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**AGREEMENT FOR MOSQUITO CONTROL SERVICES
BETWEEN
FLAGLER COUNTY, FLORIDA
THE EAST FLAGLER COUNTY MOSQUITO CONTROL DISTRICT**

THIS AGREEMENT for Mosquito Control Services is made by and between Flagler County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY," and the East Flagler County Mosquito Control District, hereinafter referred to as "MOSQUITO CONTROL DISTRICT."

WITNESSETH

WHEREAS, MOSQUITO CONTROL DISTRICT operates mosquito control activity as authorized by Chapter 388, Florida Statutes, in Flagler County; and

WHEREAS, COUNTY recently established mosquito control special assessments for the areas in Flagler County known as Rima Ridge and Espanola; and

WHEREAS, COUNTY desires to contract with MOSQUITO CONTROL DISTRICT for the purposes of providing mosquito control services to these and other areas as may require such services on an emergency basis to protect the health and welfare of Flagler County's residents and visitors; and

WHEREAS, Chapters 388.381 and 388.231, Florida Statutes, provide authority for the parties to effect a program for the control of mosquitoes by agreement when approved by the Department of Agriculture and Consumer Services; and

WHEREAS, it is in the best interest of both parties to conduct such a program in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties do hereby agree as follows:

I. MOSQUITO CONTROL SERVICES

MOSQUITO CONTROL DISTRICT will perform mosquito adulticiding and mosquito surveillance on an "as available" basis within the boundaries of the Rima Ridge and Espanola areas of the County, which special mosquito assessment areas were established by the County Resolution attached as Exhibit "A." When funding is available, other County areas such as Daytona North may also be provided with mosquito control services on an emergency basis upon mutual agreement of the parties. Spray dates shall be determined by MOSQUITO CONTROL DISTRICT personnel after assessing mosquito control surveillance information. **MOSQUITO CONTROL DISTRICT will only perform services when they are specifically authorized by COUNTY.**

II. ESCROW ACCOUNT

COUNTY will transfer funds for deposit into a mosquito control revenue account established by COUNTY. MOSQUITO CONTROL DISTRICT may draw on this account as services are rendered.

MOSQUITO CONTROL DISTRICT'S billing against the service account shall be based upon the specific service provided on a per treatment basis, as agreed upon by a separate written instrument between the Flagler County Administrator and the Executive Director of the East Flagler County Mosquito Control District. This instrument shall also specify the cost for each truck spray or aerial operation. After the parties agree to the exact service to be provided, the service shall be authorized and performed. MOSQUITO CONTROL DISTRICT will document its services by invoice showing dates of spray operations. **All of these costs shall include equipment, labor, chemicals, and all other applicable costs.**

III. LIABILITY/INDEMNIFICATION

To the extent sovereign immunity has been waived by Section 768.28, Florida Statutes, MOSQUITO CONTROL DISTRICT shall indemnify and hold harmless COUNTY for the negligent acts or omissions of MOSQUITO CONTROL DISTRICT'S employees.

IV. NOTICE

Any notice required by this Agreement shall be in writing and shall be addressed to the parties as follows:

For COUNTY:

Flagler County Board of County Commissioners
1200 E. Moody Boulevard #1
Bunnell, FL 32110
Attn: M. David Haas, County Administrator

For MOSQUITO CONTROL DISTRICT:

East Flagler County Mosquito Control District
24 Utility Drive
Palm Coast, FL 32137
Attn: Joe Cash, Executive Director

V. VENUE

This Agreement shall be governed by and construed according to the laws of the State of Florida. Exclusive venue for any disputes concerning this Interlocal Agreement shall be in the Florida state courts situated in Flagler County, Florida.

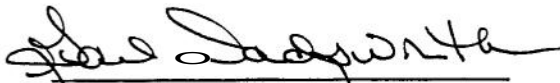
VI. TERM OF AGREEMENT

This Agreement shall become effective on the date it is executed by the last signatory hereto and shall remain in effect for one year and shall be continued thereafter automatically on an annual basis thereafter unless modified or terminated by the parties hereto. Either party may terminate this Agreement, with or without cause, by serving ninety (90) day written notice on the other party. In the event of such termination, COUNTY shall pay for all service performed to the date of termination.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed the day and year first written above.

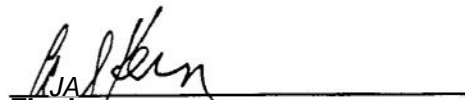
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



Gail Wadsworth, Cleric and
Ex Officio Clerk to the Board

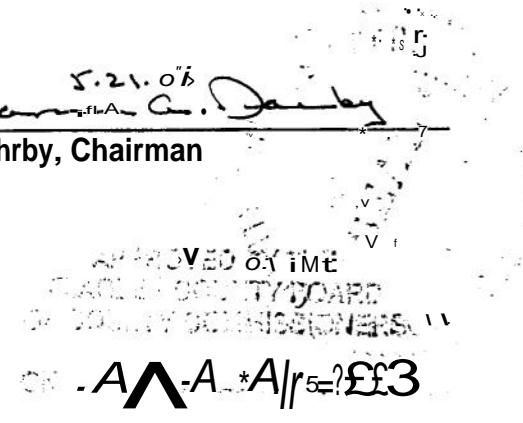
Approved as to Form:



Flagler County Attorney

5.21.06

James ASDhrby, Chairman



EAST FLAGLER COUNTY MOSQUITO CONTROL DISTRICT

ATTEST:



Paul Sammartano, Chairman

RESOLUTION NO. 2002- 31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA ESTABLISHING A SPECIAL ASSESSMENT FOR MOSQUITO CONTROL PROCEDURES IN THE ESPANOLA AND RIMA RIDGE AREAS OF FLAGLER COUNTY; PROVIDING A GEOGRAPHIC LEGAL DESCRIPTION OF SUCH AREAS FOR THE PURPOSES OF THIS SPECIAL ASSESSMENT; PROVIDING FOR THE USE OF THE UNIFORM METHOD FOR LEVY, COLLECTION AND ENFORCEMENT OF AN ANNUAL NON-AD VALOREM ASSESSMENT UNDER THE UNIFORM METHOD ESTABLISHED IN SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Flagler County (“Board”) has been requested by members of the public to provide mosquito control procedures for certain areas of the County known as Espanola and Rima Ridge;

WHEREAS, the Board has determined that a special assessment in accordance with Section 197.3632, Florida Statutes, is the appropriate method to fund such a mosquito control effort;

WHEREAS, the Board has the authority to implement a special assessment in accordance with Section 197.3632 without creating a Municipal Services Benefit Unit (“MSBU”), if the special assessment provides a special benefit to the affected area and the cost for such special assessment are fairly proportioned; and

WHEREAS, mosquito control through surveillance and spraying, is based on environmental factors which may fluctuate from year to year and may result in fluctuations of program costs from year to year.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flagler County, Florida:

Section 1. Authority

This Resolution is adopted pursuant to Section 125.01, Florida Statutes, and Section 197.3632, Florida Statutes, for the levy, collection and enforcement of non-ad valorem assessments.

Section 2. Special Assessment Created

There is hereby created an annual special assessment pertaining to the Espanola and Rima Ridge areas (as particularly described below) of Flagler County, for the purposes of providing mosquito control surveillance and spraying.

Section 3. Property included in the Special Assessment

The Special Assessment created by this Resolution pertains to property located in the southwest one-quarter (1/4) portion of Section 19, Township 14S, Range 31E, and the southeast one-quarter (1/4) and the easterly one-half (1/2) of southeasterly one-quarter (1/4) of the southwesterly one-quarter (1/4), and the easterly one-half (1/2) of the northeast one-quarter (1/4) of the southwesterly one-quarter (1/4) of Section 24, Township 14S, Range R30E (bound on the west by Rodeo Road) **(such area commonly known as the Rima Ridge area)**, and the northeast one-quarter (1/4) portion of Section 31, Township 11S, Range 30E **(such area commonly known as the Espanola area)**, such property being depicted by Attachment 1, attached hereto and incorporated herein.

Section 4. Special Benefit Finding

The County finds that all lots (as defined by Section 3.08.02, Flagler County Land Development Code) within the Special Assessment area (as described above in Section 3) will receive a special benefit from the Special Assessment for mosquito control procedures, which benefit is different in type or degree from benefits provided to the Flagler County community as a whole. Specifically, the area subject of the Special Assessment will receive mosquito control surveillance and sprayings that other portions of Flagler County (not otherwise in a mosquito control district) will not receive.

Section 5. Special Assessment Fairly Proportioned

The County finds that all lots within the Special Assessment area (as described above) derive a special benefit from the mosquito control surveillance and spraying; and that the costs for such surveillance and spraying are fairly proportioned as follows:

- (A) One Special Assessment Unit (SAU) will be assigned to each lot containing one or more dwelling units or buildings (as defined by Section 3.08.02, Flagler County Land Development Code) for lots up to five (5) acres, plus an additional one-half (1/2) SAU for every five acre portion of the lot thereafter;
- (B) For lots not containing dwelling units or other building(s), one-half (1/2) SAU will be assigned for all lots up to five (5) acres with an additional one-half (1/2) SAU for every five acre portion thereafter.

- (C) For the purposes of the phrase “an additional one half (1/2) SAU for every five acre portion” as provided in paragraphs 5(A) and (B) above, the additional portion will be rounded to the nearest five acre increment to determine the SAU assessment.

Section 6. Estimated Cost per Year

The County Administrator, or his/her designee, shall by May 1st of each Special Assessment year, estimate the total cost of mosquito surveillance, spraying and administration of the program for that particular year. For the initial year of the Special Assessment, such estimated costs shall be included in the public notice required by Section 197.3632(4)(a), Florida Statutes.

The Special Assessment costs for any particular lot within the subject Special Assessment area shall be derived by calculating the total cost of mosquito surveillance, spraying, and administration of such mosquito control program for the Special Assessment year, and dividing that cost by the total eligible SAUs.

For any particular Special Assessment year, the total Special Assessment cost will not exceed 200% of the initial Special Assessment year; except as further authorized by duly noticed public hearing in accordance with Section 197.3632(4)(a).

If for any particular Special Assessment year, the total cost for administering and providing the mosquito control program subject of the Special Assessment is less than the amount estimated by the County Administrator and collected through the Special Assessment, any such excess funds shall be held by the Clerk of Court as a program credit towards the next Special Assessment year.

If for any particular Special Assessment year, the total cost for administering and providing the mosquito control program subject of the Special Assessment exceeds the amount estimated by the County Administrator and collected through the Special Assessment, the Board may, at its sole option, provide funding out of the General Fund, and any such funding may be reimbursed as a cost of the Special Assessment program to the next Special Assessment year.

Section 7. Levy, Collection and Enforcement

The Special Assessment created by this Resolution shall be levied, collected and enforced pursuant to the Uniform Method for the levy, collection and enforcement of non-ad valorem assessments provided in Section 197.3632, Florida Statutes (the Uniform Method). The Board shall enter into written agreements with the Property Appraiser for the County and the Tax Collector for the County providing for reimbursement of necessary administrative costs incurred under the Uniform Method.

Section 8. Public Notice Provided

Notice of intent to adopt this Resolution, and of intent to use the Uniform Method for the Special Assessments herein provided for has been published weekly in a newspaper of general circulation in the County for four (4) consecutive weeks prior to February 28, 2002, in substantially the form attached hereto and incorporated herein as Attachment 2. On the date hereof, the Board has held a public hearing concerning the intent of the Board to adopt this Resolution, to levy, collect and enforce the Special Assessments herein provided for in accordance with the Uniform Method.

Section 9. Severability

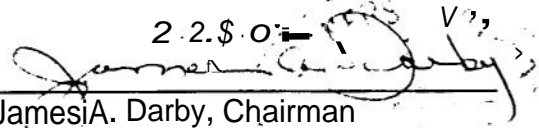
If any section, subsection, sentence, clause, phrase or provision of this Resolution is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Resolution.

This Resolution shall become effective upon adoption and approval.

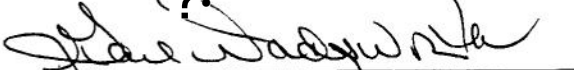
ADOPTED and APPROVED this 28 day of February, 2002, by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Courthouse, Bunnell, Florida.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

2-28-02


James A. Darby, Chairman

ATTES?


Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

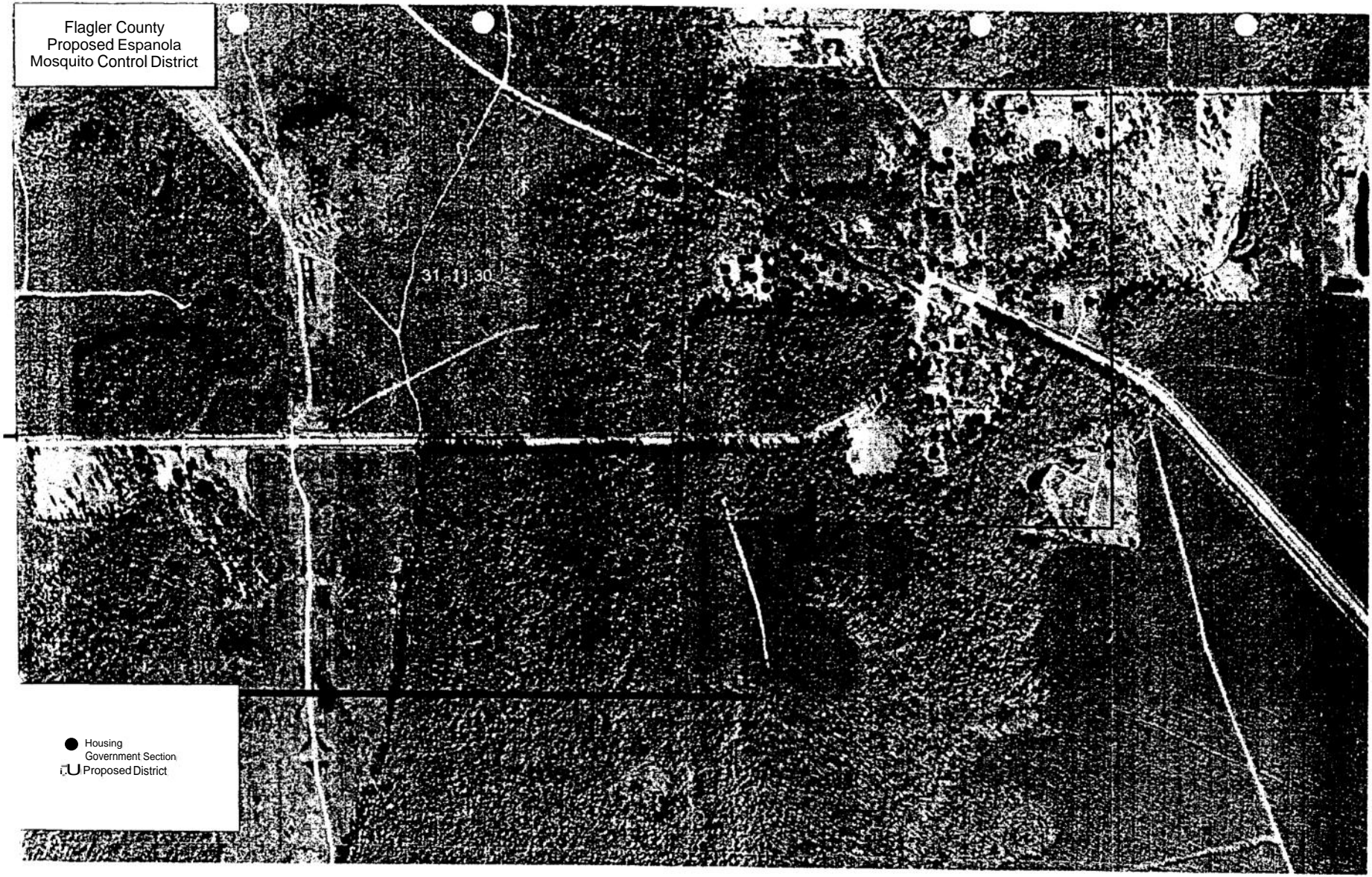
APPROVED AS TO FORM:


Carl E. Kern, County Attorney

Flagler County
Proposed Espanola
Mosquito Control District

31-11-30

- Housing Government Section
- U Proposed District



mm

Proposed Rima Ridge Area Mosquito Control District



**Notice by the Board of County Commissioners of Flagler County
of Intent to Use the Uniform Ad Valorem Method of
Levy, Collection and Enforcement of an annual Non-Ad Valorem Assessment for
Mosquito Control in the Espanola and Rixna Ridge areas of Flagler County**

Notice is hereby given that the Board of County Commissioners of Flagler County, Florida (the "Board") will hold a public hearing at 5:30 o'clock, p.m., on February 28, 2002, at 201 East Moody Blvd., Room 107, Bunnell, Florida for the purpose of determining whether to use the uniform ad valorem method (the "Uniform Method") established in Section 197.3632, Florida Statutes, for the levy, collection and enforcement of non-ad valorem assessments through the offices of the County Property Appraiser and the County Tax Collector in connection with proposed special assessments to be levied on property located in the southwest one-quarter (1/4) portion of Section 19, Township 14S, Range 3IE, and the southeast one-quarter (1/4) and the easterly one-half (1/2) of southeasterly one-quarter (1/4) of the southwesterly one-quarter (1/4), and the easterly one-half (1/2) of the northeast one-quarter (1/4) of the southwesterly one-quarter (1/4) of Section 24, Township 14S, Range R30E (bound on the west by Rodeo Road), and the northeast one-quarter (1/4) portion of Section 31, Township 11S, Range 30E, **(such areas being generally known as the Espanola and Rima Ridge areas of Flagler County. The specific areas as displayed by aerial map are available for viewing at the County Administration Office, 1200 East Moody Blvd., Bunnell, FL)** to provide mosquito control services to the subject areas on an as needed basis. The special assessment is proposed to be established pursuant to a Resolution of the Board to be considered for adoption on February 28, 2002. The Board proposes to elect to use the Uniform Method for such assessments by adoption of such Resolution to be considered by the Board immediately following the public hearing. The proposed annual special assessment, if approved, would be assessed against the subject properties annually until changed by further action of the Board. A copy of the above mentioned Resolution may be examined or obtained at the Offices of the Clerk of the Board set forth below.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing, such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

Dated this _____ day of February, 2002.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

ATTACHMENT 2