Book 2015 Page 1166
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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Dubuque County Iowa
John Murphy Recorder
File 2015-00005447

Recorder's Cover Sheet

AMENDED AND SUBSTITUTED 28E AGREEMENT FOR SHARING COUNTY ENGINEER

Prepared by: Courtney Vorwald, Assistant 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:
Delaware County, Iowa

Grantee:
Dubuque County, Iowa

AMENDED AND SUBSTITUTED
28E AGREEMENT FOR SHARING COUNTY ENGINEER

COMES NOW Delaware County, Iowa, and Dubuque 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.

Dubuque County's Engineer, Bret Wilkinson, has tendered his resignation to leave the employment of Dubuque County, and Dubuque County wishes to be covered during the transition period between Bret Wilkinson's resignation from Dubuque 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 three months from the date of signing unless extended by mutual written agreement.
2. No separate organization is created or planned by the counties. Delaware County shall bill Dubuque County for costs incurred by Delaware 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 Delaware County Engineer in serving Dubuque County, but agree that the proportionate share of the Delaware County Engineer's time used for the benefit of Dubuque County shall be billed to Dubuque County with other costs associated with the sharing, and Dubuque County shall promptly reimburse

Delaware County.

3. Pursuant to this agreement, Delaware County Engineer Anthony Bardgett shall be appointed the interim Dubuque County Engineer. Bardgett shall be the Dubuque County Engineer until a full time replacement for Wilkinson is appointed or no more than three months from the date of signing, whichever occurs first.
4. The purpose of the 28E Agreement is to comply fully with the provisions of Iowa Code Section 309.19 to permit Dubuque County, Iowa, to share with adjacent county, Delaware County, Iowa, the services, as defined in paragraph three, of the Delaware County Engineer for a period not to exceed three months.
5. The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefore, shall rest with Delaware County, Iowa, which shall periodically bill Dubuque County for these services and Dubuque County shall promptly reimburse Delaware County.
6. Dubuque County shall pay to Delaware County, as a part of the sharing agreement, the following amounts:
    a. $150.00 per hour. The amount of $150.00 per hour represents the total cost for the Engineer's services, including salary and fringe benefits.
    b. $45.00 per hour, plus the associated FICA and IPERS, for the time Bardgett spends in and traveling to and from Dubuque County. Delaware County will pay out that amount directly to Engineer Anthony Bardgett.
    c. Dubuque County shall pay mileage reimbursement of $.50 cents per mile for use of a Delaware County vehicle.

7. The pay rates in paragraph 6 shall be retroactive to the date the original 28E agreement became effective.

APPROVED BY THE DELAWARE COUNTY BOARD OF SUPERVISORS

Jeff Madlom
Chairperson, Delaware County Board of Supervisors

APPROVED BY THE DUBUQUE COUNTY BOARD OF SUPERVISORS

Daryl Klein
Chairperson, Dubuque County Board of Supervisors

Carla Becker, Auditor

Denise Dolan, Auditor

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

STATE OF IOWA)
) ss:
DUBUQUE COUNTY)

On this 27th day of April, 2015, before me, Ramona Manternach, a Notary Public in and for the State of Iowa, personally appeared Daryl Klein and Denise 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 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. 15-099 passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 27th day of April, 2015, and Daryl Klein and Denise Dolan 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.

Ramona J. Manternach
Notary Public, State of Iowa

RAMONA J. MANTERNACH
Commission Number 763355
My Comm. Exp. 12-4-16

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 27th day of April, 2015, before me, Anne Rave, a Notary Public in and for the State of Iowa, personally appeared Jeff Madlom and Carla Becker, 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 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 27 day of April, 2015, and Jeff Madlom and Carla Becker 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
ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

Anne Rave
Notary Public, State of Iowa