



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: August 10, 2020
SUBJECT: Street Lighting Agreement Terminations

BACKGROUND.

Over twenty years ago, Indian River County entered into Street Lighting Agreements with various neighborhood associations for the purpose of obtaining street lighting systems from the City of Vero Beach for lighting in their communities. The Street Lighting Agreements automatically renewed every five years since 1998. There are seven of these Street Lighting Agreements that are still valid and in effect.

In 2018, FPL purchased the City of Vero Beach electric utility. FPL and Indian River County would like to terminate the Street Lighting Agreements so that these neighborhoods directly contract with FPL for such service. Therefore, in July, the County Attorney's Office sent letters and Terminations to the seven associations requesting their execution of Terminations of the Street Lighting Agreements. The Terminations would have the effect of terminating the Street Lighting Agreements as of September 30, 2020. The County Attorney's Office has received executed Terminations from Glendale Industrial Park, Inc., Shadow Brook Property Owners Association, Inc., and Sundowners Property Owners Association, Inc. We are still waiting for responses from Dunmore Homeowners Association, Little Harbour Club, Inc., Citrus Medical Plaza, and Tropic Villas North Homeowner Association.

The County Attorney's Office recommends that the Board authorize the chairman to execute the Terminations that have been returned and other Terminations the County Attorney's Office receives going forward. Once both parties have signed the Termination, the County Attorney's Office will provide FPL with the following information, which will allow FPL to transfer the account.

- 1) IRCO street light account number;
- 2) The actual light information - location, lumens, wattage and component ID;
- 3) HOA street light account number if they have one, or Sunbiz name and Tax ID number, if they do not have an existing account with FPL; and
- 4) HOA point of contact information.

FUNDING.

The electric bills associated with these lights are funded from the Singe Streetlight Fund, which is funded by assessment revenue received from each of the seven agreements. Once the agreements are terminated, the Single Streetlight Fund will no longer be utilized.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners authorize the chairman to execute the Terminations the County Attorney's Office has received and the Terminations received going forward and authorize County staff to provide FPL with the information needed to transfer the accounts.

ATTACHMENTS

Form Termination