

MAYOR  
BRIAN M. BAREFOOT

VICE MAYOR  
GERARD A. WEICK

COUNCIL:  
THOMAS W. CADDEN  
RICHARD M. HAVERLAND  
THOMAS F. SLATER



TOWN MANAGER  
ROBERT STABE

TOWN CLERK  
LAURA ALDRICH

TOWN ATTORNEY  
CHESTER CLEM

6001 North A1A, Indian River Shores, FL 32963  
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## Memorandum

TO: Robert Stabe, Town Manager

FROM: Finance Department

DATE: July 18, 2014

SUBJECT: Legal Expenditure

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This memo is to serve as the documentation for the budget adjustment for legal expenditures for the fiscal year ended September 30, 2014. The Town is entering litigation regarding the electric issue with Vero Beach and will need the authorization and appropriation in order to proceed.

The required entry would be as follows:

1-11-514.3400	Legal & Professional Services	\$250,000
001-271.0000	Unreserved Fund Balance	(250,000)

Town will not renew its franchise agreement with the City that expires on November 6, 2016, and that after that date, the City will no longer have the Town's permission to occupy the Town's rights-of-way and public areas. A second to the motion was made by Councilman Slater, which passed 5-0.

Councilman Cadden said he has been working on this electric franchise agreement problem for more than five years, and for the reporters in the room he stated that he lives in the FPL service district and enjoys the lower electric rates. He agreed with the Mayor's comments about the tax on our residents as absolutely accurate, and supports this action 100% as the most effective way to get the people we need to the table to try to get a resolution to this problem. Councilman Cadden then made a motion that the Town authorize legal counsel to file a lawsuit against the City of Vero Beach structured around the causes of action that Mr. May outlined, which was seconded by Councilman Slater. The motion passed 5-0.

The third motion to authorize an amendment to the 2013-2014 Budget in the amount of \$250,000 to cover legal and consulting expenses related to litigation against the City of Vero Beach through the end of this year was made by Mayor Barefoot with support by Councilman Slater, which passed 5-0.

Finally, a motion to approve Town Resolution 14-05 initiating intergovernmental conflict resolution procedures with the City of Vero Beach, that it will abide by the mandatory conference and mediation procedures set forth in Florida's Governmental Conflict Resolution Act was made by Mayor Barefoot with support from Councilman Cadden which passed 5-0.

Mayor Barefoot said it was unfortunate that it came to this point. If there is more discussion, the Regular Town Council meeting will be held next Thursday, he added.

### 3. Public Comment

Dylan Reingold, Indian River County Attorney, said it was their intent to be involved with the Town and be supportive. Mayor Barefoot said we would like to work together to achieve the common goal of rate relief, and asked that Mr. Reingold work with Mr. May and Mr. Clem to accommodate their needs.

### 4. Adjournment

The meeting was adjourned at 9:33 a.m.

Respectfully submitted,

/s \_\_\_\_\_

Laura Aldrich, Town Clerk

(Approved by the Town Council at the July 24, 2014 meeting)

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.