

# City of South Daytona

## Fire Department

Post Office Box 214960 • South Daytona, FL 32121 • 386/322-3033



### MEMORANDUM

## AGENDA ITEM

### Item # 14

**Date: December 14, 2021**

**To:** James L. Gillis, Jr., City Manager

**From:** James D. Giles, Fire Chief

**Re:** Consideration of approving Resolution No. 2021-35, third amendment to the Interlocal Agreement for Fire and/or Rescue Mutual Air within Volusia County.

**Date:** December 6, 2021

---

The Cities of Daytona Beach, Daytona Beach Shores, Deland, Deltona, Edgewater, Holly Hill, New Smyrna Beach, Orange City, Ormond Beach, Port Orange, South Daytona, the Town of Ponce Inlet and Volusia County entered into an Interlocal Agreement for Fire and/or Rescue Service Mutual Aid Within Volusia County in October 2006. Chapter 163, Florida Statutes authorizes local governments to enter into such agreements for the purpose of providing mutual aid in fire and rescue service.

The Agreement was recorded in the Official Records Book 5940, Pages 3252-72, Public Records of Volusia County in 2006.

Section 19 of the Agreement allows for five-year extensions upon written mutual agreement of the parties. In 2016 the Second Amendment extended the term of the Agreement until October 24, 2021.

Staff requests the Council approve Resolution 2021-35, approving the third amendment to the Interlocal Agreement for Fire and/or Rescue Mutual Air within Volusia County which will extend the mutual aid agreement until 2026.

## **RESOLUTION NO. 2021-35**

**A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE AND/OR RESCUE MUTUAL AID WITHIN VOLUSIA COUNTY, FLORIDA AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Cities of Daytona Beach, Daytona Beach Shores, Deland, Deltona, Edgewater, Holly Hill, New Smyrna Beach, Orange City, Ormond Beach, Port Orange, South Daytona, the Town of Ponce Inlet and Volusia County ("Parties") entered into an Interlocal Agreement for Fire and/or Rescue Service Mutual Aid Within Volusia County, Florida ("Agreement"), on October 25, 2006, pursuant to the authority of Chapter 163, Florida Statutes for the purpose of providing mutual aid in fire and rescue services; and

**WHEREAS**, the Agreement was recorded in the Official Records Book 5940, Pages 3252-72, Public Records of Volusia County, Florida on October 25, 2006; and

**WHEREAS**, Section 19 of the Agreement anticipates five year extensions of terms upon written mutual agreement of the parties; and

**WHEREAS**, the parties entered into a First Amendment extending the term of the Agreement for an additional five-year term extending the Agreement to October 24, 2016; and

**WHEREAS**, the parties entered into a Second Amendment extending the term of the Agreement for an additional five-year term extending the Agreement to October 24, 2021; and

**WHEREAS**, the City Council has determined it is in the best interest of the city to enter into the third amendment of the mutual aid agreement with the cities of Daytona Beach, Daytona Beach Shores, Deland, Deltona, Edgewater, Holly Hill, New Smyrna Beach, Orange City, Ormond Beach, Port Orange, South Daytona, the Town of Ponce Inlet and Volusia County.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA,  
FLORIDA:**

**Section 1.** That the City desires to continue to participate in the Volusia County Mutual Aid Agreement.

**Section 2.** That the Mayor and City Manager are hereby authorized to execute the Third Amendment to Interlocal Agreement for Fire and/or Rescue Mutual Aid within Volusia County, Florida, a copy of which is hereby attached as Attachment "A" to this Resolution.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not the validity of the remaining portions or application hereof.

**Section 4.** That all resolutions made in conflict with this Resolution are hereby repealed.

**Section 5.** That this Resolution shall become effective immediately upon its adoption.

**THIS RESOLUTION APPROVED ON FIRST AND ONLY READING** this 14<sup>th</sup> day of December 2021 by  
the City Council of the City of South Daytona, Florida.

**CITY OF SOUTH DAYTONA, FLORIDA**

\_\_\_\_\_  
William C. Hall, Mayor

ATTEST: \_\_\_\_\_  
James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Wade Vose, City Attorney



**THIRD AMENDMENT TO INTERLOCAL AGREEMENT  
FOR FIRE AND/OR RESCUE MUTUAL AID  
WITHIN VOLUSIA COUNTY, FLORIDA**

**THIS THIRD AMENDMENT** to the Agreement is made and entered by and between the undersigned local governments as follows:

**WHEREAS**, the Cities of Daytona Beach, Daytona Beach Shores, Deland, Deltona, Edgewater, Holly Hill, New Smyrna Beach, Orange City, Ormond Beach, Port Orange, South Daytona, the Town of Ponce Inlet and Volusia County ("Parties") entered into an *Interlocal Agreement for Fire And/Or Rescue Service Mutual Aid Within Volusia County, Florida* ("Agreement"), on October 25, 2006, pursuant to the authority of Chapter 163, Florida Statutes for the purpose of providing mutual aid in fire and rescue services; and

**WHEREAS**, the Agreement was recorded in the Official Records Book 5940, Pages 3252-72, Public Records of Volusia County, Florida on October 25, 2006; and

**WHEREAS**, Section 19 of the Agreement anticipates five year extensions of terms upon written mutual agreement of the parties; and

**WHEREAS**, the parties entered into a First Amendment extending the term of the Agreement for an additional five-year term extending the Agreement to October 24, 2016; and

**WHEREAS**, the parties entered into a Second Amendment extending the term of the Agreement for an additional five-year term extending the Agreement to October 24, 2021;

**NOW THEREFORE**, in consideration of the premises, mutual covenants, provisions and representations contained herein, constituting good and valuable consideration, the Parties hereto agree as follows:

1. The recitals set forth above are true, correct and form a material part of this Third Amendment.

2. Pursuant to Paragraph 19 of the Agreement as amended by the Second Amendment, which allows the term of the Agreement to be extended for additional terms of five (5) years upon written amendment, the term of the Agreement shall be extended for an additional five (5) years and shall remain in effect through October 24, 2026.

3. Attachment A to the Agreement is hereby replaced in its entirety with Attachment A revised, a copy of which is attached hereto and incorporated herein.

4. This Third Amendment shall become effective upon being filed and recorded with the Clerk of the Circuit Court of Volusia County, Florida.

5. This Third Amendment is made pursuant to Article 20 of the Agreement. Amendment

shall remain in full force and effect for those local governments which approve and execute this Third Amendment, notwithstanding the failure of any local government to approve and execute this Third Amendment.

6. The provisions of this Third Amendment shall prevail against any conflict with a provision of the Agreement. Otherwise, all other terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the Parties, by and through the undersigned have entered into this Third Amendment to the Mutual Aid Agreement in counterparts on the date and year hereafter written for the purpose stated above.

THE COUNTY OF VOLUSIA

By: \_\_\_\_\_  
Jeff Brower, County Chair

Attest: \_\_\_\_\_  
George Recktenwald, County Manager

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

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by Jeff Brower and George Recktenwald, as County Chair and County Manager, respectively, of the County of Volusia, on behalf of the County by means of \_\_\_\_ physical presence or \_\_\_\_ online notarization. They are personally known to me or have produced \_\_\_\_\_ as identification.

Notary Seal

\_\_\_\_\_  
Notary Public, State of Florida at Large  
Commission No.: \_\_\_\_\_

THE CITY OF SOUTH DAYTONA

By: \_\_\_\_\_  
William C. Hall, Mayor

Attest: \_\_\_\_\_  
James L. Gillis, Jr., City Manager

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

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by William C. Hall and James L. Gillis, Jr., as Mayor of South Daytona and City Manager, respectively, of the City of South Daytona, County of Volusia, on behalf of the City by means of \_\_\_\_ physical presence or \_\_\_\_ online notarization. They are personally known to me or have produced \_\_\_\_\_ as identification.

Notary Seal

\_\_\_\_\_  
Notary Public, State of Florida at Large  
Commission No.: \_\_\_\_\_