

JEFFREY K. BARTON
Clerk to the Board



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COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY AND
CITY OF FELLSMERE, CITY OF VERO BEACH, AND TOWN OF
INDIAN RIVER SHORES

INDIAN RIVER STATE COLLEGE - RICHARDSON CENTER,
VERO BEACH, FLORIDA

THURSDAY, OCTOBER 15, 2009 AT 9:00 A.M.

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October 15, 2009

BOARD OF COUNTY COMMISSIONERS

**JOINT MEETING WITH CITY OF FELLSMERE, CITY OF VERO
BEACH, AND TOWN OF INDIAN RIVER SHORES**

October 15, 2009

The Board of County Commissioners of Indian River County, Florida, met in a Joint Meeting with the City of Vero Beach, the Town of Indian River Shores, and the City of Fellsmere, at the Richardson Center, Indian River State College Mueller Campus, 6155 College Lane, Vero Beach, Florida, on Thursday, October 15, 2009, to discuss the possible Consolidation of Water and Sewer Infrastructure. Present were Commissioner Wesley S. Davis, Chairman; Commissioner Joseph E. Flescher, Vice Chairman; and Commissioners Peter D. O'Bryan, Gary C. Wheeler, and Bob Solari. Also in attendance was Deputy Clerk Maureen Gelfo.

CALL TO ORDER

Indian River County Board Chairman Wesley S. Davis called the meeting to order at 9:01 a.m.

I. INVOCATION

Chairman Davis delivered the Invocation.

II. PLEDGE

Mayor E. William Kenyon, Town of Indian River Shores, led the Pledge of Allegiance to the Flag.

III. INTRODUCTION

Chairman Davis invited each municipality and the County Commissioners to introduce themselves.

Present for the City of Fellsmere were Mayor Susan Adams, and City Manager Jason Nunemaker. Mayor Pro Tem Fernando Herrera joined the meeting at 9:27 a.m.

Present for the Town of Indian River Shores were Mayor E. William Kenyon and Vice Mayor William Ahrens. Also present were Councilmembers Frances Atchison, Gerard Weick, Michael Ochsner, and Town Attorney Chester Clem.

Present for the County were Chairman Wesley S. Davis, Chairman; Commissioner Joseph E. Flescher, Vice Chairman; and Commissioners Peter D. O'Bryan, Gary C. Wheeler, and Bob Solari.

Present for the City of Vero Beach were Mayor Sabin Abell and Vice Mayor Thomas P. White, City Manager Jim Gabbard, and City Attorney Charles Vitunac. Also present were

Councilmembers William Fish, Debra Fromang, Kevin Sawnick, and City Clerk Tammy K. Vock.

Chairman Davis recognized County staff that were also in attendance: County Administrator Joseph A. Baird, County Attorney William G. Collins II, Assistant County Administrator Michael Zito, County Budget Director Jason Brown, Utilities Director Erik Olson, and Capital Projects Manager Michael Hotchkiss.

IV. DISCUSS CONSOLIDATION OF WATER/SEWER/IRRIGATION (WSI) UTILITY SERVICES

(Clerk's Note: The City of Vero Beach, the Town of Indian River Shores, and Indian River County each made individual Motions on the above topic).

Mayor Sabin Abell recalled that at the October 3, 2009 City Council meeting, Chairman Davis had inquired of the City Council whether the City of Vero Beach would be interested in exploring partnering with the County to provide water, wastewater, and reuse water services. Mayor Abell observed that at the time, all five councilmembers had agreed to the investigation, but no formal action had been taken. Mayor Abell was now bringing forward the City Council's Motion agreement to look into that consolidation, accordingly, as requested by the County.

MOTION WAS MADE by Mayor Abell, City of Vero Beach, SECONDED by Debra Fromang, to participate in the process of obtaining an independent consultant to investigate the consolidation, cooperation, or partnership, and that a *Consultants Competitive Negotiation Act Committee* be appointed consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach, and that the

Committee bring back a recommendation for a consultant, with a scope of work and price. The three jurisdictions could then reconvene to consider the Committee recommendation.

Councilmember Kevin Sawnick solicited the opinion of Chairman Davis, who affirmed that the Motion was in accordance with the County's intent.

Commissioner Wheeler was uncertain of the necessity to hire a consultant at this point, stating that it might be more expeditious and financially prudent to have the County and each Municipality's staffs meet and ascertain whether there is a need for a consultant.

Mayor Abell offered to include Commissioner Wheeler's recommendation in his Motion, agreeing that the County and Municipalities' staffs should work together to ascertain costs and benefits, and consider future actions.

Councilmember Michael Ochsner, Indian River Shores, disagreed that we should start with staffs, because there are two competing interests here, the City of Vero Beach and Indian River County, who both have the utility facilities. He opined that it would be best to obtain the information from an independent third party.

Chairman Davis concurred with Councilmember Ochsner on the need to have an independent consultant answer the question on whether the City and County can consolidate, and if we cannot consolidate, the consultant could analyze the County's costs for taking over water, sewer, and irrigation services for the residents outside the City Limits of Vero Beach and the Southern Barrier Island.

Councilmember Debra Fromang noted that the City of Vero Beach Council had reviewed the Franchise Agreements and wanted to ensure that the County Commission had also done so.

Commissioner O'Bryan mentioned that he had received the impression from the Vero Beach City Council at a meeting in August 2009, that both wastewater and water services were on the table; however, at the September 8, 2009 Board of County Commission meeting, the City of Vero Beach's Water and Sewer Director, Robert Bolton, had advised the Board that the City Council had given staff the authority to discuss only wastewater services, and not water. He sought and received clarification and confirmation from Mayor Abell that his Motion included water, as well as wastewater, service.

Mayor E. William Kenyon, Indian River Shores, pointed out that the City of Vero Beach and Indian River County both provide water and sewer services, but Indian River Shores is purchasing, and not producing, services. He conveyed the importance of Indian River Shores' participation in the water and sewer discussions, because the Town would be making a decision within the next two years on whether to remain with the City of Vero Beach, or whether to move forward.

Mayor Abell assured Mayor Kenyon that the Motion had been written to include in the *Consultants Competitive Negotiation Act (CCNA) Committee* two members from Indian River Shores, as well as from Indian River County, and the City of Vero Beach, to discuss the issues regarding water, wastewater, and reuse water services.

Councilmember Sawnick, City of Vero Beach, felt that the cost for the consultant would be justified, as it must be determined whether it is in the financial interest of the City of Vero Beach to consolidate. He added that the City would choose the option which would enable it to provide the highest level of service to the City's residents at the cheapest cost.

Mayor Abell CALLED THE QUESTION and the Motion carried unanimously. The City of Vero Beach approved to participate in the process of obtaining an independent

consultant to investigate the consolidation, cooperation, or partnership, and that a *Consultants Competitive Negotiation Act Committee* be appointed consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach, and that the Committee bring back a recommendation for a consultant, with a scope of work and price. The three jurisdictions could then reconvene to consider the Committee recommendation.

Councilmember Tom White, City of Vero Beach, asked if the Motion included Commissioner Wheeler's request to have County and City staffs meet prior to hiring the consultant, and Mayor Abell responded that we would start out with the way the Motion was originally.

Commissioner Solari believed that a good study by an independent third party would be in the best interest of all the citizens of the County.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to hire an independent third party consultant to investigate the consolidation of water, wastewater, and reuse water services between the City of Vero Beach and Indian River County, under the same terms outlined in the Motion made by Mayor Abell for the City of Vero Beach - to appoint a Committee consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach, and that the Committee bring back a recommendation for a consultant,

with a scope of work and price, with the three jurisdictions to reconvene to consider the Committee recommendation.

Addressing Councilmember Sawnick's earlier remark about doing what would be in the best interests of the City of Vero Beach, Commissioners Solari and Wheeler stressed that any decisions made on consolidation should take under consideration what is in the best interests of the entire customer base for the services provided inside or outside the City of Vero Beach, and not just the City of Vero Beach.

Councilmember Sawnick clarified that he had meant the City of Vero Beach and its utility customers.

Chairman Davis stated that he would like to explore the possibility of partnering in the future with the City of Fellsmere to provide a portion of the water, sewer, and irrigation services.

City Manager Jason Nunemaker, City of Fellsmere, briefly described the current status of the utilities in Fellsmere, and stated that he anticipated working with the County Utilities Department.

Chairman Davis wanted the investigation on utility services to include consideration of Countywide regional water, sewer, and irrigation reuse services.

Mayor Susan Adams, City of Fellsmere, felt that the Fellsmere City Council would be supportive of that.

Board Chairman Davis CALLED THE QUESTION and the Motion carried unanimously. The County Commission approved to hire an independent third party

consultant to investigate the consolidation of water, wastewater, and reuse water services between the City of Vero Beach and Indian River County, under the same terms outlined in the Motion made by Mayor Abell for the City of Vero Beach - to appoint a Committee consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach, and that the Committee bring back a recommendation for a consultant, with a scope of work and price, with the three jurisdictions to reconvene to consider the Committee recommendation.

Mayor Kenyon, Indian River Shores, announced that he would make a Motion in concurrence with those made by the City of Vero Beach and Indian River County.

MOTION WAS MADE by Mayor E. William Kenyon, Town of Indian River Shores, SECONDED by Vice Mayor William Ahrens, to hire an independent third party consultant to investigate the consolidation of water, wastewater, and reuse water services between the City of Vero Beach and Indian River County; to appoint a Committee consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach; and that the Committee bring back a recommendation for a consultant, with a scope of work and price, with the three jurisdictions to reconvene to consider the Committee recommendation.

Councilmember Ochsner, Indian River Shores, agreed with the notion of consolidation and of hiring a third party consultant, but wanted to add a timetable.

Attorney Charles Vitunac, City of Vero Beach, suggested that the parties allocate up to three (3) months to advertise and secure the consultants, and to allow the *Consultants Competitive Negotiation Act Committee* sufficient time to meet within Sunshine Law guidelines.

Mayor Kenyon reiterated the importance of addressing the investigation expeditiously, as Indian River Shores would like to receive the information required to make its decision by the middle of next year.

Commissioner Solari felt that in light of the rate study just completed by the City of Vero Beach, and if County staff is directed to immediately begin assembling comparable information, things could move reasonably quickly. He pointed out that if staff has already compiled the information, the consultant could proceed with his or her investigation with no delay.

Attorney Vitunac pointed out that if each jurisdiction picks its two members for the CCNA Committee at today's meeting, that Committee's meeting could be scheduled for next week.

Commissioner O'Bryan reminded the Assembly that the Motion from Indian River Shores was still on the Table.

Mayor Kenyon CALLED THE QUESTION, and the Motion carried unanimously. The Town of Indian River Shores approved to hire an independent third party consultant to investigate the consolidation of water, wastewater, and reuse water services between the City of Vero Beach and Indian River County; to appoint a

Committee consisting of two members each from Indian River County, the Town of Indian River Shores, and the City of Vero Beach; and that the Committee bring back a recommendation for a consultant, with a scope of work and price, with the three jurisdictions to reconvene to consider the Committee recommendation.

V. CONSIDERATION FOR APPROVAL CONTRACT WITH THIRD PARTY CONSULTANT

(Clerk's Note: The Contract for the Third Party Consultant will be considered subsequent to the recommendations made by the Consultants Competitive Negotiation Act Committee. See Item. IV. for discussion).

VI. CONSIDERATION FOR APPROVAL COST SHARE FOR UTILITY CONSULTANT

Chairman Davis asked if anyone knew what the cost would be for doing the study on the consolidation of the water, wastewater, and reuse water services.

Mayor Abell reminded everyone that the Motion made by the City of Vero Beach states that the *Consultants Competitive Negotiation Act Committee* would be bringing back a recommendation for a consultant, with a scope of work and a price.

Councilmember Weick said that according to former Indian River Shores Mayor Tom Cadden, who has been working on this matter, the cost for the study would be around \$75,000.

At this time, it was established that the City of Vero Beach, the Town of Indian River Shores, and Indian River County would now select two individuals each to serve on the *Consultants Competitive Negotiation Act Committee*.

The Town of Indian River Shores Council appointed Town Councilmembers Gerard Weick and Michael Ochsner.

The City of Vero Beach Council appointed Rob Bolton, Water and Sewer Director; and Monte K. Falls, Public Works Director.

Indian River County Commissioners discussed the appointment of Director of Utilities Erik Olson and Commissioner Bob Solari to the *Consultants Competitive Negotiation Act Committee*. Chairman Davis explained his reasons for preferring to have County Management and Budget Director Jason Brown serve on the Committee along with Director Olson.

The Board CONSENSUS was to appoint Director of Utilities Erik Olson and Management and Budget Director Jason Brown to the *Consultants Competitive Negotiation Act Committee*.

Attorney Vitunac, City of Vero Beach, suggested that the legislative bodies set a meeting to satisfy the public records law, so the Committee could meet as early as next week.

After a brief consultation among the three parties, Commissioner Davis announced that the meeting of the *Consultants Competitive Negotiation Act Committee* would be held on Thursday, October 22 at 9:00 a.m., at the City of Vero Beach Conference Room, on the second floor of City Hall. Indian River Shores Councilmember Gerard Weick was appointed as the temporary Chairperson of the Committee.

PUBLIC COMMENT

Warren Winchester, 1845 Tarpon Lane, a taxpayer of both the City and County, provided a brief history on the City of Vero Beach's Wastewater Treatment Plant and its environs, and made observations regarding the consequences of eliminating the Plant. He noted that debt was involved and pointed out that the County would have to purchase infrastructure from the City of Vero Beach if the franchise is not renewed. He thereafter asked the legislators to consider all the repercussions of consolidation.

Mark Mucher, Indian Lilac Road, encouraged the legislators to have staff target an in-depth scope of work for the consultant. He thereafter elaborated upon his request for the legislators to consider wastewater separately, before potable and irrigation water services.

Dr. Stephen Faherty, 2120 Captains Walk, believed that there was a lot of misinformation and misrepresentation of issues which should be a focus of the consultant. He noted that it was important to obtain independent legal advice as to the ownership of the infrastructure, and suggested that such a provision be included in the Request for Qualifications (RFQ).

Chairman Davis believed that the legal advice mentioned by Dr. Faherty would be required only if a dispute arises as to the ownership of the infrastructure.

VII. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 9:50 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

BCC/MG/2009Minutes