




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: February 24, 2017

SUBJECT: Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement

BACKGROUND.

The Indian River Lagoon National Estuary Program Indian River Lagoon Council (the "IRL Council") was formed in February 2015, with the initial members including Volusia County, Brevard County, St. Lucie County, Martin County, the Florida Department of Environmental Protection, the St. Johns River Water Management District and the South Florida Water Management District. Initially, the Indian River County Board of County Commissioners (the "Board") chose not to join the IRL Council. In September 2015, the IRL Council was modified to include the IRC Lagoon Coalition, an independent entity formed by the City of Fellsmere, the City of Vero Beach and the City of Sebastian, as a member of the IRL Council.

On November 22, 2016, the Board voted to take the necessary steps to become a member of the IRL Council. Per the First Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement, in order for Indian River County to serve on the IRL Council Board of Directors, the Board is required to approve the attached Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement reflecting the substitution of Indian River County as a party to the interlocal agreement and the withdrawal of the IRC Lagoon Coalition as a party to the interlocal agreement.

If the Board approves the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement, the next step in the process will be for the IRL Council Board of Directors to vote unanimously to approve the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement. It is anticipated that the IRL Council Board of Directors will take action on the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement at its meeting on Friday, April 14, 2017. Indian River County will then be required to execute and record the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement. Finally, Indian River County will be required to refund to the IRC Lagoon Coalition the pro

rata annual membership contribution previously paid by the IRC Lagoon Coalition for that portion of the fiscal year remaining from the date the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement is recorded.

The County Attorney's Office has reviewed and recommends approval of the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement.

FUNDING.

Indian River County will be required to pay the pro rata annual membership contribution previously paid by the IRC Lagoon Coalition for that portion of the fiscal year remaining from the date the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement is recorded. The membership contribution was \$50,000 for Fiscal Year 2016/17. Depending on the timing of the recording of the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement, the cost will be roughly \$25,000 for the first year and \$50,000 for each subsequent year. Although not currently budgeted, funds can be allocated through a budget amendment from General Fund/Reserve for Contingency to General Fund/Board of County Commissioners/Dues & Memberships-Acct # 00110111-035420. The cost for recording the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement will be \$169.00. Funding for this expenditure is available from Account No. 00110214-034830 (General Fund/County Attorney/Recording Fees).

RECOMMENDATION.

The County Attorney's Office recommends that the Board vote to approve the Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement.

ATTACHMENTS

Second Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement