



**MINUTES**  
**THE TOWN OF INDIAN RIVER SHORES**  
**6001 State Road A1A, Indian River Shores, FL 32963**

**SPECIAL CALLED COUNCIL MEETING**

**Friday, January 8, 2016**

**10:00 a.m.**

**PRESENT:** **Brian M. Barefoot**, Mayor  
**Gerard A. Weick**, Vice Mayor  
**Richard M. Haverland**, Councilman  
**Michael B. Ochsner**, Councilman  
**Thomas F. Slater**, Councilman

**STAFF PRESENT:** **Robert Stabe**, Town Manager **Laura Aldrich**, Town Clerk  
**Chester Clem**, Town Attorney

**RESIDENTS:** **Barbara Palumbo**, Vice Chair, PZV Board; **April Minton**, John's Island

**OTHERS PRESENT:** **Dylan Reingold**, County Attorney; Jim Moller, John's Island POA; Reporters  
**Colleen Wixon & Lisa Zahner**

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation – Councilman Ochsner
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 10:00 a.m. The Pledge of Allegiance and invocation were recited and the roll call is as reflected above.

2. **Discussion of Purpose:** *The purpose of the special called meeting is to discuss authorizing our outside rate and legal consultants to meet with consultants for the City of Vero Beach in order to get a better understanding of FPL's proposal to purchase the City's electric facilities in the Town, and the City's valuation of those facilities.*

Mayor Barefoot said this special called meeting is to discuss authorizing our outside legal Counsel and consultants to meet with those in like positions for the City of Vero Beach to better understand FPL's proposal to purchase the City's electric facility, and the City's valuation of those facilities.

He recapped the meeting briefly with Mayor Kramer last month whereby they discussed FPL's offer to purchase the City's electric facilities and the City's response to that offer. Mayor Kramer received approval Tuesday from his Council to have the City's rate and legal consultants meet with ours to discuss this sales offer and the underlying facts driving the City's response. The Mayor asked the Town Council to authorize the participation of our rate and legal consultants in this meeting, adding with their approval, he would ask Bruce May and Terry Deason to work with the City's consultants to schedule the meeting and be prepared to report back to us as appropriate.

Mayor Barefoot stated that he believes this meeting is important for two reasons. First, it is an opportunity for us to learn how the City came up with its estimate of \$64 million, which is nearly five times what FPL offered. To this point, no detailed explanation has been provided, but our rate consultant has shared publicly his doubts about that figure. Second, he saw it as a good faith effort on our part, and that of Mayor Kramer, to seek a solution to the crisis we face. He added that he continues to believe that a partial sale of the electric system can offer such a solution, eliminating the need for further litigation while also providing real benefits to the City, its residents and all of Vero Electric's remaining customers.

*Please note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in such an appeal relating to any decision made by the Council with respect to any matter considered at this meeting is responsible to record the meeting and include the testimony and evidence upon which the appeal is to be based.*

3. **Determination of Action by Motion**

Mayor Barefoot asked for a **motion to authorize our legal and rate consultants to meet with their counterparts in the City**. That **motion** was made by Vice Mayor Weick and seconded by Councilman Ochsner. The Mayor added he wanted to make it clear, however, that we are not authorizing them to do anything, just gather information and a better understanding of the position and the valuation the City's consultants have put forth. The **motion passed 5-0**.

For the record, Mayor Barefoot added that while he doesn't think it's appropriate to engage in detailed discussions about pending litigation matters at this time, it would probably be helpful to briefly summarize the filing that we recently made with the PSC because there could be some confusion or misunderstanding. It's a complicated issue. That filing was made this past Tuesday, and was done for one purpose only – to obtain clarification from the PSC as to whether it has the jurisdiction to resolve the fundamental constitutional question in our dispute with the City. That question is whether the Florida Constitution protects our Town against the City's stated plan of exercising extra-territorial powers within our corporate limits without our consent. In the past, the PSC has stated that it does not *have* the jurisdiction to resolve constitutional questions. But in our Court case, the PSC's attorney suggested that it *might have* such jurisdiction. We're looking for clarification from the PSC on that limited jurisdictional matter before prosecuting our case further. Again, we filed with the PSC simply because we need to know where to go to enforce our constitutional rights.

He added that it's important to clarify what we are **not** doing at the PSC. We are **not** asking service territory questions, nor are we asking for direction on who can or will provide electrical services. Those issues are for another day after the fundamental constitutional questions are answered.

4. **Adjournment**

Mayor Barefoot asked for further questions or comments from the Council and the audience. Hearing none, the meeting was adjourned at 10:12 a.m.

Respectfully submitted,

*(Approved by the Town Council at the January 28, 2016 meeting)*

/s \_\_\_\_\_  
Laura Aldrich, Town Clerk