



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: September 25, 2018
SUBJECT: All Aboard Florida/Brightline Fees

BACKGROUND

On February 17, 2015, the Indian River County Board of County Commissioners ("Board") voted to (1) appropriate \$2.7 million as a fund to protect Indian River County against All Aboard Florida through litigation; and (2) direct staff to set aside \$500,000 in Reserve Funds for the current fiscal year, and budget \$1.1 million for each of the next two fiscal years. The number was determined based upon the concept of spending 1% of the annual budget (\$2.7 million) to fight the All Aboard Florida project. It is over three and a half years later and there is \$108,884.39 left in the All Aboard Florida account.

Indian River County has filed all of the papers anticipated to be filed in the current federal litigation. The County Attorney's Office has just received an invoice from our outside counsel, Bryan Cave, for the month of August in the amount of \$60,392.05. Bryan Cave estimates that the invoice for September will be approximately \$76,000. If the court conducts an oral argument, Bryan Cave estimates preparation and attendance could cost approximately \$15,000. Otherwise, the work in the federal litigation is complete.

Additionally, on July 3, 2018, the Board voted to approve another contract with McDermott Will & Emery for six additional months of federal lobbying, to run through January 31, 2019. The agreement includes a fixed monthly fee of \$10,000, paid at the beginning of each month for the first five months, with no charge for the final month, for a total of \$50,000.

Thus, the County Attorney's Office recommends that the Board approve a budget amendment of \$92,500 to cover the September Bryan Cave invoice, the lobbying through January 31, 2019 and the costs of a potential oral argument in the federal litigation.

FUNDING

A budget amendment in the amount of \$92,500 will be required to fund these expenses from General Fund/Reserve for Contingency.

RECOMMENDATION

The County Attorney's Office recommends that the Board approve a budget amendment of \$92,500 to cover the September Bryan Cave invoice, the lobbying through January 31, 2019 and the costs of a potential oral argument in the federal litigation.