

STATE OF TEXAS §  
§  
HIDALGO COUNTY §

**MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, this MEMORANDUM OF UNDERSTANDING agreement is entered into by and between the **HIDALGO COUNTY HIDTA TASK FORCE**, County of Hidalgo, Texas, hereinafter referred to as "**HIDTA**", and the **CITY OF CLARKSTON POLICE DEPARTMENT, COUNTY OF DEKALB, GEORGIA** hereinafter referred to as "**LAW ENFORCEMENT AGENCY**."

**WHEREAS**, **HIDTA** and the **LAW ENFORCEMENT AGENCY** have law enforcement and crime prevention goals and initiatives; and ties and to further enhance and serve to encourage further cooperation among federal, state(s) and local law enforcement agencies; and

**WHEREAS**, the **HIDTA** and the **LAW ENFORCEMENT AGENCY** seek to further enhance and serve to encourage further cooperation among federal, state(s) and local law enforcement agencies; and

**WHEREAS**, **HIDTA** and the **LAW ENFORCEMENT AGENCY** have heretofore entered into an agreement providing for the exchange of governmental services relating to law enforcement and crime prevention; and

**WHEREAS**, **HIDTA** and the **LAW ENFORCEMENT AGENCY** participated in a joint investigation(s) and

**WHEREAS**, **HIDTA** filed case under the "Texas Code of Criminal Procedure Chapter 59", that may result in asset forfeiture; and the proceeds of which may be distributed among participating agencies,

**THEREFORE**, the parties hereto agree as follows:

1. **LAW ENFORCEMENT AGENCY** may request a share of the forfeited property by submitting a properly executed Form ATP (Application for Transfer of Hidalgo County HIDTA Task Force Forfeiture Property).
  - a. A separate Form ATP must be completed per investigation(s) and/or seizure.
2. **LAW ENFORCEMENT AGENCY** is aware that Form ATP must be submitted within 90-days after the seizure. The 90-days rule may be waived by **HIDTA** in exceptional circumstances upon a written request stating the reasons for the late submission of the sharing request which would justify the waiver. The waiver request must accompany Form ATP.
3. **LAW ENFORCEMENT AGENCY** knowledge's that sharing percentage will be based on the degree of participation in the investigation (s)
4. **LAW ENFORCEMENT AGENCY** will submit a Hidalgo County Purchasing Department Bidder/Vendor Application and Form W-9.
5. **LAW ENFORCEMENT AGENCY** knowledge's that shared funds shall be used for law enforcement purposes only.

6. **HIDTA** will disburse awarded shared funds in accordance with Form TOC (the Hidalgo County HIDTA Decision Form for Transfer of Chapter 59 Forfeited Property).
  - a. The terms apply only to the distribution of property/proceeds awarded in connection joint investigations, and on a case by case basis between **HIDTA** and **LAW ENFORCEMENT AGENCY**
  - b. This does not bind **HIDTA** or **LAW ENFORCEMENT AGENCY** to any other matters involving the sharing and distribution of proceeds of contraband forfeitures.
7. This Agreement may be terminated by either party by giving thirty (30) days written notice via certified mail, return receipt requested to the other party hereto of the intention to terminate.
8. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

EXECUTED IN DUPLICATE COPIES, EACH OF WHICH SHALL HAVE THE FULL FORCE AND EFFECT OF AN ORIGINAL, TO BE EFFECTIVE UPON DATE OF FINAL EXECUTION BY PARTIES.

**COUNTY OF HIDALGO**

By: \_\_\_\_\_  
Ramon Garcia, County Judge

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Ricardo Rodriguez, District Attorney

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Christine A. Hudson, Clarkston Police. Dept. Chief

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Jose V. Delgado, HIDTA Commander

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Arturo Guajardo, Jr. Hidalgo County Clerk

APPROVED AS TO FORM  
Hidalgo County District Attorney's Office

By: \_\_\_\_\_  
Victor M. Garza, Assistant District Attorney

Date: \_\_\_\_\_  
10/23/15