

Ordinance #58
Ordinance Request for Code 23A

AN ORDINANCE AUTHORIZING MITCHELL COUNTY CONSERVATION BOARD TO ENGAGE IN OFFERING THE SALE OF WETLAND MITIGATION CREDITS TO PUBLIC AND PRIVATE ENTITIES PURSUANT TO CHAPTER 23A OF THE CODE OF IOWA

WHEREAS, Mitchell County, Iowa is the owner of Wetland Mitigation Bank; and

WHEREAS, the Mitchell County credits and funds are managed by the Mitchell County Conservation Board;

WHEREAS, Section 23A.2 of the Code of Iowa allows counties to engage in the offering for sale, rental, leasing, delivery, dispensing, distributing or advertising goods or services to the public which are also authorized by private enterprises if such counties is specifically authorized by ordinance; and

WHEREAS, Mitchell County (the "County") desires to have specific authorization to own, operate, construct and maintain a general use wetland mitigation bank (the "Mitigation Bank"); and

WHEREAS, the Mitchell County Conservation Board desires to sell credits in the Mitigation Bank to public and private entities to offset environmental losses that result from unavoidable impacts to the waters of the United States; and

WHEREAS, the Mitchell County Supervisors deems it advisable to adopt an ordinance in order to provide the Mitchell County Conservation Board with specific authorization pursuant to Section 23A.2 of the Code of Iowa.

NOW, THEREFORE, BE IT ENACTED by Mitchell County Supervisors of the Mitchell County, Iowa, as follows:

Section 1. The Mitchell County Conservation Board, Iowa, is hereby authorized to own, operate, construct, and maintain the Mitigation Bank, and offer wetland bank mitigation credits for sale to public and private entities to offset environmental losses that result from unavoidable impacts to the waters of the United States.

Section 2. The authorization granted in Section I of this Ordinance is hereby declared to be in satisfaction of Section 23A.2 of the Code of Iowa.

Section 3. Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Use of Funds. Funds received from the Wetland Mitigation Bank will be used to payoff the loan for the development of the Mitigation Bank. Any funds available after the payoff of the loan will be used to develop and enhance the parks and areas under the management of the Mitchell County Conservation Board. Funds received will be deposited and paid out of the Mitchell County Conservation Board Trust Account.

Section 5. Saving Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be in effect after its passage, approval and publication as provided by law.

ENACTMENT AND EFFECTIVE DATE

This amendment shall be in full force and effect from and after its passage and adoption as provided by law.

Passed this 14th day of March, 2023.

3-14-2023

Date


Chairperson, Mitchell County Board of Supervisors

ATTEST:

Rachel Foster

Rachel Foster, Mitchell County Auditor

I certify that the foregoing was published in the Enterprise Journal as Ordinance No. 58 on the following date(s):
& Press News

March 8, 2023 & March 7, 2023

Rachel Foster
_____, Mitchell County, Iowa Auditor