



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 *DR*
DATE: August 24, 2018
SUBJECT: City of Fellsmere – Sebastian River Improvement District Conflict Resolution

BACKGROUND.

On August 16, 2018, the City of Fellsmere (the “City”) City Council (the “Council”) adopted Resolution 2018-18 (the “Resolution”) initiating the conflict resolution procedures with the Sebastian River Improvement District (the “SRID”) under Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act (the “Act”). In the Resolution, the Council stated that the SRID has proposed to impose discharge limitations for properties in the Lateral D watershed, including those properties located within the City, on a case-by-case basis. In the Resolution, the Council has disputed SRID’s authority to regulate stormwater discharges from the Lateral D watershed into the Lateral D Canal.

Thus, the Council adopted the Resolution initiating the procedures under the Act. Pursuant to section 164.1052, Florida Statutes, within five days after the passage of the Resolution, the Council must send a letter and a certified copy of the resolution to SRID District Manager. The Council is also required to mail a copy of the letter and Resolution to any state, regional, or local governmental entities which, in the determination of the Council, may have a role in approving or implementing a particular element or aspect of any settlement of the conflict or whose substantial interests may be affected by the Resolution of the conflict, and any other governmental entity deemed appropriate by the Council. The Council sent a copy of the letter and Resolution to the Florida Department of Transportation, St. Johns River Water Management District, Indian River County, City of Sebastian, School Bboard of Indian River County and the Vero Lakes Water Control District.

Per section 164.1052, Florida Statutes, Indian River County may elect to participate in the conflict resolution process, but Indian River County would not be entitled to control the timing or progress of the conflict resolution process. However, the Indian River County Board of County Commissioners (the “Board”), by passage of its own resolution could join the conflict resolution process as a primary conflicting governmental entity.

Having reviewed the Resolution, the County Attorney's Office does not believe that the Board needs to become a primary conflicting governmental entity. However, since the matter does impact the stormwater drainage in Indian River County, it is recommended that the Board authorize County staff and the County Attorney's Office to monitor and attend the various meetings between the City and SRID.

FUNDING.

There is no funding associated with this agenda item.

RECOMMENDATION.

The County Attorney's Office recommends that the Board authorize County staff and the County Attorney's Office to monitor and attend the various meetings between the City and SRID.

ATTACHMENT(S).

Letter to Todd Wodraska, District Manager, Sebastian River Improvement District, dated August 17, 2018
City of Fellsmere Resolution 2018-18
Sebastian River Improvement District Map