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MULTIJURISDICTIONAL DRUG ENFORCEMENT AGREEMENT

This agreement entered into in compliance with Iowa Code Chapter 28E of the 1991 Code of Iowa by and between Dubuque County and Delaware County is made to enable Dubuque County and Delaware County to engage jointly in criminal investigations and prosecutions, particularly involving illegal drug trafficking and the use and distribution of controlled substances.

Dubuque County and Delaware County specifically agree to the following:

1. To jointly engage in criminal investigations and prosecutions, particularly involving illegal drug trafficking and the use and distribution of controlled substances.

2. The duration of this agreement shall be for the duration of the FFY 1991-92 Comprehensive Career Criminal and Drug Prosecution Support Program, Project 9108104, as approved by the Iowa Department of Public Health, Governor's Alliance on Substance Abuse and any corresponding extension thereof.

3. No separate legal entity will be created.

4. The funded resources of the program will consist of a full time prosecutor technically employed by Dubuque County. Investigative resources will be provided by member law enforcement agencies, and additionally prosecutorial assistance will be provided by Dubuque County and Delaware County as the need demands.

5. The prosecutor, Timothy J. Gallagher, will be designated as a Special Assistant United States Attorney, Assistant Dubuque County Attorney, and a Special Prosecuting Attorney for Delaware County.

6. The operations of the program which are within the scope of the grant-funded project will be administered by a control group established by a separate agreement as required by the conditions of the Comprehensive Career Criminal and Drug Prosecution Support Program, Project 9108104.

7. As provided in said agreement, the control group will determine the following:

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8.25.07

FILE No. 161-2205 | FILED FOR RECORD THE 12 DAY OF February 19 92 AT 10:36 O'CLOCK A. M. BOOK 3 PAGE 17 | STATE OF IOWA, DELAWARE COUNTY Jane A. Lloyd, Recorder By Misc., Deputy

RECORDING FEE $ No Fee

TRANSFER FEE $

a. Establishment of criteria for the selection of investigative targets;
b. The allocation of grant-funded resources and other investigative and prosecutorial resources as may be made available by member agencies;
c. Establishment of criteria for the prosecution of cases including policies on use of informants, immunity, priority of targets, forfeitures, plea agreement goals, and choice of Federal or State forums for prosecution;
d. Oversight of ongoing investigations.

8. Dubuque County agrees to assume risks of liability arising out of operations and investigations conducted within Dubuque County. Delaware County agrees to assume risks of liability arising out of operations and investigations conducted within Delaware County.

9. This agreement may be terminated by either Dubuque County or Delaware County for good cause shown or for loss of funding. Equipment or other personal property acquired during the term of the program will become the property of Dubuque County.

10. For the purposes of employment rights or benefits, the prosecutor will be an employee of Dubuque County.

11. The prosecutor employed under this agreement shall be employed and paid by Dubuque County. Delaware County shall reimburse Dubuque County directly for 25% of the actual salary and benefit costs attributable to time spent in investigations and prosecutions of activities and offenses occurring in Delaware County and for 25% of necessary mileage and expenses. A claim for such reimbursement shall be presented and approved by the Delaware County Attorney prior to presentation to the Delaware County Board of Supervisors for payment. From the commencement of this agreement until September 30, 1992, 25% of salary and benefits shall be $55.00 per day. Thereafter, the amount shall be 25% of the salary and benefits approved in any extension of the Comprehensive Career Criminal and Drug Prosecution Support Program, Project 9108104.

WHEREFORE, in consideration of the mutual promises and agreements contained herein, Dubuque County and Delaware County do hereby agree to be bound this 13th day of January, 1992.

Dubuque County, Iowa

By: Donna L. Smith
Chairperson, Dubuque County
Board of Supervisors
DONNA L. SMITH

Attest: Denise M. Dolan
Dubuque County Auditor
DENISE M. DOLAN

Fred H. McCaw
Dubuque County Attorney

Delaware County, Iowa

By: Bob Clemen
Chairperson, Delaware County
Board of Supervisors
BOB CLEMEN

Attest: Sharon McCrabb
Delaware County Auditor
SHARON MC CRABB

Lou Walker
Delaware County Attorney

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 13th day of January, 1992, before me, a Notary Public in and for the State of Iowa, personally appeared Donna L. Smith and Denise M. Dolan, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Dubuque, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed the Resolution adopted by the Board of Supervisors, under Roll Call No. _____ of the Board of Supervisors on the 13th day of January, 1992, and Donna L. Smith and Denise M. Dolan acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public, State of Iowa
MARY JANE JOHANNSEN

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 30 day of December, 1992, before me, a Notary Public in and for the State of Iowa, personally appeared Bob Clemen and Sharon McCrabb, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the

seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed the Resolution adopted by the Board of Supervisors, under Roll Call No. _____ of the Board of Supervisors on the 30 day of December, 1991 ~~1990~~, and Bob Clemen and Sharon McCrabb, acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Anne R. Rave
Notary Public, State of Iowa

ANNE R. RAVE

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 7th day of January, 1992, before me, Fred H. McCaw, Dubuque County Attorney, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that Fred H. McCaw executed the same as his voluntary act and deed.

Mary A. Hohensee
Notary Public, State of Iowa

MARY A. HOHENSEE

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 23 day of December, 1991, before me, Lou Walker, Delaware County Attorney, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that Lou Walker executed the same as his voluntary act and deed.

Anne R. Rave
Notary Public, State of Iowa

ANNE R. RAVE

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RESOLUTION NUMBER 92- 013

WHEREAS, Dubuque County has secured a grant for fiscal year 1992 for a Comprehensive Career Criminal and Drug Prosecution Support Program, to include Dubuque, Delaware and Buchanan Counties; and

WHEREAS, Delaware County has agreed to enter into a 28-E Agreement to participate in this program.

NOW THEREFORE BE IT RESOLVED that the Dubuque County Board of Supervisors herewith approves and authorizes the Chairperson to sign a Chapter 28E Agreement with Delaware County to enable the two counties to engage jointly in criminal investigations and prosecutions, particularly involving illegal drug trafficking and the use and distribution of controlled substances.

Resolution adopted this 13th day of January, 1992.

Donna L Smith
Donna Smith, Vice Chair

Attest:

Denise M. Dolan
Denise M. Dolan, County Auditor