Del. Co. Auditor

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Buchanan County Recorder
Diane Curry
Instrument #2009R00195
01/20/2009 @02:33 PM
E28 28E AGREEMENT
Pages: 5
Total Fees: $0.00

Recorder's Cover Sheet

28E AGREEMENT FOR SHARING COUNTY ENGINEER

Prepared by: John W. Bernau, Delaware County Attorney, Delaware County Courthouse, 301 East Main Street, Manchester, Iowa 52057; 563-927-3819

Taxpayer Information: Does not apply

Return Document To: Delaware County Board of Supervisors

Grantor:
Buchanan County, Iowa

Grantee:
Delaware County, Iowa

28E AGREEMENT FOR SHARING COUNTY ENGINEER

COMES NOW Delaware County, Iowa, and Buchanan County, Iowa, and, pursuant to the provisions of Iowa Code Chapter 28E.5, enter into a joint and mutual agreement for the sharing of a County Engineer pursuant to the provisions of Iowa Code Section 309.19.

Delaware County's Engineer, Mark Nahra, has tendered his resignation to leave the employment of Delaware County and Delaware County wishes to be covered during the transition period between Nahra's transfer to Woodbury County and the hiring of a replacement.

Iowa Code Section 309.19 permits adjoining counties to enter into an agreement to jointly employ a County Engineer and requires that provisions of Iowa Code Chapter 28E be applicable to the agreement. Therefore, the parties agree as follows:

1. This agreement is expected to be of a short duration, lasting no more than several months, but in any event, will last no longer than one year from the date of signing unless extended by mutual written agreement.
2. No separate organization is created or planned by the counties. The Buchanan County Board of Supervisors is the Board designated to make payments for salaries and other costs of the joint program. Buchanan County shall bill Delaware County for costs incurred by Buchanan County, including the sharing of salary and other costs of the joint program. The parties are unable to determine the exact amount of time that will be required of the Buchanan County Engineer in serving Delaware County, but agree that the proportionate share of the Buchanan County Engineer's time used for the benefit of Delaware County

shall be billed to Delaware County with other costs associated with the sharing, and Delaware County shall promptly reimburse Buchanan County.

3. Pursuant to this agreement, Buchanan County Engineer Brian Keierleber shall be appointed the Delaware County Engineer upon the resignation of Delaware County Engineer Mark Nahra. Keierleber shall be the Delaware County Engineer until a full-time replacement for Nahra is appointed.
4. The purpose of the 28E Agreement is to comply fully with the provisions of Iowa Code Section 309.19 to permit Delaware County, Iowa, to share with adjacent county, Buchanan County, Iowa, the services of the Buchanan County Engineer for a temporary period of time.
5. The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefore, shall rest with Buchanan County, Iowa, which shall periodically bill Delaware County for these services and Delaware County shall promptly reimburse Buchanan County.
6. The agreement shall be in full force and effect until a replacement for Delaware County Engineer Nahra is appointed, at which time this agreement shall automatically terminate. The parties do not contemplate the purchase of any jointly owned property.
7. Delaware County shall pay, as a part of the sharing agreement, the following amounts:

    a. $501.51 per day. The amount of $501.51 represents the total cost to Buchanan County for the Engineer's services, including salary and fringe benefits.

    b. Delaware County will also pay $63.77 per day to Buchanan County which Buchanan County will pay out to Engineer Brian Keierleber for his personal reimbursement.

c. The parties agree that a "day" is defined as a minimum of five consecutive hours.

d. Delaware County shall pay mileage reimbursement of 55 cents per mile (federal mileage rate) for use of either a Buchanan County vehicle or Engineer Keierleber's personal vehicle.

APPROVED BY THE BUCHANAN COUNTY BOARD OF SUPERVISORS

Michael L. Fenelon
Chairperson, Buchanan County Board of Supervisors

APPROVED BY THE DELAWARE COUNTY BOARD OF SUPERVISORS

Shirley E. Helmrichs
Chairperson, Delaware County Board of Supervisors

(File with the Buchanan County Recorder, the Delaware County Recorder and the Iowa Secretary of State)

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 12th day of January, 2009, before me, Carla K Becker, a Notary Public in and for the State of Iowa, personally appeared Shirley E. Helmrichs and who, being by me duly sworn, did say that he/she is the Chairperson of the Board of Supervisors of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 12th day of January, 2009, and Shirley E. Helmrichs acknowledged the execution of the instrument to be his/her voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

NOTARIAL SEAL IOWA
CARLA K. BECKER
Commission Number 744418
My Commission Expires
December 14, 2009

Carla K Becker
Notary Public, State of Iowa

STATE OF IOWA)
) ss:
BUCHANAN COUNTY)

On this 19th day of January, 2009, before me, Cindy Witt, a Notary Public in and for the State of Iowa, personally appeared Michael L. Ferreter, and who, being by me duly sworn, did say that he/she is the Chairperson of the Board of Supervisors of the County of Buchanan, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 19th day of January, 2009, and Michael L. Ferreter acknowledged the execution of the instrument to be his/her voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

SEAL OF BUCHANAN COUNTY IOWA

Cindy Witt
Notary Public, State of Iowa

CINDY WITT
Commission Number 149856
My Commission Expires
December 29, 2009