



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Dylan Reingold, County Attorney

**DATE:** September 4, 2019

**SUBJECT:** City of Sebastian Graves Brothers Annexation – Florida Governmental Conflict Resolution Act Resolution

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**BACKGROUND.**

On August 28, 2019, the City of Sebastian (the “City”) City Council (the “Council”) voted to approve the voluntary annexation of approximately 1,116 acres located south of County Road 510 (the “Subject Property”), requested by the Graves Brothers Company. The Council also approved the transmittal of a Future Land Use Map Amendment for the Subject Property.

On August 13, 2019, the Indian River County Board of County Commissioners (the “Board”) directed the County Attorney’s Office to take necessary measures to preserve the Board’s appellate rights with respect to these actions. Per that direction, a court reporter was present at the City Council hearing. And materials were submitted into the record at the City Council hearing.

The County Attorney’s Office believes that there are legitimate legal issues pertaining to whether the annexation of the Subject Property meets the statutory requirements of Chapter 171, Florida Statutes. In addition, whether the approved annexation agreement pertaining to the Subject Property is in conflict with the Interlocal Agreement Providing for the Transfer of the City of Sebastian Water and Wastewater System, dated September 20, 1995 (“Interlocal Agreement”).

In furtherance of the direction from the Board, the County Attorney’s Office has drafted the attached resolution, which would initiate the Florida Governmental Conflict Resolution Act process set forth in Chapter 164, Florida Statutes.

Pursuant to Chapter 164, Florida Statutes, after the conflict resolution process has been initiated, a conflict assessment meeting is held. The County Administrator and the City Manager, or his designee, would attend a conflict assessment meeting to discuss the issues pertaining to the conflict and an assessment of the conflict from the perspective of each governmental entity involved. If the issues cannot be resolved

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during the conflict assessment meeting, the parties would conduct a joint public meeting and then mediation, if necessary.

If the Board decides to initiate the conflict resolution process, the County Attorney's Office will also send a copy of the resolution to the City of Fellsmere.

Due to the conflict between the annexation agreement and the Interlocal Agreement, the County Attorney's Office recommends that the Board approve the draft resolution initiating the conflict resolution procedure under the Florida Governmental Conflict Resolution Act.

**FUNDING.**

The costs of the conflict resolution process are to be split evenly between the parties. The funding for participating in the conflict resolution process is budgeted and available in the General Fund/County Attorney/Legal Services, Acct# 00110214-033110. The County Attorney does not anticipate the conflict resolution process costing more than \$3,000.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the draft resolution initiating the conflict resolution procedure under the Florida Governmental Conflict Resolution Act.

**ATTACHMENT.**

Proposed Resolution