



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney *DR*
DATE: June 22, 2018
SUBJECT: Federal Lobbying Concerning All Aboard Florida/Brightline

BACKGROUND

On August 14, 2017, I executed an agreement between McDermott Will & Emery and Indian River County, as authorized by the County Administrator, for McDermott Will & Emery to represent Indian River County on federal lobbying efforts relating to the proposed All Aboard Florida/Brightline project. The agreement was for \$50,000 for six months and expired on January 31, 2018. Under that agreement, McDermott Will & Emery assisted Indian River County in lobbying efforts with both federal legislators and federal agencies.

It is important to note that McDermott Will & Emery also represents Martin County and CARE-FL with respect to the All Aboard Florida/Brightline project. However, the engagement with Indian River County was and is solely for federal lobbying and did not and does not include litigation representation. The main members of the McDermott Will & Emery who have represented Indian River County are Stephen Ryan, former Congressman Jeff Miller and Erica Stocker.

On January 23, 2018, the Indian River County Board of County Commissioners ("Board") approved another contract with McDermott Will & Emery for six additional months, which runs through July 31, 2018. The agreement included a fixed monthly fee of \$10,000, paid at the beginning of each month for the first five months, with no charge for the final month, for a total of \$50,000.

As the Board is aware, on April 19, 2018, the United States House Subcommittee on Government Operations held a hearing to examine the use of \$600 million and \$1.15 billion in tax-exempt private activity bonds to support the Brightline passenger rail system project in Florida. This was a significant hearing. Chairman Meadows and Congressmen Posey and Mast raised several significant issues with respect to the validity of the private activity bond financing for the All Aboard Florida/Brightline project.

McDermott Will & Emery spent considerable time in setting up and preparing for this hearing. Ms. Stocker stated that the expenses exceeded the \$50,000 set forth in the agreement. Because the hearing was such a significant accomplishment, I felt it was appropriate to pay for some of the additional costs. I offered to bring to the Board an agreement for Indian River County to pay an additional \$10,000.

At this time, I believe continuing the federal lobbying is an important component in promoting Indian River County's interests with respect to the proposed All Aboard Florida/Brightline project. Thus, I also believe that it is important to present another contract with McDermott Will & Emery for six additional months, to run through January 31, 2019. The agreement includes a fixed monthly fee of \$10,000, paid at the beginning of each month for the first five months, with no charge for the final month, for a total of \$50,000.

FUNDING

Funds for this expenditure are budgeted and available in General Fund/County Attorney/Legal Services/All Aboard Florida, Account # 00110214-033110-15023

RECOMMENDATION

The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote to authorize the additional payment of \$10,000 and to approve the agreement with McDermott Will & Emery for six more months and authorize the County Attorney to execute the agreement.

ATTACHMENT

Invoice
Proposed Agreement