this
           legislation precluding cities from acting in their own
           best interests retroactively as well as until such time
           as a study is completed; and,

WHEREAS: Section 50-301 Idaho Code states, in part, that,
           "Cities shall make all such ordinances ... rules,
           regulations and resolutions ... to maintain the welfare
           of the corporation..." (emphasis added); and,

WHEREAS: It appears to the Mayor and City Council of the City of
           Clark Fork that this legislation would remove a measure
           of local control from city governments.

NOW, THEREFORE, BE IT RESOLVED THAT: The Mayor and City Council
           whish to go on record strongly endorsing the proposal
           to initiate nutrient studies of the surface waters of
           the state of Idaho because water is our most precious
           resource; and,

BE IT FURTHER RESOLVED THAT: The Mayor and City Council wish to
           express to the House Resources and Conservation
           Committee as well as to the entire body of the House of
           Representatives and the Senate our opposition to House
           Bill 294 which prohibits, until 1992, city police
           powers from being exercised with regard to nutrient
           management as well as our opposition to the language
           which establishes a retroactive effective date of
           January 1, 1989.

Clark Cowley
Clark Cowley, Mayor

ATTEST:

Virginia Catey
Virginia Catey, City Clerk

CITY COUNCIL MEMBERS		YES	NO	ABSENT	ABSTAIN
(1)	Russell Schenck	X			
(2)	Jane Heller	X			
(3)	J. Pat White MOTIONED	X			
(4)	Louis Speelmon SECONDED	X			