

RESOLUTION NO. 2009- 259

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT WITH THE ANASTASIA MOSQUITO CONTROL DISTRICT ("AMCD"), FLORIDA.

WHEREAS, the Florida Governmental Conflict Resolution Act as formed by the Florida Legislature to promote, protect, and improve the public health, safety and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the scope of the Florida Governmental Conflict Resolution Act specifically pertains to any issue relating to local comprehensive plans or plan amendments prepared pursuant to part II of chapter 163, including, but not limited to, conflicts involving levels of service for public facilities and natural resource protection, and also pertains to service provision areas, and governmental entity permitting processes; and

WHEREAS, on Tuesday, August 18, 2009, the Board of County Commissioners continued County applications pertaining to land use and zoning for property owned or controlled by the AMCD; and

WHEREAS, on August 28, 2009, legal counsel for AMCD corresponded to the legal counsel for the County, alleging "illegal, unjustified, wasteful, and wholly meritless" conduct by the County; and

WHEREAS, said August 28, 2009, correspondence from the AMCD legal counsel threatened litigation but also was written expressly with the hope that legal conflict may be averted; and

WHEREAS, dispute resolution, as provided by Chapter 164, Florida Statutes, provides a duty to negotiate pertaining to covered governmental entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Johns County, Florida, intends and hereby initiates the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act prior to initiating any court proceeding pertaining to the conflict, and in support of such initiation provides:

- (1) The above whereas clauses are incorporated herein as Findings of Fact.
- (2) The correspondence from AMCD counsel dated August 28, 2009 (copy attached) and the issues/concerns it raises are hereby incorporated herein.

(3) The Memorandum of Understanding dated November 30, 2007, between the County and AMCD (copy attached) and the issues/concerns pertaining to it are hereby incorporated herein.

The conflict resolution procedure is justified because St. Johns County, upon knowledge and belief, believes there are bona fide issues of dispute pertaining to the MOU, and bona fide issues of dispute pertaining to the efficient provision of mosquito control public health services within St. Johns County.

The proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053 shall be on a date and at a location to be reasonably jointly determined by the chief administrative officers of the County and AMCD. If such joint determination cannot be made by September 22, 2009, then the meeting shall be held at 9:00 a.m., September 30, 2009 at the San Sebastian Room, County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. It is suggested that the chief administrative officers and appropriate staff selected by each of the chief administrative officers, should be present at the conflict assessment meeting.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 15th of September, 2009.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

Rendition Date: 9/16/09



DOUGLAS M. WYCKOFF
ATTORNEY AT LAW

116 Live Oak Ave. East
DeFuniak Springs, Florida 32435

850-717-8855
doug.wyckoff@gmail.com

August 28, 2009

Patrick F. McCormack
St. Johns County Attorney
500 San Sebastian View
St. Augustine, Florida 32084-8686

RECEIVED
SEP - 1 2009
COUNTY ATTORNEY

Re: Anastasia Mosquito Control District of St. Johns County, Florida.

Dear Mr. McCormack:

Please be advised that I am the General Counsel for the Anastasia Mosquito Control District of St. Johns County, Florida (hereinafter "AMCD"). I have been directed by the AMCD Board of Commissioners to send this correspondence and its enclosures to you for your dissemination to the Board of County Commissioners of St. Johns County. It is regrettable that this correspondence is necessary, but I sincerely hope that with your guidance, having now had the benefit of time and contemplation, legal conflict may be averted.

I have reviewed the St. Johns County Board of County Commissioners proceedings of Tuesday, August 18, 2009, as have members of the AMCD Board of Commissioners. It is AMCD's official position that the Board of County Commissioners is embarking upon an illegal, unjustified, wasteful, and wholly meritless inquisition of AMCD.

Specifically, St. Johns County has no authority to conduct any investigation of AMCD, its operations, or its efficiency. As I am sure you know, counties have only powers derivative of the state. St. Johns County does not stand in *parens patriae* to the citizenry of the county. Since St. Johns has no proprietary, taxpayer, or other legal interest in the functioning of AMCD, it is beyond peradventure that the course of action directed by your Board of County Commissioners is *ultra vires*; hence, it is illegal. AMCD is an independent special district of the State of Florida with its own, independent, *ad valorem* taxation ability on an equal, although separate, basis as St. Johns County.

Furthermore, AMCD is the real party in interest regarding the rezoning application for the AMCD property at State Road 16 and I-95. As such, AMCD is entitled and is ready to seek a writ of *mandamus* to compel St. Johns County to take up consideration of the rezoning application. The application was, of course, prepared by County staff pursuant to the obligations within the Memorandum of

Understanding drafted by the County and entered into by the County and AMCD. AMCD is entitled to the rezoning as a matter of right, by estoppel, and pursuant to the Memorandum of Understanding. I urge you to forthwith advise your client to place the rezoning on the September 15, 2009, agenda.

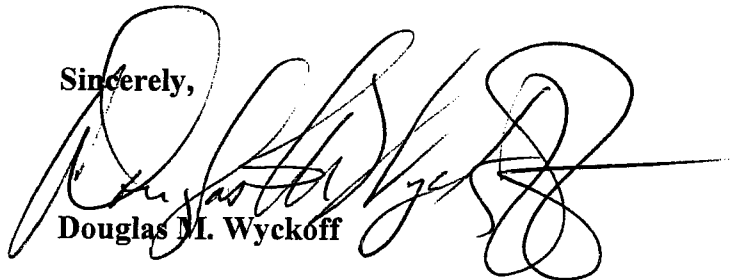
If St. Johns County continues in its illegal conduct, AMCD will have no choice but to conclude that the consideration underlying the Memorandum of Understanding has failed, and seek rescission of that Agreement and equitable relief to cancel the deed. It is believed that with some modifications the County-built structure on AMCD's property at SR16 and I-95 could function as a new headquarters for AMCD.

St. Johns County's misguided, legally unsupported, effort is a waste of the taxpayers' dollars. AMCD as recently as May, 2009, spent \$25,000.00 on a comprehensive operational evaluation conducted by two (2) Florida experts in mosquito control and mosquito control operations. Their findings are included with this correspondence. Before undertaking to wastefully retrace the same effort, perhaps your Board of County Commissioners might review the document, although I reiterate that your Board's opinion regarding AMCD's efficiency is without any legal significance. In fact, if the rezoning is contingent in any way on such an opinion, then the rezoning decision will be illegal.

Any effort by St. Johns County to promote, advertise or procure a referendum regarding AMCD, its operations or continued existence is also considered *ultra vires* and will meet with swift action. Injunctive relief is afforded to enjoin such illegal acts as may be pursued by the County and/or Supervisor of Elections.

Please feel free to contact me at your convenience should you wish to discuss this correspondence or its enclosures. I urge you to counsel your client so that the wasteful expense of tax dollars and needless litigation may be avoided.

Sincerely,



Douglas M. Wyckoff

enclosure
cc: client

RESOLUTION NO. 2007- 386

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE.

RECITALS

WHEREAS, the County and the Anastasia Mosquito Control District ("AMCD") wish to collaborate as partners to develop a parcel of land (the "Site") located at the end of Agricultural Center Drive (PIN 087550 0340) for the purpose of enhancing the delivery of public services; and

WHEREAS, the County desires to construct a new Emergency Operation Center ("EOC") and a portion of the AMCD parcel presents a promising possible location. The AMCD may also wish to construct new facilities on the remainder of the parcel from which to administer and execute their operations; and

WHEREAS, the County and AMCD have drafted a Memorandum of Understanding ("MOU"), attached hereto as "Exhibit A", incorporated by reference and made a part hereof, in order to codify the terms of the cooperative effort, further their collective institutional goals and benefit the overall interests of the citizens of St. Johns County; and

WHEREAS, the County desires to move forward during the inspection period to explore the feasibility of this option.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners of St. Johns County hereby approves the terms and conditions of the MOU and authorizes the County Administrator to execute said MOU.

Section 3. The Clerk of Courts of St. Johns County is instructed to file the MOU in the public records of St. Johns County.

PASSED AND ADOPTED, this 27 day of November, 2007.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA.**

By: Ben Rich
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk
By: Pam Halterman
Deputy Clerk

RENDITION DATE 11/30/07

Exhibit A to Resolution

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into this _____ day of _____, 2007 between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084 (the "**COUNTY**") and **ANASTASIA MOSQUITO CONTROL DISTRICT OF ST. JOHNS COUNTY**, a Florida independent special district, whose address is 500 Old Beach Road, St. Augustine, Florida 32080 (the "**AMCD**").

WITNESSETH:

WHEREAS, the County and AMCD wish to collaborate as partners to develop a parcel of land (the "**Site**") located at the end of Agricultural Center Drive (PIN 087550 0340) for the purpose of enhancing the delivery of public services; and

WHEREAS, the County desires to construct a new Emergency Operation Center ("**EOC**") on a part of the Site and the AMCD wishes to construct new facilities on the Site from which to administer and execute their operations; and

WHEREAS, the County and AMCD acknowledge that among the reasons for entering into this MOU are in order to codify the terms of the cooperative effort, further their collective institutional goals and benefit the overall interests of the citizens of St. Johns County.

NOW THEREFORE in consideration of the terms contained herein the County and the AMCD agree as follows:

1. The above Recitals are hereby incorporated into the body of this MOU and adopted as findings of fact.
2. The AMCD will convey by deed title to a seven-acre parcel, suitable for the construction of the new EOC, within the Site on its northern boundary (the "**EOC Parcel**") within one hundred (100) days of this MOU. The exact configuration and boundaries of the EOC Parcel will be determined by a boundary survey, and by reference made a part hereof.
3. The AMCD will convey by deed a sixty foot (60') wide right-of-way easement ("**ROW**"), exclusive of the EOC Parcel, to the County, in order to provide access to, and along, the boundary of the EOC Parcel from Agricultural Center Drive within one hundred (100) days of this MOU. The exact configuration and boundaries of the ROW will be determined by a boundary survey, and by reference made a part hereof. It is specifically understood that such easement is non-exclusive as it relates to the AMCD, and that the AMCD will continue to maintain use of the easement in any way or fashion that does not obstruct the County's ROW ingress or egress to the EOC Parcel. Moreover, it is expressly understood that the County, so long as the ROW easement exists, will maintain, and repair (as necessary) such ROW easement.

4. The County will construct an access road to and the boundary of the EOC Parcel in the ROW within ____ months of this MOU.
5. The County will extend water and sewer mains of sufficient size for both the EOC and the AMCD uses through the EOC Parcel in the ROW within ____ months of this MOU.
6. The County shall have the right for ninety (90) days from the date of this MOU ("**Inspection Termination Date**") to enter upon the Site for the purpose of physically inspecting the Site and conducting surveys, studies and tests, or assessments, including but not limited to Phase 1 Environmental Study, Real Estate Appraisal, and Engineering analysis to determine the Site's suitability for the County's intended purpose. AMCD hereby gives County the right to enter upon, test and inspect the Site at County's sole cost and risk. AMCD agrees to provide the County any documents, tests, easements, wetland assessments, environmental assessments, surveys, and the like, within their possession that would help the County make a suitability decision regarding the property. The County agrees to provide AMCD with copies of all reports conducted on the Site.
7. The County shall have the responsibility for securing, to the extent necessary under existing law, permits, and/or authorizations required to construct the EOC. As such, the County shall have the responsibility to take whatever steps are required, under the County's Land Development Code, in order to ensure that the land use of the EOC Parcel is compatible for construction of the EOC. Further, the County shall have the responsibility to take whatever steps are required under the County's Land Development Code, in order to ensure that the land use of the retained AMCD Parcel is compatible for future AMCD facilities, to the extent that the County has been informed by the AMCD of the purpose of such future AMCD facilities.
8. If County for any reason determines that the Site is unsuitable for the County's intended use, or that there are other circumstances that negatively affect the County's intended use, then County shall give written notice to AMCD advising of such unsuitability and electing to terminate this MOU on or prior to the Inspection Termination Date. Such notice of termination must be given on or before the Inspection Termination Date. If such notice is timely given, this MOU shall terminate.
9. Any written notice or request by either party to the other shall be sent by First Class Mail or hand delivered to the parties at the following addresses:

- o To County at: St. Johns County, Florida

4020 Lewis Speedway

St. Augustine, FL 32084

Attention: County Administrator

o To AMCD at: Anastasia Mosquito Control District
500 Old Beach Road
St. Augustine, FL 32080
Attention: District Director

10. This Memorandum of Understanding is subject to the adoption of a Resolution by the St. Johns County Board of County Commissioners and a Resolution by the Board of the Anastasia Mosquito Control District authorizing the County Administrator or designee, and the District Director or designee, to execute this MOU and approving the terms.

11. The effective date of this MOU shall be the first date upon which this MOU or its valid counterparties are executed by all named parties

12. If any word, phrase, sentence, part, section, or other portion of this MOU, or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, or the proscribed application thereof, shall be severable, and remaining portions of the MOU, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force, and effect.

13. This MOU shall be construed according to the laws of the State of Florida.

IN WITNESS THEREOF, County and AMCD have caused this MOU to be executed by their undersigned officials as duly authorized for the uses expressed therein the day and year first written above.

**ANASTASIA MOSQUITO CONTROL
DISTRICT OF ST. JOHNS COUNTY,
FLORIDA**

ST. JOHNS COUNTY, FLORIDA

by Dr. Rui-De Xue

by Michael D. Wanchick

District Director

County Administrator

Date

Date

Witnesses to Anastasia Mosquito
Control District

ATTEST: Cheryl Strickland

Signature

Signature—Deputy Clerk

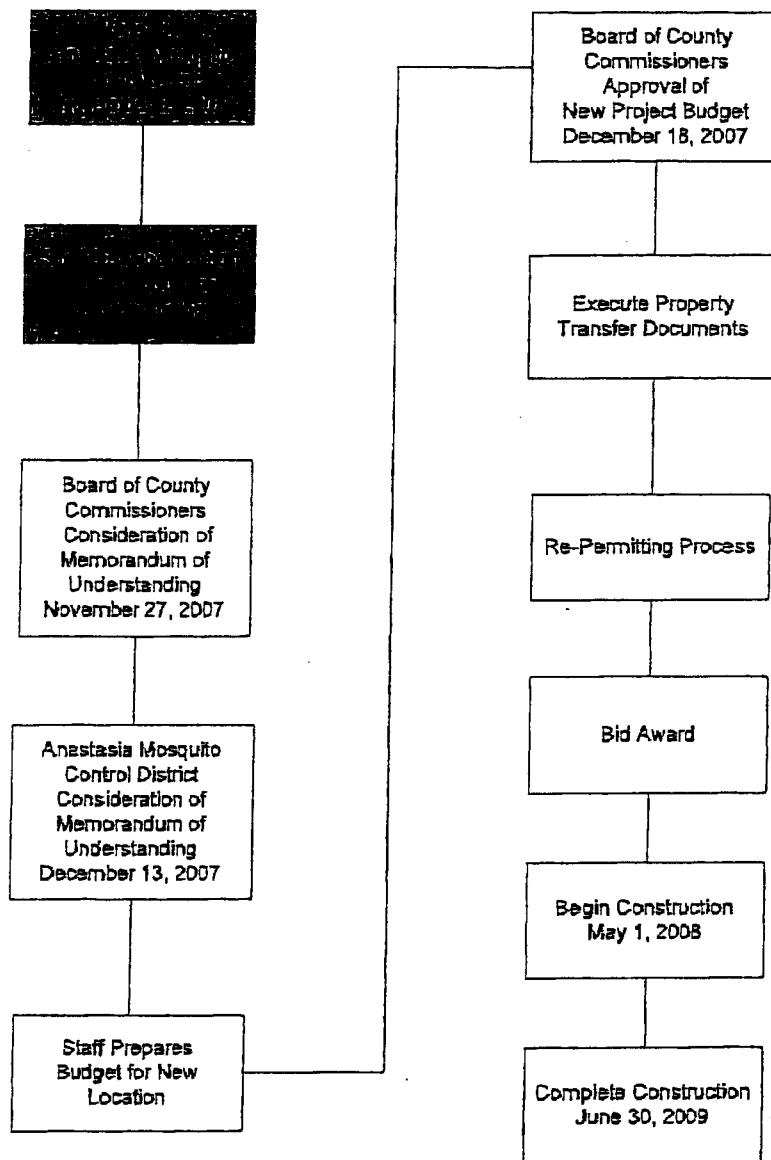
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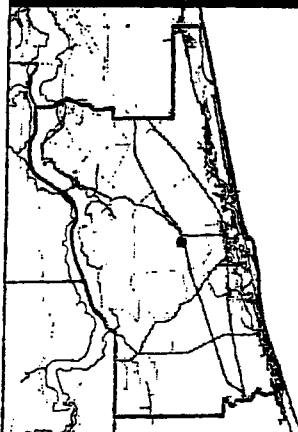
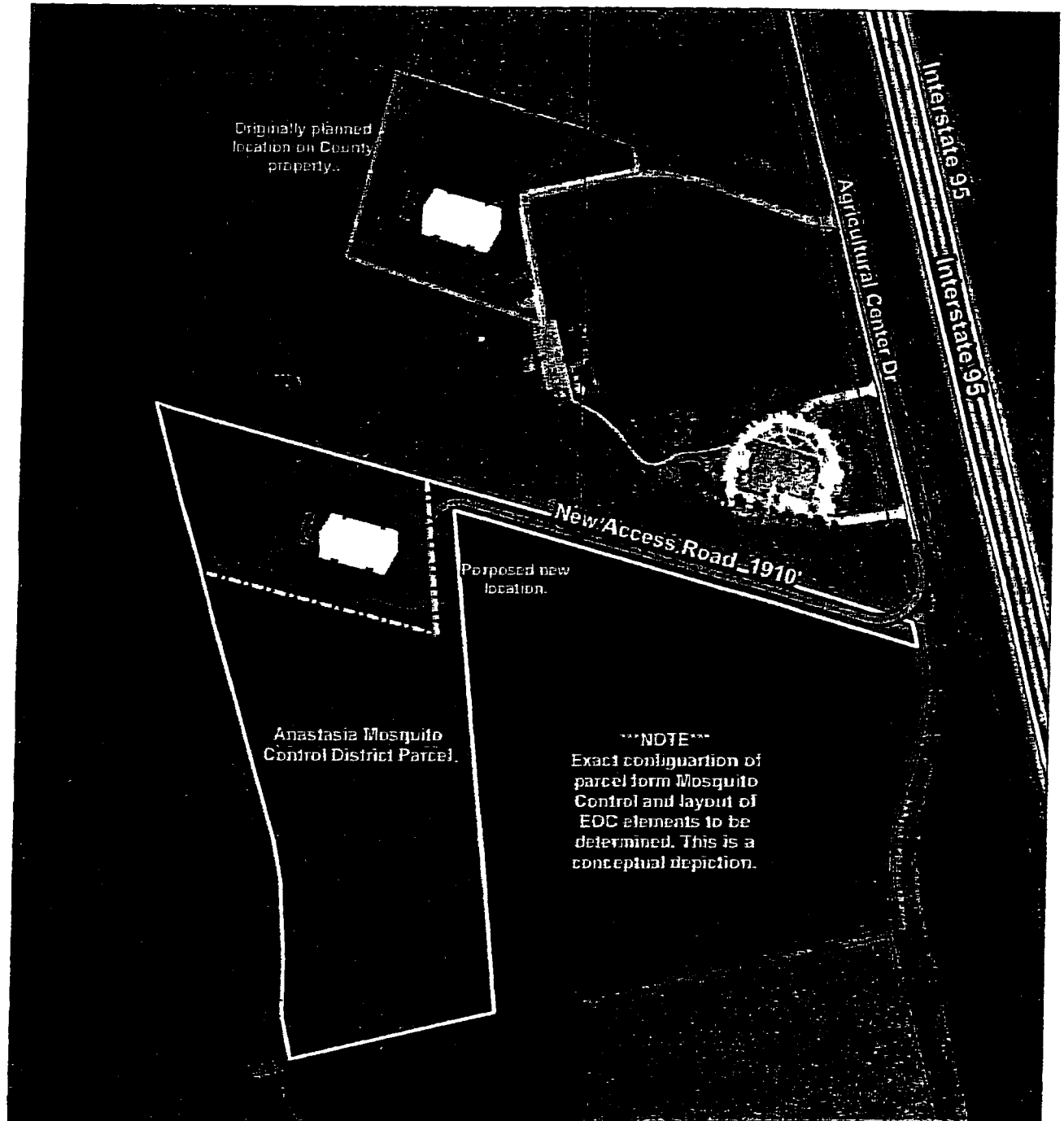
Printed Name—Deputy Clerk

Signature

Printed Name

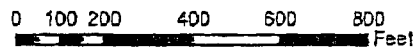
Sequence of Events For Construction of Emergency Operations Center





Emergency Operation Center Site

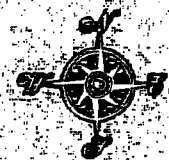
Memorandum of Understanding Anastasia Mosquito Control District



St. Johns County
Land Mgmt Systems
Real Estate Division



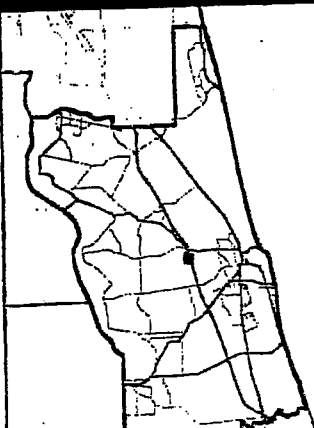
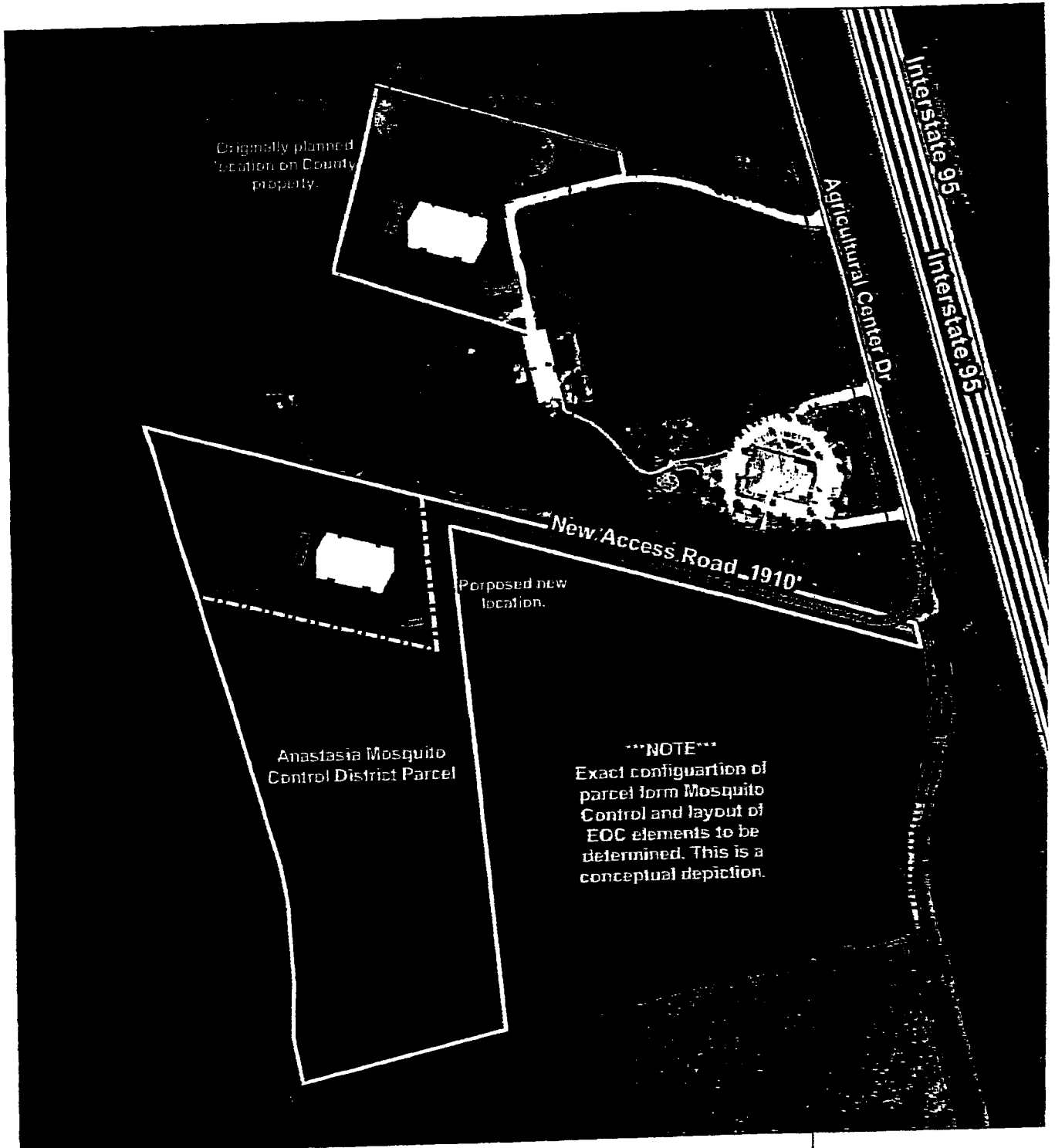
Map Prepared:
November 16, 2007
(904) 209-0796



2005 Aerial Imagery

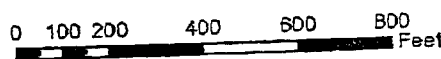
DISCLAIMER

This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.



Emergency Operation Center Site

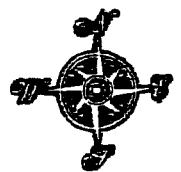
Memorandum of Understanding Anastasia Mosquito Control District



St. Johns County
 Land Mgmt Systems
 Real Estate Division



Map Prepared:
 November 16, 2007
 (904) 209-0796



2005 Aerial Imagery

DISCLAIMER.
 This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.

o To AMCD at: Anastasia Mosquito Control District
500 Old Beach Road
St. Augustine, FL 32080
Attention: District Director

10. This Memorandum of Understanding is subject to the adoption of a Resolution by the St. Johns County Board of County Commissioners and a Resolution by the Board of the Anastasia Mosquito Control District authorizing the County Administrator or designee, and the District Director or designee, to execute this MOU and approving the terms.

11. The effective date of this MOU shall be the first date upon which this MOU or its valid counterparties are executed by all named parties

12. If any word, phrase, sentence, part, section, or other portion of this MOU, or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, or the proscribed application thereof, shall be severable, and remaining portions of the MOU, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force, and effect.

13. This MOU shall be construed according to the laws of the State of Florida.

IN WITNESS THEREOF, County and AMCD have caused this MOU to be executed by their undersigned officials as duly authorized for the uses expressed therein the day and year first written above.

ANASTASIA MOSQUITO CONTROL DISTRICT OF ST. JOHNS COUNTY, FLORIDA

Rui-De Xue
by Dr. Rui-De Xue

District Director

Rui-De Xue 12/13/07
Date

Witnesses to Anastasia Mosquito Control District

Barbara H. Bosanko
Signature

Barbara H. Bosanko
Printed Name

Signature

Printed Name

ST. JOHNS COUNTY, FLORIDA

[Signature]
by Michael D. Wanchick

County Administrator

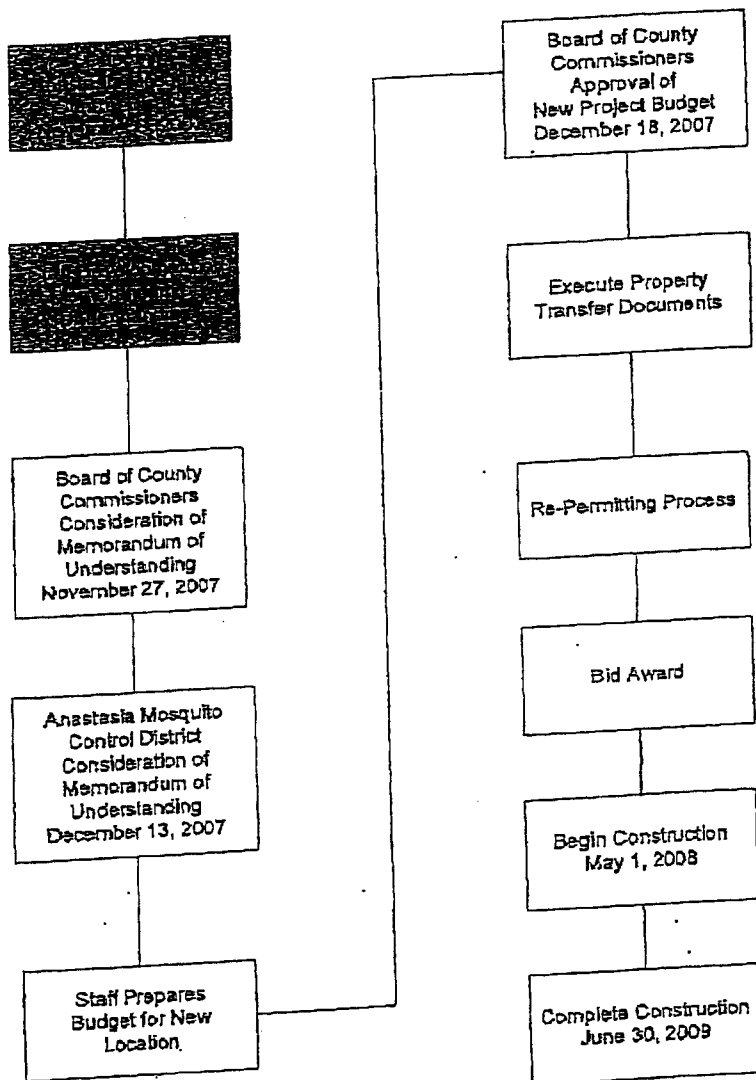
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Date

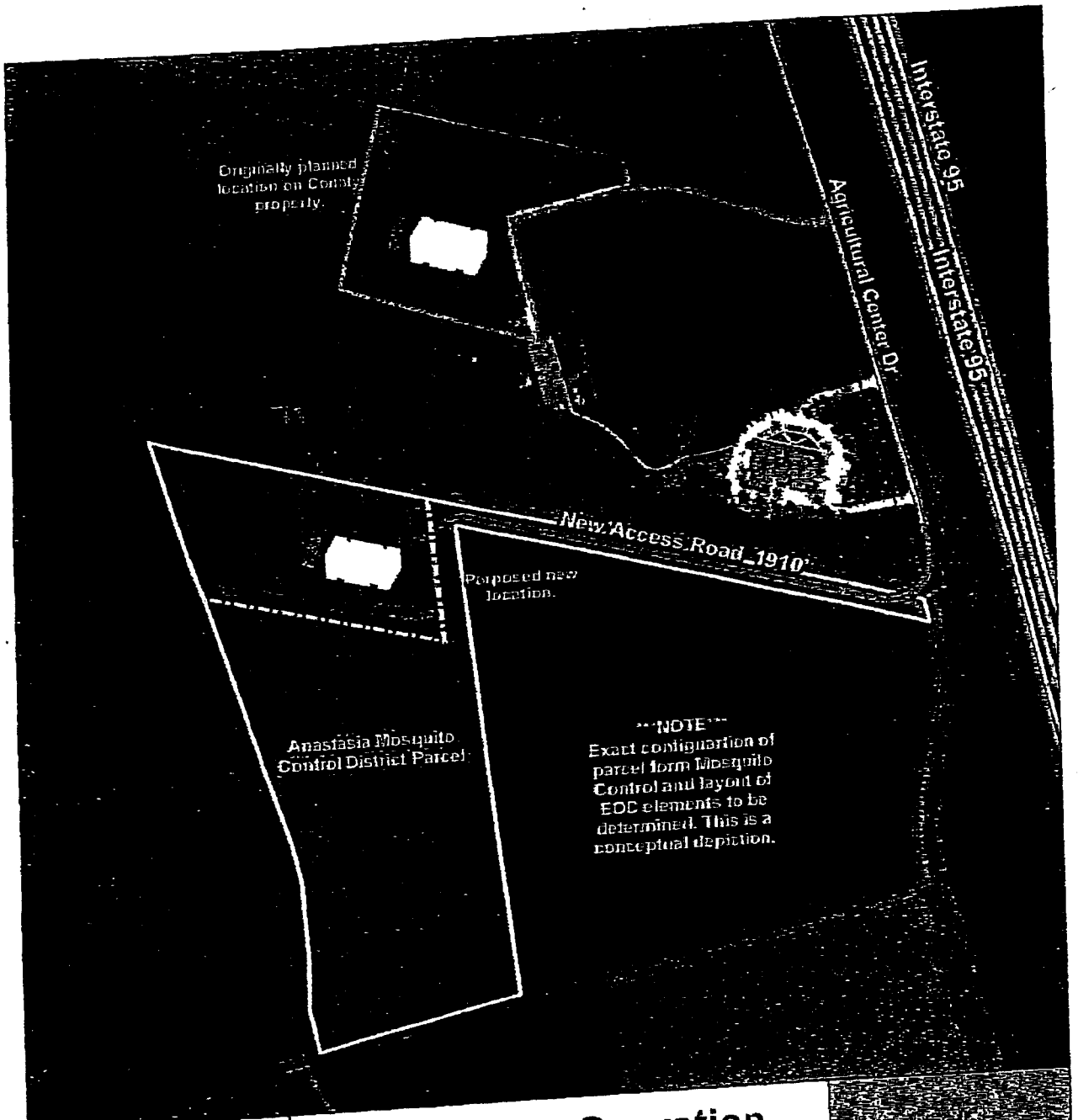
ATTEST: Cheryl Strickland

Pam Halterman
Signature—Deputy Clerk

Pam Halterman
Printed Name—Deputy Clerk

Sequence of Events For Construction of Emergency Operations Center





Originally planned location on County property.

Agricultural Center Dr

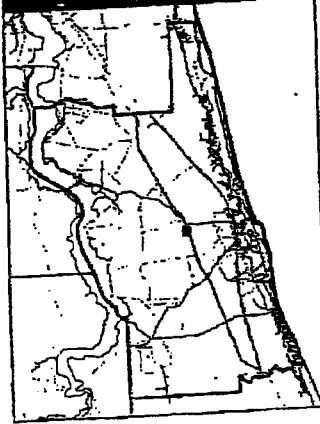
Interstate 95

New Access Road 1910

Proposed new location.

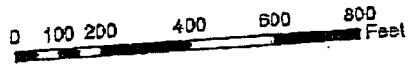
Anastasia Mosquito Control District Parcel

*****NOTE*****
 Exact configuration of parcel form Mosquito Control and layout of EOC elements to be determined. This is a conceptual depiction.



Emergency Operation Center Site

Memorandum of Understanding Anastasia Mosquito Control District



St. Johns County
 Land Mgmt Systems
 Real Estate Division



Map Prepared:
 November 18, 2007
 (904) 209-0796

2007-11-18-08

RESOLUTION NO. 2007-388

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL EXPRESSING SUPPORT FOR RANKING OF THE ST. JOHNS RIVER BLUEWAY IN THE TOP TIER FOR ACQUISITION

(11/27/07 - 12 - 10:19 a.m.)

1. UPDATE ON THE STATUS OF THE FIRST COAST OUTER BELTWAY PROJECT

Larry Parks, Director of Planning and Production District 2, Florida Department of Transportation, gave the presentation.

(10:20a.m.) Bill Henderson, Florida Department of Transportation, District 2, Planning and Environmental Manager, gave a PowerPoint presentation updating the Commission on the status of the First Coast Outer Beltway project. (10:23 a.m.) Jim Knight, DOT, District 2, and Brandi Vittur, DOT, District 2, also assisted with the presentation. Larry Knight answered questions regarding stoplights, provision of funds for interchange land acquisition for future use, and the circuitous route chosen in certain portions of the roadway. Manuel stated that it was his understanding that the land owner was going to give the right-of-way. Knight responded that at that point the property owner was not ready to donate the land. Knight spoke on right-of-way costs. Discussion followed. (10:41 a.m.) McCormack entered the meeting. Manuel spoke on the corridor being protected. Rich asked about latest estimate of cost and Parks responded that the total project was about \$1.8 billion, with \$1.2 billion being construction costs. Stevenson spoke on mitigation and the east/west connectivity. Rich responded.

(10:53 a.m.) Naomi Menkin, 809 Southern Belle Drive East, voiced her concerns. Rich responded. Menkin spoke on the new road being a toll road and using their Sunshine passes on it. She asked about the interchange at I-95 being a cloverleaf. Rich responded. Discussion followed on the land adjacent to this area, infrastructure, and the estimated cost of the St. Johns portion from I-95 to the bridge. Stevenson stated that she would like to schedule a major transportation meeting.

(11/27/07 - 12 - 9:42 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE

Jerry Cameron, Assistant County Administrator, reviewed this item, and utilized the overhead projector to show the site. Manuel stated he could not support the donation of the Mosquito Control District. He stated that he saw no further need of the Mosquito Control District pursuant to Florida Chapter 388, and if there were strings attached to the donation, he could not accept it. Rich asked about the legal requirement regarding this item. McCormack responded that he was more familiar with the County rules and he knew that they couldn't do it within the County. Manuel stated that since they don't have a clear answer to this, he would like to postpone the item until after January 29th so the citizens of St. Johns County would have the opportunity to speak to this issue.

Rich stated the reason that they embarked on this issue was because there were grant monies involved and he asked Manuel if it placed those grant monies in any kind of jeopardy. Manuel replied that he did not feel that it would, and stated that they had three years pursuant to the condition of the grant to complete the project. Stevenson stated that her understanding of it was different and that it was time sensitive. Cameron posted a sequence chart and spoke on the time sensitive nature of it. He stated that Mr. Chuck Bushong, Vice President of the Ponte Vedra Chamber of Commerce, had approached him expressing his concern about the timeline and the expenditure of any additional monies. Stevenson reviewed their intent. Wanchick voiced his concerns about the grant and suggested moving on without spending any money. Bryant stated that he supported moving forward and there wasn't any need for undue delay. Rich agreed with keeping the options open and moving forward in the right direction. Manuel stated that he did not support this as the location of the EOC. He stated that he would support this because of the 90 day window of opportunity, but if he didn't see movement, then he would not be able to support it. (9:58 a.m.) Motion by Rich, seconded by Sanchez, to adopt Resolution No. 2007-386, approving the terms and authorizing the County Administrator to execute a Memorandum of Understanding with Anastasia Mosquito Control District to acquire a parcel of land to construct a new Emergency Operation Center at the end of Agricultural Center Drive. Rich stated that he supported Manuel's comments, and he did not necessarily support the construction of the EOC on that particular piece of property. McCormack stated that this resolution authorized, but did not direct him. He mentioned that the Memorandum of Understanding had two fill in the blanks pertaining to the timeline of building the right-of-way, and as part of the motion he recommended that the Board specifically authorize the County Administrator to use his best judgment in determining that timeline. Sanchez stated that he supported this item. McCormack spoke on the January 29th referendum and the primary in the summer. (10:01 a.m.) The motion carried 5/0.

RESOLUTION NO. 2007-386

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE

(11/27/07 - 13 - 11:15 a.m.)

3. CONSIDER THE 2008 LEGISLATIVE ACTION PLAN FOR ST. JOHNS COUNTY

Karen Johnson, Intergovernmental Relations Specialist, gave a power point presentation. Stevenson stated that the Regional Council was trying to get the County to focus on at least three of the priorities. Rich spoke on unfunded mandates. Manuel stated that transportation was the number one priority, water was the second priority and agriculture was the third priority. Rich stated that the most important priorities were transportation, water conservation and acquiring land for conservation wildlife. Bryant stated that he supported the transportation issues first and foremost and secondly, water needed to be put more to the forefront. Sanchez stated that transportation was the number one issue, water conservation and agriculture were very important also. *Rich asked for a consensus of the following issues; 1) transportation, water, and conservation and environmental issues in reference to land acquisition.*

2

AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

Deadline for Submission - Wednesday 9 a.m. - Thirteen Days Prior to BCC Meeting

November 27, 2007

BCC MEETING DATE

TO: Michael D. Wanchick, County Administrator DATE: November 16, 2007

FROM: Jerry Cameron, Assistant County Administrator PHONE: 209-6198

SUBJECT OR TITLE: **A resolution approving the terms and authorizing the County Administrator to execute a Memorandum of Understanding with Anastasia Mosquito Control District to acquire a parcel of land to construct a new Emergency Operation Center at the end of Agricultural Center Drive.**

				Legal Review				
<input checked="" type="checkbox"/>	BUSINESS ITEM	<input type="checkbox"/>	BONDS	<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	ORDINANCE	()
<input type="checkbox"/>	CONSENT AGENDA	<input type="checkbox"/>	APPOINTMENTS	<input type="checkbox"/>	BID AWARD	<input checked="" type="checkbox"/>	RESOLUTION	(MDH)
<input type="checkbox"/>	WORKSHOP	<input type="checkbox"/>	REPORT	<input type="checkbox"/>	EX PARTE COMMUNICATIONS	<input checked="" type="checkbox"/>	CONTRACT	(MDH)
							BONDS	()

BACKGROUND INFORMATION: (Attach additional pages if necessary)

The County and the Anastasia Mosquito Control District ("AMCD") wish to collaborate as partners to develop a parcel of land located at the end of Agricultural Center Drive (PIN 087550 0340) for the purpose of enhancing the delivery of public services

The County desires to construct a new Emergency Operation Center ("EOC") and a portion of the AMCD parcel presents a promising possible location. The AMCD may also wish to construct new facilities on the remainder of the parcel from which to administer and execute their operations.

The attached Memorandum of Understanding contemplates the AMCD deeding a parcel to the County with a ROW easement in exchange for the County building a road and installing utility lines.

The County desires to move forward during the inspection period to explore the feasibility of this option.

1. IS FUNDING REQUIRED? YES NO 2. IF YES, INDICATE IF BUDGETED YES NO

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED OMB REVIEW ()

INDICATE FUNDING SOURCE - LIST ACCOUNT TITLE & NUMBER

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to adopt Resolution 2007-_____ approving the terms and authorizing the County Administrator to execute a Memorandum of Understanding with Anastasia Mosquito Control District to acquire a parcel of land to construct a new Emergency Operation Center at the end of Agricultural Center Drive.

Administration [Signature] Initials

FORWARDED TO BCC SUPPORTING MATERIAL ATTACHED

RESOLUTION NO. 2007-_____

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE.

RECITALS

WHEREAS, the County and the Anastasia Mosquito Control District ("AMCD") wish to collaborate as partners to develop a parcel of land (the "Site") located at the end of Agricultural Center Drive (PIN 087550 0340) for the purpose of enhancing the delivery of public services; and

WHEREAS, the County desires to construct a new Emergency Operation Center ("EOC") and a portion of the AMCD parcel presents a promising possible location. The AMCD may also wish to construct new facilities on the remainder of the parcel from which to administer and execute their operations; and

WHEREAS, the County and AMCD have drafted a Memorandum of Understanding ("MOU"), attached hereto as "Exhibit A", incorporated by reference and made a part hereof, in order to codify the terms of the cooperative effort, further their collective institutional goals and benefit the overall interests of the citizens of St. Johns County; and

WHEREAS, the County desires to move forward during the inspection period to explore the feasibility of this option.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners of St. Johns County hereby approves the terms and conditions of the MOU and authorizes the County Administrator to execute said MOU.

Section 3. The Clerk of Courts of St. Johns County is instructed to file the MOU in the public records of St. Johns County.

PASSED AND ADOPTED, this _____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA.

By: _____
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

Exhibit A to Resolution

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into this _____ day of _____, 2007 between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084 (the "COUNTY") and **ANASTASIA MOSQUITO CONTROL DISTRICT OF ST. JOHNS COUNTY**, a Florida independent special district, whose address is 500 Old Beach Road, St. Augustine, Florida 32080 (the "AMCD").

WITNESSETH:

WHEREAS, the County and AMCD wish to collaborate as partners to develop a parcel of land (the "Site") located at the end of Agricultural Center Drive (PIN 087550 0340) for the purpose of enhancing the delivery of public services; and

WHEREAS, the County desires to construct a new Emergency Operation Center ("EOC") on a part of the Site and the AMCD wishes to construct new facilities on the Site from which to administer and execute their operations; and

WHEREAS, the County and AMCD acknowledge that among the reasons for entering into this MOU are in order to codify the terms of the cooperative effort, further their collective institutional goals and benefit the overall interests of the citizens of St. Johns County.

NOW THEREFORE in consideration of the terms contained herein the County and the **AMCD** agree as follows:

1. The above Recitals are hereby incorporated into the body of this MOU and adopted as findings of fact.
2. The AMCD will convey by deed title to a seven-acre parcel, suitable for the construction of the new EOC, within the Site on its northern boundary (the "EOC Parcel") within one hundred (100) days of this MOU. The exact configuration and boundaries of the EOC Parcel will be determined by a boundary survey, and by reference made a part hereof.
3. The AMCD will convey by deed a sixty foot (60') wide right-of-way easement ("ROW"), exclusive of the EOC Parcel, to the County, in order to provide access to, and along, the boundary of the EOC Parcel from Agricultural Center Drive within one hundred (100) days of this MOU. The exact configuration and boundaries of the ROW will be determined by a boundary survey, and by reference made a part hereof. It is specifically understood that such easement is non-exclusive as it relates to the AMCD, and that the AMCD will continue to maintain use of the easement in any way or fashion that does not obstruct the County's ROW ingress or egress to the EOC Parcel. Moreover, it is expressly understood that the County, so long as the ROW easement exists, will maintain, and repair (as necessary) such ROW easement.

4. The County will construct an access road to and the boundary of the EOC Parcel in the ROW within ____ months of this MOU.

5. The County will extend water and sewer mains of sufficient size for both the EOC and the AMCD uses through the EOC Parcel in the ROW within ____ months of this MOU.

6. The County shall have the right for ninety (90) days from the date of this MOU ("**Inspection Termination Date**") to enter upon the Site for the purpose of physically inspecting the Site and conducting surveys, studies and tests, or assessments, including but not limited to Phase 1 Environmental Study, Real Estate Appraisal, and Engineering analysis to determine the Site's suitability for the County's intended purpose. AMCD hereby gives County the right to enter upon, test and inspect the Site at County's sole cost and risk. AMCD agrees to provide the County any documents, tests, easements, wetland assessments, environmental assessments, surveys, and the like, within their possession that would help the County make a suitability decision regarding the property. The County agrees to provide AMCD with copies of all reports conducted on the Site.

7. The County shall have the responsibility for securing, to the extent necessary under existing law, permits, and/or authorizations required to construct the EOC. As such, the County shall have the responsibility to take whatever steps are required, under the County's Land Development Code, in order to ensure that the land use of the EOC Parcel is compatible for construction of the EOC. Further, the County shall have the responsibility to take whatever steps are required under the County's Land Development Code, in order to ensure that the land use of the retained AMCD Parcel is compatible for future AMCD facilities, to the extent that the County has been informed by the AMCD of the purpose of such future AMCD facilities.

8. If County for any reason determines that the Site is unsuitable for the County's intended use, or that there are other circumstances that negatively affect the County's intended use, then County shall give written notice to AMCD advising of such unsuitability and electing to terminate this MOU on or prior to the Inspection Termination Date. Such notice of termination must be given on or before the Inspection Termination Date. If such notice is timely given, this MOU shall terminate.

9. Any written notice or request by either party to the other shall be sent by First Class Mail or hand delivered to the parties at the following addresses:

o To County at: St. Johns County, Florida

4020 Lewis Speedway

St. Augustine, FL 32084

Attention: County Administrator

o To AMCD at: Anastasia Mosquito Control District
500 Old Beach Road
St. Augustine, FL 32080
Attention: District Director

10. This Memorandum of Understanding is subject to the adoption of a Resolution by the St. Johns County Board of County Commissioners and a Resolution by the Board of the Anastasia Mosquito Control District authorizing the County Administrator or designee, and the District Director or designee, to execute this MOU and approving the terms.

11. The effective date of this MOU shall be the first date upon which this MOU or its valid counterparties are executed by all named parties

12. If any word, phrase, sentence, part, section, or other portion of this MOU, or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, or the proscribed application thereof, shall be severable, and remaining portions of the MOU, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force, and effect.

13. This MOU shall be construed according to the laws of the State of Florida.

IN WITNESS THEREOF, County and AMCD have caused this MOU to be executed by their undersigned officials as duly authorized for the uses expressed therein the day and year first written above.

ANASTASIA MOSQUITO CONTROL DISTRICT OF ST. JOHNS COUNTY, FLORIDA

ST. JOHNS COUNTY, FLORIDA

by Dr. Rui-De Xue

District Director

Date

Witnesses to Anastasia Mosquito Control District

Signature

Printed Name

Signature

Printed Name

by Michael D. Wanchick

County Administrator

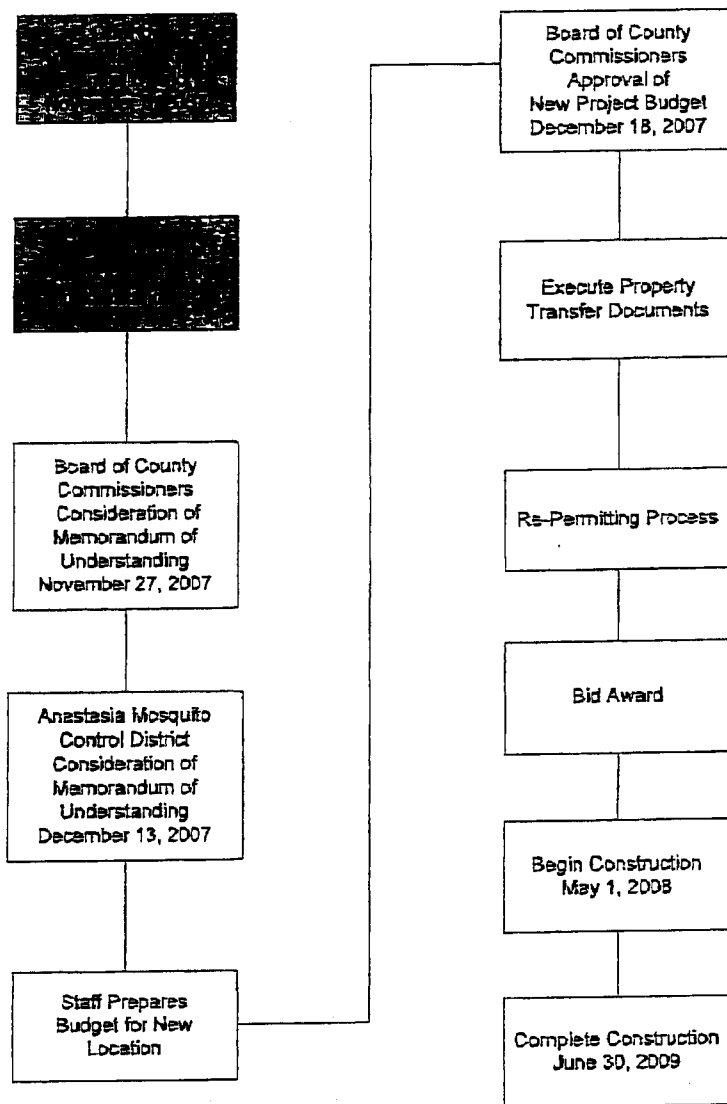
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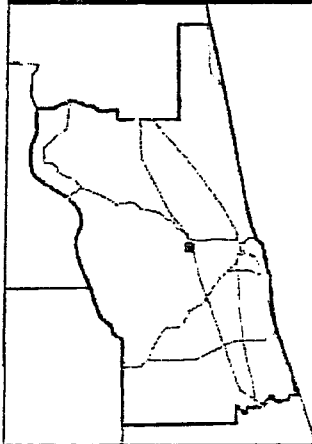
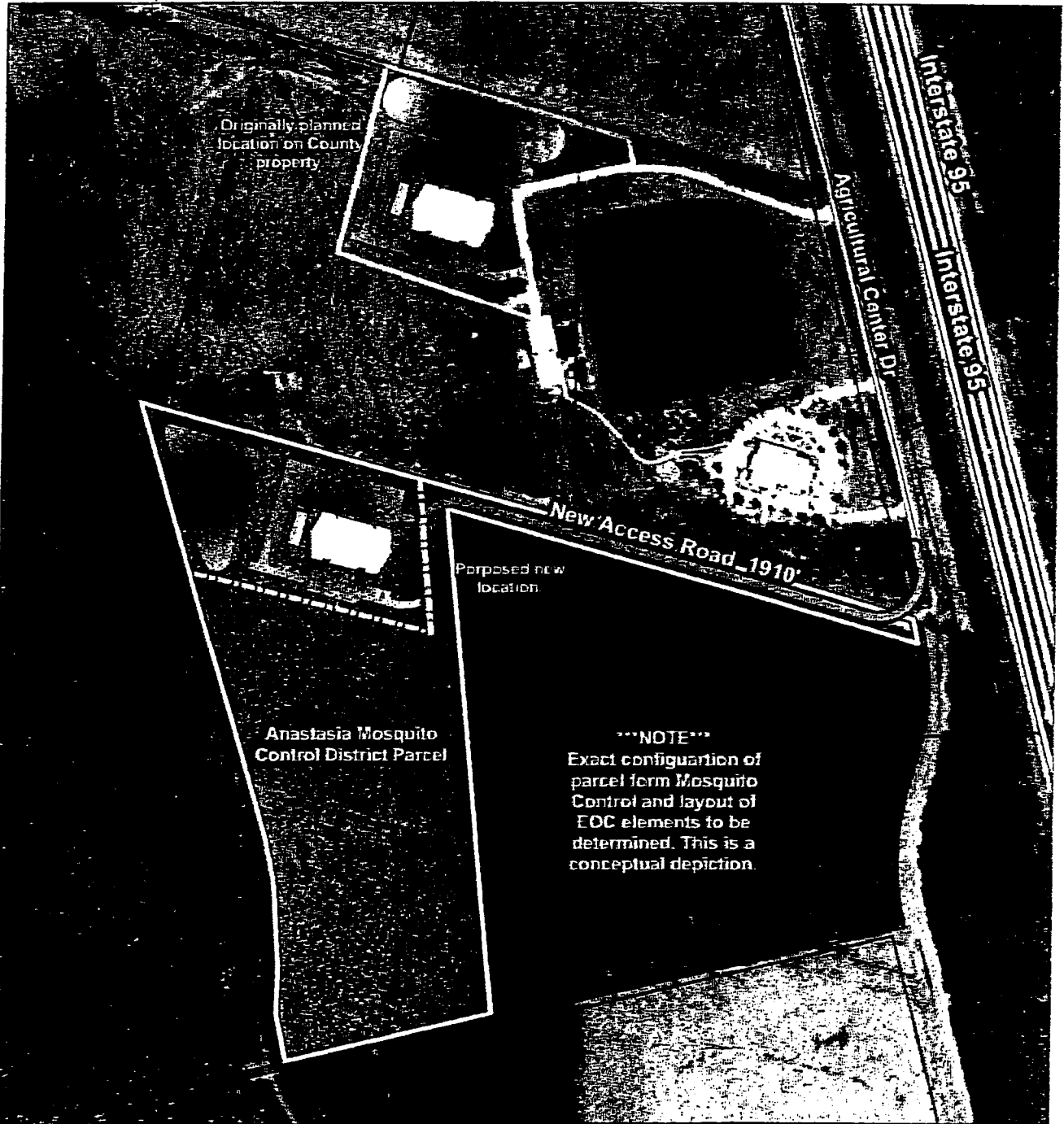
ATTEST: Cheryl Strickland

Signature—Deputy Clerk

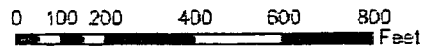
Printed Name—Deputy Clerk

Sequence of Events For Construction of Emergency Operations Center



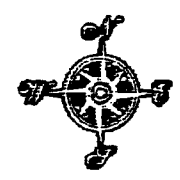


**Emergency Operation
Center Site**
**Memorandum of Understanding
Anastasia Mosquito Control District**



St. Johns County
Land Mgmt Systems
Real Estate Division

Map Prepared:
November 16, 2007
(904) 209-0796



2005 Aerial Imagery

DISCLAIMER.
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.