



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Dylan Reingold, County Attorney *DR*

**DATE:** December 15, 2017

**SUBJECT:** Potential Lawsuit Challenging Florida Development Finance Corporation Emergency Meeting in Violation of the Sunshine Law

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**BACKGROUND**

On Wednesday, December 13<sup>th</sup> at 4:26 pm, I received an email from Bill Spivey, Executive Director of the Florida Development Finance Corporation, informing me that there was to be an emergency meeting on Monday, December 18<sup>th</sup> at 10 am in Jacksonville concerning the North Segment (West Palm Beach to Orlando) of the proposed All Aboard Florida project. On Thursday afternoon, December 14<sup>th</sup>, CARE-FL, Martin County and Indian River County wrote the attached letter to Mr. Spivey requesting that the meeting be postponed. Mr. Spivey responded by indicating that the meeting would still be conducted as scheduled in Jacksonville.

As indicated in the attached letter, I believe that this emergency meeting is being conducted in violation of the Sunshine Law. I, thus, respectfully request the authorization to file a lawsuit against the Florida Development Finance Corporation seeking an injunction against the issuance of any bonds until the Florida Development Finance Corporation conducts a meeting in compliance with the Sunshine Law. In order to reduce costs, the County Attorney's Office will handle the litigation, if authorized, in house.

**FUNDING**

The Board has previously authorized \$2.7 million for litigation related to All Aboard Florida. The funding for this litigation would come from the general fund.

**RECOMMENDATION**

The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote to authorize the filing of a lawsuit seeking an injunction against the issuance of any bonds until the Florida Development Finance Corporation conducts a meeting in compliance with the Sunshine Law.