



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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: February 12, 2018

SUBJECT: Town of Indian River Shores Reclaimed Water Franchise Agreement

On December 5, 2017, the Indian River County Board of County Commissioners approved the Agreement for the Delivery of Reclaimed Water Between Indian River County, Florida and John's Island Water Management, Inc. (the "Agreement"). The Agreement is contingent upon approval of a mutually agreed upon franchise issued by the Town of Indian River Shores (the "Town"). Indian River County staff has negotiated with Town staff an acceptable franchise agreement for reclaimed water (the "Franchise Agreement"). The attached Franchise Agreement grants Indian River County a non-exclusive franchise to construct, maintain, and operate reclaimed water utility systems within the John's Island community and customers in Indian River Shores not served by the City of Vero Beach (the "Service Area"). The franchise agreement will be for 25 years. Under the franchise agreement, Indian River County will develop a reclaimed water utility system infrastructure plan detailing how Indian River County plans to expand and provide reclaimed water to future users in the Town. The Franchise Agreement also includes a right of first refusal to serve reclaimed water within the Service Area. Under the right of first refusal, Indian River County will have the right to serve any portion of the Service Area, so long as Indian River County is able to design the infrastructure improvements necessary for such service within five years of the effective date of the Franchise Agreement, or within two years of receiving a request for service within the Service Area, if that request occurs five years after the effective date of the Franchise Agreement. The Town will be considering the attached Franchise Agreement at its meeting scheduled for 2 pm on February 20th.

RECOMMENDATION.

The County Attorney recommends that the Indian River County Board of County Commissioners approve the reclaimed water franchise agreement with the Town of Indian River Shores and authorize the Chair to execute the franchise agreement.

ATTACHMENTS

Proposed Reclaimed Water Franchise Agreement
Agreement for the Delivery of Reclaimed Water Between Indian River County, Florida and John's Island Water Management, Inc.