

**Date** February 6, 2023

**APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO TRANSFER AND DEVELOP POTENTIAL CARBON AND ENVIRONMENTAL CREDITS WITH TREES FOREVER, INC.**

**WHEREAS**, on November 23, 2021, the City Manager approved an Agreement to Transfer and Develop Potential Carbon and Environmental Credits (“Agreement”) between the City of Des Moines and Trees Forever, Inc., an Iowa non-profit corporation (“Project Operator”), pursuant to which the Project Operator develops potential carbon and environmental credits (Carbon+ Credits) through the Growing Futures tree-planting project on public right of way and parks with the City, with title and rights to all Carbon+ Credits granted by City to Project Operator, for the 25-year duration of the Agreement and a potential 25-year renewal period; and

**WHEREAS**, the Carbon+ Credit provider, City Forest Credits, is requiring an amendment to the Agreement in order to provide said Credits to the Project Operator for 2022 and for better compliance with its Carbon+ Credit program; and

**WHEREAS**, the City Forester and the Project Operator have negotiated a First Amendment to the Agreement, in form on file in the City Clerk’s office, which First Amendment specifies the transfer of Carbon+ Credits from the Growing Futures project or any similar project involving trees approved by both City and Project Operator through 2030, and extending the term of the Agreement to the set date of November 1, 2056, with a potential 25-year renewal option.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. That approval of the Agreement to Transfer and Develop Potential Carbon and Environmental Credits by the Mayor is hereby ratified, and the First Amendment to the Agreement is hereby approved.
2. That the Mayor is hereby authorized and directed to execute the First Amendment to the Agreement on behalf of the City, and the City Manager is authorized and directed to approve and execute any additional minor amendments to said Agreement and to submit any substantive amendments to said Agreement to City Council for consideration and approval.
3. That the City Forester is hereby authorized and directed to administer the Agreement, as amended, on behalf of the City.

(Council Communication No. 23-071)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Second by \_\_\_\_\_.

/s/ Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 Laura Baumgartner, City Clerk