



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: April 12, 2022
SUBJECT: Town of Indian River Shores – City of Vero Beach Federal Litigation

BACKGROUND.

On August 16, 2021, the Town of Indian River Shores (the “Town”) filed suit against the City of Vero Beach (“City”) in federal court concerning the August 18, 1989 Agreement Between Indian River County and the City of Vero Beach relating to water and sewer service areas (the “Agreement”). The Town’s lawsuit seeks declaratory and injunctive relief as to whether the Agreement is unlawful pursuant to federal antitrust law.

The case was abated to allow for the two parties to undertake the dispute resolution process under Chapter 164, Florida Statutes. The matter was not resolved and the case is now proceeding forward. On March 1, 2022, the City filed a motion to dismiss the lawsuit. The motion to dismiss raised several issues, including an argument that the Town failed to name Indian River County (the “County”) in the lawsuit. There was a hearing on the motion held on April 11, 2022. Although I did not attend the hearing, it is my understanding that the judge raised questions as to the County’s interest in the Town’s litigation.

The County has consistently taken the position that this matter is a dispute between the Town and the City. Although, the County Attorney’s Office is hesitant to interject at all in this proceeding, it is also the desire of the County Attorney’s Office to avoid having the County included in any lawsuit concerning this matter. Thus, the County Attorney’s Office recommends that the Indian River County Board of County Commissioners authorize the County Attorney’s Office to file papers with the federal court reiterating that the County has no interest in this matter. Although the City may see such filing as the County taking a side in the federal litigation, the County would only be doing so in an attempt to clarify that the County has no desire to be involved in the pending litigation. The County would not be taking any position with respect to any of the other arguments raised by either party in the case.

FUNDING.

There is no funding associated with this item.

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RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners authorize the County Attorney's Office to file papers with the federal court reiterating that Indian River County does not have an interest in the matter.