

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**AUGUST 19, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL AGREEMENT AMENDMENT METRO DRUG TASK FORCE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to approve an amendment to the Interlocal Cooperation Agreement between the City of La Vista and the Metro Drug Task Force participating Agencies.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval

**BACKGROUND**

The La Vista Police Department has been a member of the Metro Drug Task Force through an Interlocal Cooperation Agreement since 2004. Due to governmental grant requirements, new language is required to be in the Interlocal Agreement.

The Amendment to the Interlocal Agreement includes the following changes:

1. It designates a "Task Force Commander" (new paragraph 10A).
2. It details the requirement that task force members be certified officers in Nebraska (paragraph 16).
3. It clarifies that proceeds derived from asset forfeiture initiated in the course of investigations conducted by the Metro Drug Task Force will be shared equitably among member agencies that participated in the investigation based on the agency manpower contribution by each agency that participates in the investigation that leads to the forfeiture.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH THE PARTICIPATING AGENCIES OF THE METRO DRUG TASK FORCE (U.S. DEPARTMENT OF JUSTICE- DEA, U.S. DEPARTMENT OF TREASURY-IRS, CITY OF BELLEVUE, CITY OF PAPILLION, SARPY COUNTY, NEBRASKA, DOUGLAS COUNTY, NEBRASKA, THE NEBRASKA STATE PATROL, AND THE CITY OF OMAHA).

WHEREAS, it is the belief of informed law enforcement administrators that the most effective enforcement effort against drug trafficking and related crime in the Omaha/East Central Nebraska Metropolitan area can best be achieved through the cooperative efforts of multi-agency enforcement; and

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, U.S. Department of Justice – DEA, U.S. Department of Treasury – IRS, City of Bellevue, City of Papillion, Sarpy County, Nebraska, Douglas County, Nebraska, the Nebraska State Patrol, and the City of Omaha are desirous of and agreeable to an extension of an Interlocal Cooperation Agreement forming a Metropolitan Drug Task Force;

WHEREAS, the amendment to the Agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby approve and authorize the Mayor to execute an Amendment to the Interlocal Cooperation Agreement with the participating agencies of the Metro Drug Task Force (U.S. Department of Justice – DEA, U.S. Department of Treasury – IRS, City of Bellevue, City of Papillion, Sarpy County, Nebraska, Douglas County, Nebraska, the Nebraska State Patrol, and the City of Omaha).

PASSED AND APPROVED THIS 19TH DAY OF AUGUST, 2014.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC

City Clerk

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**FIRST AMENDMENT TO THE  
INTERLOCAL AGREEMENT AMONG CITY OF OMAHA  
AND OTHER GOVERNMENTAL AGENCIES  
COMMONLY KNOWN AS THE "METRO DRUG TASK FORCE"**

This **FIRST AMENDMENT** to the **INTERLOCAL AGREEMENT AMONG CITY OF OMAHA AND OTHER GOVERNMENTAL AGENCIES COMMONLY KNOWN AS THE "METRO DRUG TASK FORCE"** (this "Amendment") is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among U.S. Department of Justice-DEA, US. Department of Treasury-IRS, City of Bellevue, City of Papillion, City of La Vista, Sarpy County, Nebraska, Douglas County, Nebraska, the Nebraska State Patrol, all governmental agencies and/or political subdivisions of the State of Nebraska, and the City of Omaha, Nebraska, a Nebraska municipal corporation (the "City").

**RECITALS**

WHEREAS, the City and other governmental agencies are parties to that certain Interlocal Cooperation Agreement dated January 13, 2011 (hereinafter referred to as the "Original Agreement"). The Original Agreement was entered into to provide for the joint-work environment to address the law enforcement needs of Omaha/East Central Nebraska metropolitan area specifically with regard to the drug enforcement; and,

WHEREAS, certain terms of the Agreement need to be amended in order to comply with the grant requirements of the Nebraska Commission on Law Enforcement and Criminal Justice Grant which funds the Drug Task Force; and,

WHEREAS, it is in the best interest of the City to make the administrative changes to the Agreement as provided in this Amendment.

**AGREEMENT**

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the U.S. Department of Justice-DEA, US. Department of Treasury-IRS, City of Bellevue, City of Papillion, City of La Vista, Sarpy County, Nebraska, Douglas County, Nebraska, the Nebraska State Patrol, and the City do hereby mutually agree as follows:

1. That the attached Original Agreement dated January 13, 2011, is hereby incorporated by reference.

2. That a new paragraph 10A is inserted to read as follows:

10A. In addition, there shall be a Task Force Commander. The Task Force Commander shall be a Lieutenant from the Omaha Police Department and will be responsible for managing the Metro Drug Task Force ("MDTF"). The Task Force Commander will report to the MDTF Advisory Board during the bi-annual meetings.

a. The Task Force Commander will be responsible for managing the High Intensity Drug Trafficking Association "purchase evidence/purchase information" account which all participating MDTF agencies have available to them for use as "buy funds" for confidential informant payments.

b. Any personnel assigned to the MDTF shall adhere to the published by-laws. The Task Force Commander will be responsible for ensuring that all members are adhering to these policies and procedures.

3. That paragraph 16 of the Original Agreement contains the following language:

All participating agencies assigning personnel under this Agreement understand that such personnel shall at all times remain an employee of and under the ultimate direction and control of the assigning agency; shall be compensated by that agency including workers' compensation; shall be defended and indemnified by that agency; and shall be deemed to be acting in the course and scope of employment with that participating agency.

4. That paragraph 16 of the Original Agreement is hereby eliminated and replaced to read as follows:

16. All participating agencies assigning personnel under this Agreement understand that such personnel shall at all times remain an employee of and under the ultimate direction and control of the assigning agency; shall be compensated by that agency including workers' compensation; shall be defended and indemnified by that agency; and shall be deemed to be acting in the course and scope of employment with that participating agency.

a. All personnel assigned to the MDTF will possess, or exceed, the minimum qualifications established by the Nebraska Police Standards Advisory council.

b. All personnel assigned to the MDTF shall be in good standing and shall have successfully completed a probationary period with his/her home agency.

5. That a new paragraph 21 is inserted to read as follows:

21. Proceeds derived from asset forfeiture initiated in the course of investigations conducted by the Metro Drug Task Force will be shared equitably among member agencies that participated in the investigation. The equitable sharing will be based on the agency manpower contribution by each agency that participates in the investigation that leads to the forfeiture. The seizing, tracking, and disbursing of assets must be carried out in compliance with state and federal forfeiture guidelines.

6. As hereby amended, the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the dates set forth beneath their respective signatures, the latest of which shall be considered the date of this Amendment for reference purposes.

CITY OF OMAHA, NEBRASKA

By: \_\_\_\_\_  
Jean Stothert, Mayor

Date: \_\_\_\_\_

Attest:

Approved as to form:

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Buster Brown, City Clerk

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Michelle Peters, Assistant City Attorney

UNITED STATES DEPARTMENT OF JUSTICE-  
DRUG ENFORCEMENT ADMINISTRATION

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Special Agent in Charge  
Omaha Office

Date: \_\_\_\_\_

UNITED STATES DEPARTMENT OF  
TREASURY - INTERNAL REVENUE SERVICE

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Special Agent in Charge

Date: \_\_\_\_\_

CITY OF BELLEVUE, NEBRASKA

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest:

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City Clerk

CITY OF PAPILLION, NEBRASKA

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest:

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City Clerk

CITY OF LA VISTA, NEBRASKA

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

SARPY COUNTY, NEBRASKA, SHERIFF

By: \_\_\_\_\_  
Sheriff

Date: \_\_\_\_\_

Attest:

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County Clerk

DOUGLAS COUNTY, NEBRASKA, SHERIFF

By: \_\_\_\_\_  
Douglas County Board Chairperson

By: \_\_\_\_\_  
Sheriff

Date: \_\_\_\_\_

Attest:

Approved as to form:

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County Clerk

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Deputy County Attorney

NEBRASKA STATE PATROL

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Superintendent

Date: \_\_\_\_\_