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Consent Agenda - B.C.C. 4.12.16



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBrazal, Deputy County Attorney
Kate Pingolt Corner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: April 5, 2016
SUBJECT: City of Vero Beach – FPL Electric Utility Sale

BACKGROUND

The City of Vero Beach (the "City") and FPL have entered into an agreement for the City to sell the City's electric utility to FPL. On two occasions, the voters of the City approved referenda supporting the sale of the City's electric utility to FPL. Since that time the negotiations between the Florida Municipal Power Agency ("FMPA"), Orlando Utilities Commission ("OUC"), the City and FPL have stalled. Representatives from the FMPA have recently expressed a desire to complete the sale.

The County Attorney seeks authorization from the Indian River County Board of County Commissioners (the "Board") to speak at the next City Council meeting and request the City Council to authorize the City's outside counsel to join in discussions with the FMPA, OUC, FPL, Indian River County and the Town of Indian River Shores to complete the sale. If authorized, the County Attorney will request to be added to the City Council agenda on April 19th, if possible.

*Approved for April 12, 2016 BCC Meeting
Consent Agenda*


COUNTY ATTORNEY

| Indian River Co. | Approved | Date |
|------------------|--|--------|
| Admin. |  | 4/7/16 |
| Co. Atty. |  | 4/5/16 |
| Budget | MS  | 4/5/16 |
| Department | --- | --- |
| Risk Management | --- | --- |

*Board of County Commissioners
April 5, 2016
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FUNDING

County funding for City of Vero Beach Electric – FPL issues is provided from M.S.T.U. Fund reserves. During the current fiscal year, \$50,000 is budgeted for such expenses. Staff does not anticipate any costs for the County Attorney to speak at the City Council meeting. Any potential future costs associated with this item will come from M.S.T.U. Fund reserves as discussed above.

RECOMMENDATION

The County Attorney recommends that the Board authorize the County Attorney to speak at the next City Council meeting and request the City Council to authorize the City's outside counsel to join in discussions with the FMPPA, OUC, FPL, Indian River County and the Town of Indian River Shores to complete the sale.

Vock, Tammy

From: Dylan Reingold [dreingold@ircgov.com]
Sent: Tuesday, April 26, 2016 9:17 AM
To: Vock, Tammy
Subject: RE: April 19th City Council Meeting

Tammy,

Good morning! it is my understanding that Councilmember Howle is going to sponsor the item. I presented a memo to my Board a couple weeks ago which I can send you that frames the issue.

Please let me know if you need anything else from me.

Have a wonderful day!

Dylan

From: Vock, Tammy [mailto:TVock@covb.org]
Sent: Monday, April 25, 2016 10:51 AM
To: Dylan Reingold <dreingold@ircgov.com>
Subject: RE: April 19th City Council Meeting

Dylan:

The deadline is noon on Wednesday. Please let me know which Councilmember is sponsoring you to be on the agenda.

Thank you,

Tammy

From: Dylan Reingold [mailto:dreingold@ircgov.com]
Sent: Monday, April 25, 2016 10:48 AM
To: Vock, Tammy
Cc: Coment, Wayne
Subject: RE: April 19th City Council Meeting

Tammy,

Good morning! I hope you had a good weekend.

I would like to be added to the agenda for the May 3rd meeting. What is the deadline for making the request?

Thank you so much for your help!

Dylan

From: Dylan Reingold
Sent: Monday, April 11, 2016 10:57 AM
To: Vock, Tammy <TVock@covb.org>
Subject: Re: April 19th City Council Meeting

Tammy,

I will actually not be attending the April 19th meeting.

Have a wonderful day!

Dylan

On Apr 11, 2016, at 9:48 AM, Vock, Tammy <TVock@covb.org> wrote:

Dylan

Are you waiting until the end of the meeting and speaking under public comments?

Tammy

Sent from my iPhone

On Apr 11, 2016, at 9:03 AM, Dylan Reingold <dreingold@ircgov.com> wrote:

Tammy,

Good morning! I hope you had a fabulous weekend. The weather was perfect. I just wanted to let you know that I do not plan on speaking on Tuesday, April 19th. I will let you know if that changes.

Have a wonderful day!

Dylan

From: Vock, Tammy [<mailto:TVock@covb.org>]
Sent: Tuesday, April 05, 2016 5:25 PM
To: Dylan Reingold <dreingold@ircgov.com>; Coment, Wayne <WComent@covb.org>
Subject: RE: April 19th City Council Meeting

Dylan:

Just let me know if you want to ask one of the Councilmembers to sponsor you with your request or just wait until the end of the meeting to speak.

Tammy

From: Dylan Reingold [<mailto:dreingold@ircgov.com>]
Sent: Tuesday, April 05, 2016 10:51 AM
To: Coment, Wayne; Vock, Tammy
Subject: Re: April 19th City Council Meeting

Wayne,

Thank you so much!

Tammy,

Can I please get a copy of the applicable form.

Thank you both!

Dylan

On Apr 5, 2016, at 10:34 AM, Coment, Wayne <WComent@covb.org> wrote:

You can get on the agenda under public comment which is now later in the agenda like on your commission's agenda. Or Tammy can put you earlier on the agenda with approval of a councilmember, which should not be a problem. The agenda cutoff for the April 19 council meeting is pretty much end of business April 12 if want to be listed on the agenda. Feel free to communicate directly with Tammy on the subject. She may have a form to complete. I have copied her with this email. Wayne

From: Dylan Reingold [<mailto:dreingold@ircgov.com>]
Sent: Tuesday, April 05, 2016 7:25 AM
To: Coment, Wayne
Subject: April 19th City Council Meeting

Wayne,

Good morning!

On April 12th, I anticipate my Board will authorize me to speak at a City Council meeting. is it possible to get on the agenda for April 19th? What is my deadline to submit a request?

Have a great day!

Thank you,
Dylan

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials and agencies regarding State or Local business are public records available to the public and media upon request. Your email communications, including your email address, may therefore be subject to public disclosure.

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AGENDA REQUEST

CITY OF VERO BEACH CITY COUNCIL MEETING, MAY 3RD, 2016

① AUTHORIZE OUTSIDE COUNSEL TO JOIN IN DISCUSSION WITH ALL INTERESTED PARTIES TO DETERMINE IF THERE IS A VIABLE PATH FORWARD TO SELL TO FPL OR EXIT FMPA.

② GUEST SPEAKER, COUNTY ATTORNEY, DYLAN REINGOLD

SUBMITTED BY:

COUNCILMEMBER HARRY HOWLE III, 4/26/16

