

City Clerk Staff

From: Jim Nugent
Sent: Thursday, January 12, 2023 1:10 PM
To: Eran Pehan
Cc: Dept. Mayors Office; Grp. City Council and City Web Site; Leigh Griffing; Dept. City Clerk; Mary McCrea; Laval Means (she/her); Walter Banziger; Dept. Attorney; Eric Hallstrom
Subject: FW: Review Request for Montana bill LC1083

ERAN:

Be aware of proposed LC 1983 generally revising crypto currency laws, that creates three (3) new statutory pre-emptions/prohibitions of local government powers; including (1) prohibiting any power to change zoning in an area that contains an active digital asset mining business or preventing a digital asset mining business from operating in an area zoned for industrial use; (2) any pore to prevent home detail mining at a private residence except as related to existing noise ordinances; or (3) any power to impose requirements on a digital asset mining business that are not also for data centers in the city

Also, for city finance folks; LC 1083 allows cryptocurrency as a payment method that local government is prohibited from imposing any additional tax, withholding assessment or charge when cryptogram is used as a method of payment. I suspect this means an additional charge/fee similar to use of a credit card to pay taxes; etc.; would be prohibited or not allowed with respect to payment pursuant to cryptocurrency method of payment.

JIM NUGENT

From: system@mg.billtracker.com <system@mg.billtracker.com>
Sent: Thursday, January 12, 2023 9:06 AM
To: Jim Nugent <NugentJ@ci.missoula.mt.us>
Subject: Review Request for Montana bill LC1083

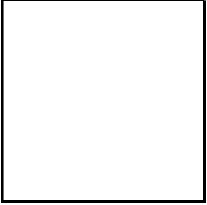
BillTracker

You have been asked to review a bill (Montana - LC1083) by City of Missoula for All City.

Generally revise cryptocurrency laws

The link below will take you to the review form. Please review the legislation as soon as possible. Thank you.

<https://www.billtracker.com/ReviewFromEmail/8cd23fe0d298bbe2d4187bd873854efc>



City Clerk Staff

From: Jim Nugent
Sent: Thursday, January 12, 2023 10:35 AM
To: Dept. Mayors Office; Grp. City Council and City Web Site; Dept. City Clerk; Leigh Griffing
Cc: Dept. Attorney
Subject: Montana Constitution Art. XI(9)I every 10 years requires local government voter vote to determine whether to review its local government structure. If voters vote to study, study commission elected to study and potentially make recommendations

TO WHOM IT MAY CONCERN CITY OF MISSOULA LOCAL GOVERNMENT:

This email explanation is intended to inform City of Missoula officials about the upcoming city voter, vote to determine whether to study the structure of the City of Missoula's form of city government; that citizen Geoff Badenoch, on behalf of the League of Women Voters, was informing city officials about during public comment at the end of the January 9, 2023 Monday evening city council meeting.

Montana Constitution, Article XI, section 9 entitled VOTER REVIEW; requires every ten (10) years that voters of a local government vote to determine by election vote whether a local government will undertake a study of its local government structure by electing a study commission to perform such a review. If a study commission is created, the study commission may or may not recommend an alternative form of local government structure or recommend revisions to the existing local government structure. Montana's local government voter review laws are set forth in sections 7-3-171 through 7-3-193 Montana Code Annotated..

The statutory alternative structural forms of local government in Montana that may be considered include:

- (1) Commission-Executive Government (A/K/A City Council/Mayor) Government structure, operating pursuant to sections 7-3-201 through 7-3-224 MCA; This is the structural form of local government in combination with strong mayor self-government charter government adopted by City of Missoula voters and continued with some revision, such as non-partisan elections rather than partisan elections.
- (2) Commission-Manager Government operating pursuant to sections 7-3-301 through 7-3-318 MCA;
- (3) Commission Government operating pursuant to sections 7-3-401 through 7-3-442 MCA;
- (4) Commission-Presiding Officer Government, operating pursuant to sections 7-3-501 through 7-3-517 MCA;
- (5) Town Meeting Government operating pursuant to sections 76-3-601 through 76-3-613 MCA;
- (6) "Charter Government operating pursuant to sections 7-3-701 through 7-3-709 MCA. Montana Constitution Article XI, section 5 entitled SELF-GOVERNMENT CHARTERS requires the Montana State Legislature to provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body. Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.
- (7) City-County Consolidation-Option-1, sections 7-3-1101 through 7-3-1105 MCA;
- (8) City-County Consolidation-Option 2 operating pursuant to sections 7-3-1201 through 7-3-1280 MCA and continuing in sections 7-3-1301 7-3-1348 MCA.

(9) Strong Mayor Municipal Government, sections 7-3-4101 and 7-3-4102 MCA

(10)Municipal Commission Government operating pursuant to sections 7-3-4201 through 7-3-4267 MCA;

(11)Municipal Commission-Manager Government operating pursuant to sections 7-3-4301 through 7-3-4374 MCA continued in sections 7-3-4401 through 7-3-4466 MCA

The vote to determine if a voter study commission should be established to study the structure of the local government must be conducted at a general primary election and the FOR and AGAINST ballot language must include both voting to establish and fund a study commission consisting of an identified number of study commission members of at least three (3) members. The persons desiring to serve on the study review commission apply for inclusion on the upcoming general election ballot and at the general election the study commission members are selected by voters without a primary election for their selection.

The local government being studied must provide office and meeting space as well as clerical assistance to the study commission.. The study commission shall prepare a budget for each fiscal year and the local government must appropriate an amount necessary to fund the study. The local government is authorized to levy tax levy mills in excess of all other mill levies authorized by law.

JIM NUGENT